

## ABSTRACTS

OGOWEWO, TUNDE I., Why the judicial annulment of the Constitution of 1999 is imperative for the survival of Nigeria's democracy, *Journal of African Law* 44 (2000): 135–166

The article calls for the alteration of the present risk-benefit calculus of would-be coup plotters that may wish to subvert Nigeria's democracy, by arguing for the introduction of an *ex ante* risk of *ex post* prosecution for successful usurpations. The prosecution of those that subverted Nigeria's democracy on 31 December, 1983, will alter the present risk-benefit calculus, which is skewed in favour of coup plotting. Since such a prosecution will not succeed if the constitution imposed on Nigeria by its last military rulers continues to be accepted as valid, the article furnishes the legal basis for its judicial annulment and the consequent unearthing of the Constitution of 1979. By demonstrating that the Constitution of 1999 is a sham, it becomes evident that the judiciary has a duty under the Constitution of 1979 to pronounce this document as null and void.

CAREY MILLER, D.L. and POPE, ANNE, South African land reform, *Journal of African Law* 44 (2000): 167–194

This article looks at the essential features and the effects of the South African land reform initiatives launched in the mid-1990s. After examining the context in which these initiatives have taken place, it deals separately with the three sub-programmes of land reform, namely, land restitution, land redistribution and land tenure reform. It discusses two particular features of the programme: its provision of title to millions of South Africans and its adjustment of the correlative position between the landowner and the holder of a lesser possessory or occupational right.

AKECH, J.M. MIGAI, Judicial review of spending powers: should Kenyan courts entertain taxpayers' actions?, *Journal of African Law* 44 (2000): 195–217

Combating the mismanagement of government funds by public officials remains a challenge in Kenya as well as in many African countries. Current mechanisms have not proved effective and need strengthening. This article argues that courts in Kenya should allow taxpayers standing to bring actions challenging allegedly improper government expenditure. Drawing upon the experience of courts in the United States, it demonstrates the potential effectiveness of such actions.

COLDHAM, SIMON, Criminal justice policies in Commonwealth Africa: trends and prospects, *Journal of African Law* 44 (2000): 218–238

This article provides an overview of criminal justice policies adopted in Commonwealth Africa during the last 40 years. It shows that, far from attempting to devise policies appropriate to the needs of a developing contemporary African state, governments have pursued the same policies as their colonial predecessors, based on retribution and general deterrence. The criminal law has been used to secure social and economic objectives and concern about crime levels has led to an erosion of a defendant's rights and the introduction of increasingly harsh

punishments. Prospects for the future are gloomy, particularly in states where definitions of criminality are contested.

OSODE, PATRICK C. The new South African Insider Trading Act: sound law reform or legislative overkill?, *Journal of African Law* **44** (2000): 239–263

This article provides a detailed analysis of the Insider Trading Act, 1998, of South Africa. While it welcomes those provisions designed to proscribe insider trading by creating offences and introducing severe sanctions, it criticizes the Act for doing little to promote the goals of corporate compensation and market efficiency. The article adopts a comparative approach and draws widely on legislative attempts in other jurisdictions to control insider trading.