

**LAW AND RELIGION IN AFRICA:
COMPARATIVE PRACTICES, EXPERIENCES, AND PROSPECTS**

University of Ghana
Legon, Ghana

January 14-15, 2013

Co-Organizers:

Unit for the Study of Law and Religion, Faculty of Theology,
Stellenbosch University, South Africa

Centre for Human Rights, University of Pretoria, South Africa

Faculty of Law, University of Ghana, Legon

Center for the Study of Law and Religion, Emory University, United States

International Center for Law and Religion Studies, J. Reuben Clark Law School,
Brigham Young University, United States

MONDAY, JANUARY 14, 2013

8:30 AM

Registration

9-10:30 AM

Welcome and Introductions:

Kofi Quashigah, Dean, Faculty of Law, University of Ghana, Ghana

Opening Session:

Chairs:

Ernest Aryeetey, Vice-Chancellor and Professor, University of Ghana, Ghana

James R. Rasband, Dean; Hugh W. Colton Professor of Law, J. Reuben Clark Law School, Brigham Young University, United States

Welcome:

Samuel Kofi Date-Bah, Justice, Supreme Court of the Gambia; Justice, Supreme Court of Ghana, Ghana

Naa John S. Nabila, Professor and President, National House of Chiefs, Ghana

(Group Photo Immediately Following Welcome – No Break)

Speakers:

First Keynote Address:

Musonda Trevor Selwyn Mwamba, Rt. Rev. Dr., Bishop of Botswana (Anglican), Botswana

Second Keynote Address:

Kofi Quashigah, Dean, Faculty of Law, University of Ghana, Legon

Third Keynote Address:

W. Cole Durham, Jr., Susa Young Gates University Professor of Law and Director, International Center for Law and Religion Studies, J. Reuben Clark Law School, Brigham Young University, United States

10:30-11 AM

Break

11 AM-12:30 PM

Session II: Constitutionalism and Religion

Chair:

Peter A. Atupare, Lecturer in Law, University of Ghana, Ghana

Speakers:

M. Christian (Christy) Green, Alonzo McDonald Family Senior Lecturer and Senior Research Fellow, Center for the Study of Law and Religion, Emory University School of Law, United States

“Religious and Legal Pluralism in Recent African Constitutional Reform”

Emanuel Shears-Moses, Head, Department of Law, University of Sierra Leone, Sierra Leone

“The Interaction of Customary Law, Traditional Religion, and Statutes”

Francois Venter, Dean and Professor, Faculty of Law, North-West University, South Africa

“Religious Pluralism and the Constitutional State: Some Comparative Perspectives”

Koku Dzifa (Thierry) Kokoroko, Judge, Department of Justice of Togo, Togo

“Secularism in French Speaking Countries of Africa”

12:30-1:30 PM

Lunch

1:30-3 PM

Session III: Indigenous Religions and Customary Law

Chair:

Pieter Coertzen, Professor and Chairperson, Unit for the Study of Law and Religion, Faculty of Theology, Stellenbosch University, South Africa

Speakers:

Rosalind I.J. Hackett, Professor and Head, Department of Religious Studies, University of Tennessee, United States

“Has Religious Freedom Served or Failed African Traditional/Indigenous Religions?”

Nokuzola Mndende, Director, Icamagu Institute, South Africa

“Opening the Curtains: Religion, African Customary Law, and the State in Sub-Saharan Africa”

Jean-Baptiste Sourou, Professor, Saint Augustine University, Tanzania
“Relationships between the Institutional Religions and Traditional Religions”

Sylvia R. Tamale, Associate Professor, Department of Law and Jurisprudence,
School of Law, Makerere University, Uganda
“Exploring the Frontiers of African Sexualities through Statutory, Customary, and
Religious Laws”

3-3:15 PM

Break

3:15-5 PM

Session IV: Religion-State Relations: Country Case Studies

Chair:

Emmanuel Kwabena Quansah, Dean, School of Research and Graduate Studies,
Mountcrest University College, Ghana

Speakers:

Pieter Coertzen, Professor, Unit for the Study of Law and Religion at the Faculty
of Theology, Stellenbosch University, South Africa
“The South African State and Religions in South Africa”

Willy Zeze, Rev. Dr., Nkhoma Synod of the Church of Central African
Presbyterian, Malawi

