SELECT ESSAYS ON GOVERNANCE AND ACCOUNTABILITY ISSUES IN PUBLIC LAW

EDITORS
HENNIE STRYDOM
JOANNA BOTHA

AFTERWORD

This volume, devoted to the field of governance and accountability in Public Law, at both global and domestic levels, contains diverse contributions authored by academics from the Faculties of Law at the University of Johannesburg and Nelson Mandela University.

The contributions in Chapters 1, 2 and 6 focus on issues impacting on governance and accountability in South African law. The current jurisprudence of the Constitutional Court illustrates the importance of statutory interpretation for the development of the law and it is thus fitting that the volume commences with a contribution highlighting the theoretical underpinnings of statutory interpretation, with particular reference to the Constitution and its founding values, which include accountability and democratic governance. The contribution in Chapter 2 moves to the problem of hate crimes in South Africa. A hate-crime regulatory framework is proposed as a means to promote effective governance and protection for all groups of people, including those who are most susceptible to systemic discrimination and harm. Staying with the need to provide legal relief for those who are most vulnerable, Chapter 6 highlights the aftermath of the Life Esidimeni Tragedy and criticises the state for its failure to act in accordance with its constitutional duties, including responsiveness and accountability.

The contributions in Chapters 3, 4, 5 and 7 centre around issues of accountability and governance in international and regional law, but with a specific focus on the African continent. The authors in Chapter 3 address the responsibility framework for heads of state and the various mechanisms at domestic, regional and international levels, which could be implemented to hold heads of state responsible and accountable. The contribution in Chapter 4 turns specifically to post-conflict Burundi and analyses the extent of responsible governance in Africa with reference to the Constitution of 2005 and the presidential term limit as proposed in the Arusha Peace and Reconciliation Agreement of 2000. Chapter 7 reflects on the role of the proposed African Court of Justice and Human and Peoples' Rights, as a regional court with international criminal jurisdiction, and as a means to hold African states accountable for international crimes, including crimes against humanity, war crimes and genocide.

The authors in Chapter 5 tackle the issue of sexual and gender-based violence which, although a pervasive problem in South Africa and on the African continent, is addressed here in the context of the armed conflict in Syria and the need to hold individual perpetrators, as non-state actors, to account.

Overall, the contributions focus on the many challenges of governance and accountability, both in South Africa and further afield, and offer recommendations to improve state responsiveness.

On behalf of the authors and prospective readers of this volume, the editors thank the respective Deans of the Faculties of Law at the University of Johannesburg and Nelson Mandela University for initiating and conceptualising this project.

PROF HENNIE STRYDOM
University of Johannesburg

PROF JOANNA BOTHA
Nelson Mandela University