



T H E

Post-Apartheid Constitutions

Perspectives on South Africa's Basic Law

Edited by

Penelope Andrews

and

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Post Apartheid Constitutions Perspectives On South Africas Basic Law

Andria Naudé Fourie



Post Apartheid Constitutions Perspectives On South Africa's Basic Law:

Constitutional Origins, Structure, and Change in Federal Countries International Association of Centers for Federal Studies, Forum of Federations, 2005 Providing examples of diverse forms of federalism including new and mature developed and developing parliamentary and presidential and common law and civil law the comparative studies in this volume analyse government in Australia Belgium Brazil Canada Germany India Mexico Nigeria Russia South Africa Switzerland and the United States Each chapter describes the provisions of a constitution explains the political social and historical factors that influenced its creation and explores its practical application how it has changed and future challenges offering valuable ideas and lessons for federal constitution making and reform Contributors include Ignatius Ayua Akaayar Nigeria Raoul Blindenbacher Switzerland Dakas C J Dakas Nigeria Kris Deschouwer Belgium Juan Marcos Guti rrez Gonz lez Mexico John Kincaid USA Rainer Knopff Canada Jutta Kramer Germany Akhtar Majeed India Marat S Salikov Russia Cheryl Saunders Australia Anthony M Sayers Canada Nicolas Schmitt Switzerland Celina Sousa Brazil Nico Steytler South Africa and G Alan Tarr USA The French edition is Forthcoming in the Fall 2005 as Les origines structure et changements constitutionnels dans les pays f d raux **Introduction to the Law of South Africa** C. G. Van der Merwe, J. E. Du Plessis, 2004-01-01 This title is part of an established Series which introduces various legal systems of the world It provides an authoritative and accessible overview of the main branches of South African public private and commercial law Offering insight into the rich system of South African law this title will be of particular interest to the international legal community The South African legal system has not only developed fascinating mixtures of civil law and common law rules over more than a century but has also experienced a post apartheid South Africa Of particular interest is the way in which so many branches of law have been infused by basic constitutional values Many of the contributors have published work in their own fields and have considerable experience of presenting their subject matter in a broader comparative perspective The succinct and balanced nature of the contributions makes this title attractive to a wide audience of academics students and practitioners with an interest in this remarkable legal system **Reconstituting the Constitution** Caroline Morris, Jonathan Boston, Petra Butler, 2011-09-01 All nation states whether ancient or newly created must examine their constitutional fundamentals to keep their constitutions relevant and dynamic Constitutional change has greater legitimacy when the questions are debated before the people and accepted by them Who are the peoples in this state What role should they have in relation to the government What rights should they have Who should be Head of State What is our constitutional relationship with other nation states What is the influence of international law on our domestic system What process should constitutional change follow In this volume scholars practitioners politicians public officials and young people explore these questions and others in relation to the New Zealand constitution and provide some thought provoking answers This book is recommended for anyone seeking insight into how a former British colony with bicultural foundations is making the

transition to a multicultural society in an increasingly complex and globalised world Indonesian Constitutional Reform, 1999-2002 Denny Indrayana, 2008 **The Post-apartheid Constitutions** Penelope Andrews, Stephen Ellmann, 2001 In a book which offers a unique range of perspectives on the development of South Africa's Interim and final Constitutions scholars practising lawyers members of the judiciary and the Human Rights Commission and political leaders illuminate the many issues of process substance and context presented by the Constitutions Essays on process make clear the challenges and the triumphs of South Africa's constitutional rebirth The authors examine such questions as the extent of popular involvement in South Africa's exercise in constitution writing the impact of political force human transformation and reasoned persuasion on the agreements that were reached and the Constitutional Court's extraordinary role in assessing the negotiators efforts Contributions on the substance of the Constitution address both its human rights provisions and issues of governmental structure and institutional context The articles on rights attest to the breadth of the new rights protections with essays on free speech socio economic rights and their application to private actors women's rights traditional authority cultural rights and the rights of non citizens Chapters on structure and context reflect how important the institutions through which a government operates are to the actual implementation of the Constitution's aspirations These wide ranging pieces look at three of the newly created structures of South African government the federal aspects of the Constitutions the Constitutional Court and the Human Rights Commission and at the process of change in the criminal justice system a particularly important institution carried over from an old order **The Post-apartheid Constitutions** Penelope Andrews, Stephen Ellmann, 2001 In a book which offers a unique range of perspectives on the development of South Africa's Interim and final Constitutions scholars practising lawyers members of the judiciary and the Human Rights Commission and political leaders illuminate the many issues of process substance and context presented by the Constitutions Essays on process make clear the challenges and the triumphs of South Africa's constitutional rebirth The authors examine such questions as the extent of popular involvement in South Africa's exercise in constitution writing the impact of political force human transformation and reasoned persuasion on the agreements that were reached and the Constitutional Court's extraordinary role in assessing the negotiators efforts Contributions on the substance of the Constitution address both its human rights provisions and issues of governmental structure and institutional context The articles on rights attest to the breadth of the new rights protections with essays on free speech socio economic rights and their application to private actors women's rights traditional authority cultural rights and the rights of non citizens Chapters on structure and context reflect how important the institutions through which a government operates are to the actual implementation of the Constitution's aspirations These wide ranging pieces look at three of the newly created structures of South African government the federal aspects of the Constitutions the Constitutional Court and the Human Rights Commission and at the process of change in the criminal justice system a particularly important institution carried over from an old order The Adventures of the

Constituent Power Andrew Arato, 2017-11-30 Constitutions are made in almost all transformation of regimes What are the dangers and the hopes associated with such a process What can make constitution making legitimate The Adventures of the Constituent Power explores the democratic methods by which political communities make their basic law arguing that the most advanced method developed from Spain and South Africa The first part of this book focuses on history of the idea of constitution making before and during the democratic revolutions of the eighteenth century The second part traces the notion of the constituent power in recent regime transitions that were consciously post revolutionary from Spain to South Africa With the return of revolutions or revolutionary patterns of constitution making the book examines the use and potential failure of the new ideas available The third part then proceeds to consider the type of constitution that is likely to emerge from the post sovereign process

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might be expected This book will be of interest to both constitutional and international lawyers as well as legal practitioners and members of international civil society frequently engaging with international financial institutions such as the World Bank

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