

FIFTH STELLENBOSCH ANNUAL SEMINAR ON CONSTITUTIONALISM IN AFRICA (SASCA 2017) – Corruption and Constitutionalism in Africa: Revisiting Control Measures and Containment Strategies



The fifth Stellenbosch annual seminar on constitutionalism in Africa was held from 19 – 22 September 2017 in Stellenbosch (South Africa) at the Stellenbosch Institute for Advanced Study (STIAS) and brought together academics, legal practitioners and civil society representatives from South Africa, Kenya, Nigeria, Ethiopia, Namibia, Zambia, Malawi, Ghana, Botswana, Mauritius, Zimbabwe as well as experts from overseas whose work is focused on the African continent.

The seminar was convened by the Stellenbosch Institute for advanced Studies (STIAS) in collaboration with the Konrad Adenauer Stiftung’s Rule of Law Program for Sub-Saharan Africa, the Institute for International and Comparative Law in Africa (ICLA) of the Faculty of Law, University of Pretoria and the South African Research Chair in Multilevel Government, Law and Policy (SARChI) at the Dullah Omar Institute, University of Western Cape.

The objective of the seminar was to examine the impact of corruption on constitutionalism, good governance and rule of law in Africa by approaching the issue from three main dimensions. First, whether the constitutional and legislative frameworks for combating corruption is sufficiently robust to deal with the matter. Second dimension was to look at the institutional framework, by identifying both formal and informal institutions that have been established to deal with corruption, the specific roles they play and their respective effectiveness in fighting corruption on the continent. The third dimension covered the processes used and the measures provided to prevent, detect, punish, control and eradicate corruption with a view to establishing why they are not working and ultimately make proposals on what needs to be done to strengthen public accountability, limit avenues for corruption and bolster constitutionalism and good governance in Africa.

Apart from sharing insights on corruption and constitutionalism, evaluating strategies to combat corruption and developing networks of legal scholarship and practice, all the papers presented during the seminar were peer-reviewed for publication at a later date.

Some of the topics that were discussed and which will form part of the fourth volume of the *Stellenbosch Handbooks in African Constitutional Law* series to be published by Oxford University Press included:

- The crisis of corruption and constitutionalism in Africa
- State Capture, constitutionalism and democratization in Africa
- Economic transitional justice. Turning a new anti-corruption leaf in Africa?
- Financial Constitutions to prevent corruption
- Chinese Multinational Corporation's Obligations in the Global Anticorruption: Levelling the playing field in Africa
- Electoral Corruption and the adjudication of disputed presidential elections in Africa
- The politics of corruption and elections in Kenya: analysis of the 2013 and 2017 general elections
- Social Grant Payments and Regulatory Responses to Corruption in South Africa
- Combating corruption at the coalface in the courts: Jurisprudential gems mined in Braamfontein
- South African Constitutionalism and Corruption
- Corruption and Constitutionalism in MENA States – Algeria, Morocco and Egypt

- Corruption in Ethiopia – A merely technical problem or a major constitutional crisis?
- Fighting public sector corruption in Ghana under the shadow of greed and plunder – A case of rhetoric or practice
- A pretentious commitment? Constitutional promises and anti-corruption work in Malawi
- Corruption in Zimbabwe: Fighting a losing battle?
- The court of audit and the control of public finances in the Lusophone African countries
- Impact of endemic corruption on constitutionalism and peacebuilding in Somalia
- Botswana’s constitutional democracy and its response to corruption
- Using the bill of rights to check the state excesses in the fight against corruption: A review of jurisprudence from Kenya and South Africa
- Moving beyond the state: Citizen led anti-corruption mechanisms in sub-Saharan Africa.