“Christianity: A State-Sponsored Religion in Malawi: A Critical Evaluation of the
Relationship between the CCAP Nkhoma Synod and the MCP-led Government
(1964-1994)”

Abdulmumuni Adebayo Oba, Professor, Department of Jurisprudence and
International Law, Faculty of Law, University of Ilorin, Nigeria
“Law, Religious Pluralism, and National Integration in Nigeria: Challenges and
Prospects”

Christian Ns. Garuka, Advocate/Avocat au Barreau de Kigali, ABCC Law
Chambers, Rwanda

“Religion and Law in Rwanda: A Critical Analysis on the ‘Unclear’ Relationship”

TUESDAY, JANUARY 15, 2013

9-10:30 AM

Session V: Tension between Religion and State: Country Case Studies

Chair:

Johan van der Vyver, Professor, Center for the Study of Law and Religion,
Emory University, United States

Speakers:

Allswell O. Muzan, Professor, Faculty of Law, Kogi State University, Nigeria
“Religion in the Nigerian Constitution: Did We Adopt a State Religion, or Did We
Create Two Countries?”

Selam Kidane, Policy Officer, Strategy, Systems, and Performance, Schools and
Children’s Services, London Borough of Enfield, United Kingdom

“The Troubled Relationship of State and Religion in Eritrea”

Charles M. Fombad, Professor of Law and Head, Department of Public Law, Institute for International and Comparative Law in Africa, Faculty of Law, University of Pretoria, South Africa

“The Power of Religion in Society and its Contribution to the Common Good”

J. Kwabena Asamoah-Gyadu, Professor of African Christianity and Pentecostal Theology, Trinity Theological Seminary, Ghana

“Religion and the Machiavellian Politics of Defamation: Charismatic Christianity, the Media and Democratic Elections in Ghana”

10:30-10:45 AM Break

10:45 AM-12:30 PM Session VI: Politics and Pluralism

Chair:

David M. Kirkham, Senior Fellow, International Center for Law and Religion Studies, J. Reuben Clark Law School, Brigham Young University; and Professor of Political Science, Brigham Young University, United States

Speakers:

Elom Dovlo, Professor, University of Ghana, Ghana

“Religious Leaders, Politics, and Law in Contemporary Ghanaian Experience”

Is-haq Oloyede, Professor of Islamic Studies and Former Vice-Chancellor, University of Ilorin; Executive Secretary and Coordinator, Nigeria Interreligious Council (NIREC), Nigeria

“Politicising the Divine and Theologising the Mundane: the Cross-currents of Law, Religion, and Politics in Nigeria”

Helena van Coller, Senior Lecturer, Rhodes University School of Law, South Africa

“Religious Autonomy: The Need to Respect, Promote and Protect Religious Diversity and the Autonomy of Religious Institutions in a Pluralistic Society”

Woubeshet Senegiorgis, Attorney at Law, Ethiopia

“The Role of Religion in Fostering Good Governance”

12:30-1:30 PM Lunch

1:30-3 PM Session VII: State Responses to Religious Minorities

Chair:

Brigid Sakey, Professor, Centre for Social Policy Studies, University of Ghana, Ghana

Speakers:

David A.B. Jallah, Dean, Louis Arthur School of Law, University of Liberia, Liberia

“Registration of Religious Groups and State Control”

N. Mark Hill, Barrister; Honorary Professor, Cardiff University; President, European Consortium for Church and State Research, United Kingdom
“Freedom of Belief for Minorities in States with a Dominant Religion: Anomaly and Pragmatism”

Nico Horn, Dean, Faculty of Law, University of Namibia, Namibia
“The State-Church Relationship of White Pentecostals after World War II”

Matthews A. Ojo, Professor, Department of Religious Studies, Obafemi Awolowo University, Nigeria
“Emerging Trends in the Relations of Nigerian Pentecostal Churches to the State”

Michelo Hansungule, Professor of International Law and International Human Rights, Centre for Human Rights, University of Pretoria, South Africa
“The Interface between Religion and Human Rights in Africa: Experiences and Challenges”

3-3:30 PM

Break

3:30-4:30 PM

Concluding Remarks and Outlook for the Future

Kofi Quashigah, Dean, Faculty of Law, University of Ghana, Ghana

W. Cole Durham, Jr., Susa Young Gates University Professor of Law and Director, International Center for Law and Religion Studies, J. Reuben Clark Law School, Brigham Young University, United States