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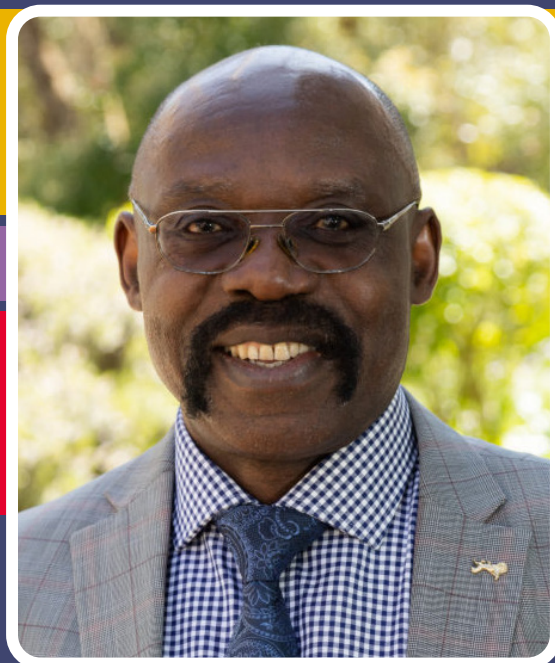


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Comparative Constitutionalism in Africa:

A Conference Celebrating
the Scholarship of

Prof Charles Manga Fombad

Auditorium, Future
Africa Campus,
University of
Pretoria, Pretoria,
South Africa

21 - 22
October
2024



Programme

Monday 21 October

0900-1100

Opening Ceremony: The life, labours and legacy of Professor Charles Manga Fombad

Moderator:

Prof Frans Viljoen,

Centre for Human Rights, University of Pretoria

Keynote speakers:

H.E. Justice Lúcia da Luz Ribeiro,

President of the Constitutional, Council of Mozambique

Justice Kenneth Mulife,

Constitutional Court of Zambia

Reflections:

Prof Nico Steytler,

*Professor Emeritus, Dullah Omar Institute of Constitutional Law,
Governance and Human Rights, University of the Western Cape*

Prof Kwame Frimpong,

Professor of Law and founding Dean, GIMPA Faculty of Law, Ghana

(online)

Prof Joshua Castellino,

Director, Minority Rights Group International;

Professor of International and Comparative Law, University of

Derby (UK) (online)

Prof Carlson Anyangwe,

Emeritus Professor and former Rector, Walter Sisulu University

Reply:

Prof Charles Fombad

1100-1130

Tea

1130-1300

**Session 1:
Nurturing the next generation
of comparative constitutional law
scholars**

Moderator:

Prof Serges Kamga,

Dean, Faculty of Law, University of the Free State

Speakers:

Dr Adem Kassie Abebe,

Senior Advisor, International IDEA;

*Extraordinary Lecturer, Centre for Human Rights,
University of Pretoria;*

Vice President, the African Network of Constitutional Lawyers (online)

**Constitutional “decolonisation” and the persistence of the
Francophone-Anglophone divide in Africa**

Prof Trésor Muhindo Makunya,

Associate Professor, University of Goma (online)

**Comparing constitutional adjudication of fundamental rights:
Issues, methodologies and new horizons for comparative
constitutional law in Africa**

Dr Annelie de Man,

University of the Free State

**“Reactivating” the principles of constitutionalism to combat
corruption in South Africa**

Prof Lukman Adebisi Abdulrauf,

Associate Professor (Reader),

*Department of Public Law, Faculty of Law,
University of Ilorin, Nigeria (online)*

**Rethinking constitutional law in the Digital Era in Africa:
Taming the titans of online platforms**

Prof Bonolo Ramadi Dinokopila,

University of the Free State &

Baboki Jonathan Dambe

Fombad's critique of the review and amendment processes of the Constitution of Botswana

Dr Eric Kibet,

Assistant Professor,

United States International University-Africa,

Nairobi, Kenya (online)

Transformative constitutionalism and the protection of fundamental rights: The freedom of expression dilemma in Kenya

1300-1400

Lunch

1400-1530

**Session 2:
the role of South Africa's Chapter 9 institutions in constitutional development re: *Nkandla***

Moderator:

Prof Nkatha Murungi,

(Acting) Director, Centre for Human Rights ,

University of Pretoria

Speakers:

Adv Sandra Makoasha,

Commissioner, South African Human Rights Commission

The constitutional mandate of Chapter 9s in advancing constitutional democracy

Dr Henk Boshoff,

Commissioner, South African Human Rights Commission

The grassroots work of Chapter 9s and their contribution to constitutional democracy

Mr Kenneth Khulisumuzi Sithebe,

South African Human Rights Commission

How Nkandla set us up for failure and the burden of Constitutional Development

Justice (Dr) Mukete Tahle Itoe,

*External Affiliate, Center for Refugee Studies,
York University, Canada (online)*

**Enhancement of good governance in Africa:
The role of national human rights institutions**

1530-1545

Tea

1545-1700

Session 3: Constitutionalism and vulnerabilities

Moderator:

