

Faculty of Law

DEAN'S REPORT

The faculty comprises three departments: Commercial Law, Public Law, and Private Law. These departments incorporate nine research entities, under the auspices of the Centre for Legal and Applied Research (CLEAR) and numerous individual researchers. Under our present governance structure, the Director of Research facilitates the smooth running of the research enterprise within the departments and the research units.

2011 has been a year of growth, development and great success in research-orientated scholarship and teaching for the Faculty of Law.

The faculty has seen an increase in NRF-rated researchers. We now have a total of 21 NRF-rated researchers, comprising two A-rated researchers, eight B-rated researchers, seven C-rated researchers and four Y-rated researchers. 2011 also produced an increased number of master's (129) and doctoral (eight) graduands.

The faculty hosts a newly appointed Chair of Comparative Law in Africa (Professor Salvatore Mancuso) as academic head of the similarly named Centre for Comparative Law in Africa (CCLA) and Centre Director (Dr Ada Ordor) as manager and fund raiser. Ongoing social, political, and economic challenges in Africa highlight the need to address African issues with African solutions. The chair and centre combine to form a bold initiative to foster African scholarship and bolster African expertise in the area of comparative law. With support from the Vice-Chancellor's Strategic Fund, the centre is in full pursuit of its goal to build research and teaching capacity while encouraging vigour in internationalisation. The Department of Public Law continues to forge research links with foreign universities in Africa and elsewhere, such as the South-North partnerships with the Universities of Warwick (United Kingdom) and Dar es Salaam (Tanzania). These research alliances are addressing one of the key issues of governance confronting emerging democracies in Africa: how to implement the constitutional choices made during a period of democratic transition. The department also plays a leading role in the African Network of Constitutional Lawyers.



Our research units within the faculty have had a productive year. One highlight was the Law, Race and Gender (LRG) Research Unit's Rural Women's Action Research Project, which received the UCT 2011 Distinguished Social Responsiveness Award. The Democratic Governance and Rights Unit (DGRU) was also proactive in its submission to the National Assembly's justice and constitutional development committee to amend the Constitution on judges' tenure.

Another highlight, reflective of the faculty's icon, the chameleon attached to the statue of the alma mater towering over UCT's middle campus, which represents movement and change, was the Jubilee Conference on Legal Pluralism. The title of the conference was *Living Realities of Legal Pluralism*. The Jubilee Congress brought together a range of international scholars and practitioners from many countries, in particular, those from various African regions, who are grappling with the realities of plural law. When the Commission on Legal Pluralism invited the Centre for Legal and Applied Research to host the 15th Jubilee Conference on Legal Pluralism in Cape Town, CLEAR saw it as an opportunity to further its goals of promoting excellent legal and applied research, fostering global partnerships and attracting world-class scholars to UCT. Simultaneously, it saw the chance to promote two of the research ventures at the faculty, namely the DST/NRF SARChI Chair in Customary Law, held by Professor Chuma Himonga; and the Chair of and Centre for Comparative Law in Africa.

Equally successful was the conference hosted by the Refugee Rights Project, in conjunction with the Agency for Refugee Education, Skills Training & Advocacy (ARESTA) and the United Nations High Commissioner on Refugees to mark World Refugee Day 2011. This conference focused on legal and social protection perspectives on migration in South Africa and was aimed at continuing the dialogue, initiated in 2010, between academics, policy makers and practitioners involved in this field.

I would like to pay tribute to the inspired leadership of the permanent academic staff in the three departments, who, despite grappling with heavy teaching commitments, were able to contribute to research in the faculty through their outstanding publications. As well as publishing in a wide range of national and international journals, and contributing book chapters, this cohort of researchers was involved in the publication of 10 books in 2011.



DEPARTMENTS

Department of Commercial Law

Department of Private Law

Department of Public Law

The following books were either authored or edited by faculty staff in 2011: *South African Constitutional Law: Bill of Rights* (Halton Cheadle); *New Employment and Labour Relations Law in Tanzania* (Evanse Kalula); *International Child Abduction: The Inadequacies of the Law* (Thalia Kruger); *Source Book on Drafting Property Law and Practice in Nigeria* (Ada Okoye); *Innovative Possibilities – Global Policing Research and Practice* (Clifford Shearing); *Sexual Offences Commentary: Act 32 of 2007* (Dee Smythe); *Traditional African Religions in South African Law* (Tom Bennett); *Human Rights under the Malawian Constitution* (Danwood Chirwa); *Accountable Government in Africa – Perspectives from Public Law and Political Studies* (Danwood Chirwa); *South African Criminal Law and Procedure General Principles of Criminal Law*, 4th edition (Jonathan Burchell); *Essays in Honour of CG van der Merwe* (Hanri Mostert).

