

Special Issue on Rights-based  
Governance, Participatory Democracy  
and Accountability

Nomthandazo Ntlama-Makhanya  
Guest Editor

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## Editorial: *Rights-based Governance, Participatory Democracy and Accountability*

The hosting of the Joint International Conference by the Nelson R Mandela School of Law, Faculty of Law and Maastricht Centre for Human Rights, Maastricht University, The Netherlands, at the University of Fort Hare, East London in October 2018, entitled: ***Rights-based governance, participatory democracy and accountability*** brought together various stakeholders to share thoughts, highlight achievements and practical challenges experienced in the substantive application of the principles relating to the broad aforementioned theme.<sup>1</sup>

The Joint Conference was in honour of Nelson Mandela's centenary (100 years), wherein its centrality sought to provide an opportunity for reflection and comparative discussion of contemporary issues of rights-based governance and accountability falling within the following sub-themes:

- the protection of human rights in challenging times;
- poverty, exclusion and socio-economic transformation;
- migration, human trafficking and modern-day slavery;
- constitutionalism in comparative perspective; and
- governance, accountability and human rights.

<sup>1</sup> We are also indebted to the sponsors: Govan Mbeki Research and Development Centre (GMRDC-UFH) and Juta Publishers that made the Conference an event to be remembered for years to come. The credit is due to the Organising Team as well.

Consistent with the sub-themes, critical questions were raised, such as but not limited to:

- what safeguards has human rights law developed to protect against human rights abuses as a result of corporate capture?
- which obligations for home and host states follow from domestic and international law to regulate the activities of companies at home and abroad, for example in relation to the extractive industries?
- what measures put in place for the extraterritorial application of human rights law.
- what is the state's response to the needed protection of the human rights of citizens in an era of economic globalization which is characterised by a multitude and diversity of stakeholders? and
- does that also mean that obligations and responsibilities are diverse and differentiated?

A great appreciation and high regard is extended to all the participants at the said Conference, who engaged in an intellectual exercise of an advanced level not only of South Africa's greatest achievements since the attainment of democracy in 1994 but also on the best practices and developments within the framework of the community of nations. Special thanks goes to our special guests: Professor Fons Coomans of the Maastricht Centre for Human Rights, Justice Leona Theron of the South African Constitutional Court and the former Minister of Justice and Constitutional Development: Advocate Michael Masutha who braced the Conference by their presence and delivered messages of support in their addresses. Prof Coomans delivered a key message of support at the Gala Dinner with his main focus on the '*state's obligations on the protection of human rights in an era of globalization*'. Justice Theron on her address put emphasis on the significance of '*constitutional adjudication in the promotion of good governance, participatory democracy and accountability*'. With Advocate Masutha putting a nail in the coffin with his message on '*accessing justice and the domestication of international human rights treaties in South Africa*'.

With this background, I present and introduce the messages and articles that interrogated the afore-mentioned theme and other issues in greater detail.

**Professor Nomthandazo Ntlama-Makhanya**  
Guest Editor