Mr Pacharo Kayira,

*Deputy Permanent Representative of Malawi to the
United Nations Office in Geneva*

Speakers:

Dr Sindiso Nozitha Nkomo,

*Postdoctoral Fellow, Centre for Human Rights,
University of Pretoria &*

Prof Ebenezer Durojaye,

*Professor, Centre for Human Rights,
University of Pretoria*

**Using the Constitution as a tool for change and
accountability in addressing maternal mortality
and morbidity in Kenya**

Dr Walter Khobe Ochieng (online)

**The adoption and impact of positive measures for gender
representation in East and Southern Africa**

Sintu Golozayo

**Gender equality agenda and the quest for a just
re-membering in post-apartheid constitutionalism**

Dr Janine Hicks,

Senior Lecturer, School of Law, University of Kwazulu-Natal

Access to social security for informal economy workers

1700-1830

Deans' Cocktail

Moderator:

Ms Bonolo Makgale,

*Manager, Democracy and Civic Engagement Unit,
Centre for Human Rights, University of Pretoria*

Speakers:

Professor Elsabe Schoeman,

Dean, Faculty of Law, University of Pretoria

Professor Serges Kamga,

Dean, Faculty of Law, University of the Free State

Excellency Solomon Azoh-Mbi,

High Commissioner of Cameroon in South Africa

Dr Gift Manyatera,

*Pro Vice-Chancellor (Infrastructure and Campus Development),
Midlands State University, Zimbabwe*

Tuesday 22 October

0900-1000

Session 4: Cases studies in comparative constitutionalism

Moderator:

Prof Bonolo Ramadi Dinokopila,

University of the Free State

Speakers:

Adv Ronald Allamano Ong'udi,

Advocate of the High Court of Kenya;

PhD candidate at the University of Cape Town

**Constitutional limits on the application of the political
question doctrine. A study of Kenya and South Africa**

Dr Vhonani Neluvhalani-Caquece,

Senior Lecturer, School of Law, University of Limpopo &

Brian Chihera

The conundrum of courts of law and the political landscape: A comparative perspective of South Africa and Zimbabwe

Osego Garebamono,

Chairperson, Law Society of Botswana

Managing Partner, Garebamono Law, Gaborone, Botswana &

God'sglory O Ifezue,

Consultant Attorney, Rantao Attorneys,

Gaborone, Botswana

Judicial appointments in African constitutionalism: a comparative study of Botswana and Nigeria

Rachele Cecchi,

Università degli Studi di Firenze

Environmental constitutionalism and constitutional land rights in Southern Africa: a comparative and transnational approach

1000-1100

Session 5: Broader perspectives on comparative constitutionalism

Moderator:

Mr Pacharo Kayira,

*Deputy Permanent Representative of Malawi
to the United Nations Office in Geneva*

Speakers:

Prof Dr Rainer Grote,

Senior Research Fellow, Max Planck Institute for

Comparative Public Law and International Law, Heidelberg (online)

Transformative constitutionalism and the adjudication of constitutional rights: experiences and lessons from beyond Africa

Prof Mai Cheng,

Professor, East China University of Political Science and Law

Analysis of value targets and implementation mechanisms of African constitutions

Mr Dongmo Christophe,

Country Director (Cameroon), Cameroon Centre for Democracy and Human Rights (online)

National sovereign conferences and the onset of transformative constitutionalism in francophone African countries

Dr Kelly Catherine Lena,

Associate Dean and Associate

Professor of Justice and Rule of Law, Africa Center for Strategic Studies, National Defense University, Washington DC, US (online)

Legislative oversight of the defense and security sector in Africa: Advances and limitations

1100-1130

Tea

1130-1300

**Session 6:
Constitutionalism in the context of coups,
conflict, and fragility**

Moderator:

Ms Bonolo Makgale,

*Manager, Democracy and Civic Engagement Unit,
Centre for Human Rights, University of Pretoria*

Speakers:

Dr Johannes Socher,

*Walter Benjamin Fellow (DFG), Institute for International and Comparative Law in Africa (ICLA), Faculty of Law,
University of Pretoria &*

Dr Samson Dabiré,

Université Thomas Sankara, Burkina Faso

Constitutional Courts and military rule in Francophone Africa

Ms Barbara Nyasha Sambo,

Department of Jurisprudence, University of Pretoria

Unconstitutional changes of government in Africa: Challenges to the sovereignty power of the African Union

Shorai Christopher Muzungu

The coup route to power: What lessons can Southern Africa glean from Zimbabwe's post-2017 constitutionalism crisis?

Dr Ibrahim Harun,

University of the Western Cape

Constitutionalism in fragile countries: Critical challenges and future hope – The case of Somalia

Dr Cristiano d'Orsi,

Postdoctoral Fellow, University of Johannesburg

The tendency to undermine democracy in Africa through constitutional change: illiberalism at its best?