This range of publications alone reflects the diversity of research in the faculty and reflects the university's Afropolitan vision, as well as the faculty's contribution to national and international research.

Overall, we are pleased with our trajectory and staff commitment, and strongly believe that the Faculty of Law's research profile will continue to grow.

PROFESSOR PAMELA SCHWIKKARD
Dean of the Faculty of Law

DOCTORAL GRADUATIONS

P.H. BAMU (COMMERCIAL LAW)

Contracting work out to self-employed workers: Does South African law adequately recognise and regulate this practice?

Supervised by Professor E.R. Kalula

J.H. HALL (PUBLIC LAW)

The impact of judicial control on the public administration of the environment: 1995 to 2007.

Supervised by Professor H.M. Corder and M. Simons

N. KAMM (PUBLIC LAW)

Taxation – a measure to stop global warming?

Supervised by Professor J. Gibson

D.J. NANGELA (COMMERCIAL LAW)

The Adequacy of the Tanzanian Law on E-commerce and E-contracting: Possible solutions to be found in international models and South African legislation.

Supervised by Professor T. Bennett and Dr S. Mchome

C.B. NCUBE (COMMERCIAL LAW)

Intellectual property protection for e-commerce business methods in South Africa: Envisioning an equitable model for SMEs in the tourism industry.

Supervised by Professor J. Kinderlerer and Professor V.J. Visser

A.O. OKPECHI (PUBLIC LAW)

Access to justice by refugees and asylum seekers in South Africa.

Supervised by Associate Professor D. Chirwa and Professor S. Burman

K. ONGWAMUHANA (COMMERCIAL LAW)

Tax compliance in Tanzania – an analysis of law and policy affecting voluntary taxpayer compliance.

Supervised by Professor R.D. Jooste and Associate Professor J. Roeleveldt

A.R. PATERSON (PUBLIC LAW)

Bridging the gap between conservation and land reform: Communally conserved areas as a tool for managing South Africa's natural commons.

Supervised by Professor H. Mostert

RESEARCH CONTRACTS

72

VALUE OF RESEARCH CONTRACTS

R12,13 million

NRF-RATED RESEARCHERS

21

SARCHI RESEARCH CHAIRS

2

ACCREDITED RESEARCH GROUPINGS

3

DOCTORAL GRADUATIONS

8

ERP PARTICIPANTS

27

DHET-ACCREDITED JOURNALS

61.18 units

PEER-REVIEWED PUBLICATIONS

178

POSTGRADUATE STUDENTS

378

POSTGRADUATE FUNDING

R3,36 million

POSTDOCTORAL RESEARCH FELLOWS

2

POSTDOCTORAL RESEARCH FUNDING

R450,000

DEPARTMENT OF COMMERCIAL LAW

(Including the Institute of Development and Labour Law, the Centre for Comparative Law in Africa and the Shipping Law Unit)

HEAD OF DEPARTMENT: PROFESSOR ALAN RYCROFT

DEPARTMENTAL PROFILE

The Department of Commercial Law is the biggest department in the Law Faculty. It is staffed by many novice academic staff finishing LL.M degrees or working on PhD degrees. Longer-serving academic staff members are working on new books or on new editions of established works.

The Department has an increasing number of PhD and LL.M by dissertation students and teaches most of the students who are taking the LL.M by coursework and the Postgraduate Diplomas in Law.

In the LL.B programme the Department teaches compulsory courses in Corporation Law and Commercial Transactions and offers optional courses to final year students. The Department also offers specialised commercial law courses to nearly 2600 students from other faculties.

There are three research and teaching units which form part of the Department: the Institute of Development and Labour Law, the Centre for Comparative Law in Africa and the Shipping Law unit.

DEPARTMENTAL STATISTICS

Permanent and long-term contract staff

Honorary Professor	2
Honorary Research Associate	1
Professors	9
Associate Professors	3
Emeritus Professor	1
Lecturers	16
Teaching and Research Assistants	2
Administrative staff	3
Total	37

Students

Other Faculties	2549
LLB	396
PG Diplomas	130
Doctor of Philosophy	17
Master of Philosophy	77
LLM By Dissertation	2
LLM By Coursework and Dissertation	355
Semester Study Abroad	7
Law Exchange	11
Occasional PG	5
Occasional UG	1
TOTAL	3550

* These figures reflect actual registrations for Commercial Law courses and LL.B courses. Where a student registers for two Commercial Law /LL.B courses he/she was counted twice.