1300-1400

Lunch

1400-1530

**Session 7:
Perspectives on South African
constitutionalism**

Moderator:

Khanya Motshabi,

Senior Lecturer, Public Law, University of the Free State

Speakers:

Prof Avitus A Agbor,

*Research Professor of Law, Faculty of Law,
North-West University, Mahikeng Campus &*

Rorisang Matlala,

*Lecturer, School of Law, University of KwaZulu Natal,
Durban, South Africa*

Probing into the scourge of socio-economic injustices in South Africa: how a corrupt political elite ushered the phrase "[w]e, the people of South Africa" into obscurity and oblivion

Dr Lindani Mhlanga,

University of the Free State (online)

Beyond the ballot: Socioeconomic inequality and the future of South African democracy

Ms Wadiwala Zunaida Moosa,

School of Law, University of the Witwatersrand

The transformative impact of climate change on the South African Constitution

Nothando Shongwe,

Lawyers for Human Rights &

Phyllia Ngoatje,

Independent

The Constitution as a source of accountability: The role of constitutionalism in South Africa

Mr L N Sithole,

University of Pretoria

Rethinking the transformative mandate of the Judicial Service Commission

Mr Cheruiyot Kipkoech Nicholas,

student, LLM (Human Rights and Democratisation in Africa),

Centre for Human Rights, University of Pretoria (online)

Independence without accountability: The state and place of impeachment of judges in South Africa

1530-1600

Tea

1600-1730

**Session 8:
County-focused constitutionalism:
Selected African case studies**

Moderator:

Prof Babatunde Fagbayibo,

Department of Public Law, University of Pretoria

Speakers:

Dr Makanatsa Makonese

Country Representative, Angola, American Bar Association

Rule of Law Initiative

Constitutionalism and legal pluralism in environmental law and natural resources management in Zimbabwe

**Yvonne Muriu,
Jeanne Jadhher Nanga,
George Nyanaro,
Neil Samwel &
William Antony Kanani (online)**

A bullet for democracy? How Generation Z in Kenya has leveraged digital platforms to drive political change

Gallous Atabongwoung,

University of Pretoria &

Prof Serge Kamga,

Dean, Faculty of Law, University of the Free State

Constitutional democracy and electoral processes in Africa: The case of Cameroon

Forkum Polycarp Ngufor,

Ministry of Defence, Cameroon (online)

Presidential term limits and constitutionalism in Africa: The case of Cameroon

Prof Carol Chi Ngang,

UNDP Human Rights Chair,

faculty of Law, National University of Lesotho &

Lerato Molati (online)

Lesotho's model of conservative constitutionalism

1730-1745

Closing Ceremony; way forward

Prof Frans Viljoen & Prof Serges Kamga

CHARLES FOMBAD THE SCHOLAR

Professor Fombad is professor of law in the Centre for Human Rights, Faculty of Law, University of Pretoria. He is currently the Director of the Institute of the International and Comparative Law in Africa (ICLA) at the University of Pretoria and a recipient of the University of Pretoria Chancellor's Award for Research for 2022. He is a globally renowned as a prolific comparative constitutional legal scholar, whose scholarship has been very significant in the academia and in practice, and has impacted the understanding of comparative constitutionalism in Africa. He is a National Research Foundation (NRF) B1 rated researcher, which means that he enjoys considerable international recognition for the high quality and impact of his scholarship and is considered a leading international scholar in his field. Prof Fombad is a member of the Academy of Science of South Africa (ASSAF), and an associate member of the International Academy of Comparative Law. He was from 2006 a member of the Executive Committee of the International Association of Constitutional Law and later one of its four Vice Presidents from 2014-2022. He has been a fellow of the Stellenbosch Institute for Advanced Study (STIAS) since 2013. As a STIAS fellow he has for the past ten years been organising the prestigious Stellenbosch Annual Seminar on Constitutionalism in Africa which has resulted in a book series on comparative constitutionalism in Africa, the Stellenbosch Handbooks in African

Constitutional Law, with seven volumes of essays already published by Oxford University Press.

He has performed professional services for the African Union on the African Governance Architecture (AGA) cluster on constitutionalism and the rule of law, the Max Planck Foundation on International Peace and the Rule of Law Programmes in Africa; for the International Institute for Democracy and Electoral Assistance (International IDEA) programme for Sub Saharan Africa and East Asia; he is the founding member of the Transnational Advisory Group to the Association of American Law Schools (AALS), and was an external expert on the Ghana Universities Law faculty accreditation board.

Prof Fombad's field of research can broadly be characterised as "comparative constitutionalism in Africa". Based on his extensive experience and ability to bridge the divide between the "common law" and "civil law" African legal traditions, his work often provides a holistic and comprehensive perspective. Professor Fombad is one of the most exceptional African comparative constitutional thinkers of our generation by whatever yardstick one applies: productivity, quality, impact, or relevance. It is against this backdrop that this conference is organised to engage with his scholarship as to further advance comparative constitutionalism in Africa and beyond.