RESEARCH FIELDS AND STAFF

Professor and Head of Department

PROFESSOR R. LE ROUX

Labour Law, Sport Law

Honorary Professors

PROFESSOR/JUDGE D.M. DAVIS

Capital Transfer and International Tax Law; Competition Law

JUDGE I. FARLAM

Professors

PROFESSOR P.S. BENJAMIN (PART-TIME)

Labour Law

PROFESSOR J.E. HARE

Admiralty Jurisdiction and Practice; Maritime Law and Marine Insurance; Carriage of Goods by Sea

PROFESSOR R.D. JOOSTE

Revenue Law; Company Law

PROFESSOR E.R. KALULA

International Comparative Labour Law; Labour Market Regulation; Social Security

PROFESSOR J. KINDERLER

Biotechnology and IPL

PROFESSOR S. MANCUSO

Comparative Law

PROFESSOR R. LE ROUX

Labour Law, Sport Law

PROFESSOR R.C. WILLIAMS (PART-TIME)

Revenue Law; Company Law

Associate Professors

ASSOCIATE PROFESSOR D. COLLIER

Labour Law; Electronic Law; Intellectual Property Law

ASSOCIATE PROFESSOR T.S. EMSLIE SC (PART-TIME)

Revenue Law

ASSOCIATE PROFESSOR T. MONGALO (ON EXTENDED LEAVE)

Company Law

EMERITUS ASSOCIATE PROFESSOR

Emeritus Associate Professor J. Hofman

Honorary Research Associate

DR T. KRUGER

International Trade Law

Adjunct Professors

MS A. BOSMAN

MR N. JERAM

DR T. MADIMA

MR W. SCHOLTZ

MR E. SWANEPOEL

PROF C.R. THOMPSON

Senior Lecturers

DR W. AMIEN

Business Law, Muslim Law

MR G. BRADFIELD

Maritime Law; Commercial Transactions Law

MS T.L. GUTUZA

Revenue Law; Capital Transfer and International Tax Law

MR A. HUTCHISON

Business Law

MS K. IDENSOHN

Company Law

MS K. LEHMANN

Business Law; Global Economic Law; International Economic Law

MS C. NCUBE

Business Law; Company Law; Intellectual Property Law

MS L.-A. TONG

Intellectual Property Law

MR T. WIESE

Company Law

MS J. YEATS

Business Law; Company Law

Lecturers

MR C. CHOKUDA

Business Law; Company Law

MS J. FRANCO (PART-TIME)

Business Law

MR M. NKOMO

Business Law; Intellectual Property Law

MS H. STOOP

Business Law; Company Law

MS A.L. TITUS

Business Law; Revenue Law

Administrators

MR C. ELISSAC

Administrative Officer

LLB and Postgraduate Courses

MR M. MBEBE

Administrative Assistant

All Commerce Courses

MS F. KHAN

Administrative Assistant

Labour and Development Law

CONTACT DETAILS

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INSTITUTE OF DEVELOPMENT AND LABOUR LAW

Director: Professor E.R. Kalula

The Institute of Development and Labour Law was established in 1996 through the merger of the Labour Law Unit and the Institute of Development Law. The Institute plays a leading role in development and labour law teaching and research. It is involved with training courses in South Africa and other countries in Southern Africa. It also regularly contributes to training programmes if other organisations and collaborates closely with other leading university centres and NGOs.

Professors

PROFESSOR E.R. KALULA

International and Comparative Labour Law; Labour Market Regulation; Social Security; Law and Regional Integration

PROFESSOR R. LE ROUX

Labour Law

PROFESSOR P. BENJAMIN

Collective Bargaining and Strike Law; Health and Safety; Minimum Labour Standards; Regulatory Framework

ASSOCIATE PROFESSOR D. COLLIER

Labour Market Regulation, Inequality, Intellectual Property and Development

Adjunct Professors

PROFESSOR C. THOMPSON

Collective Bargaining; International Labour Law

DR T. MADIMA

Collective Bargaining

MR C. NUPEN

Dispute Resolution; Social Dialogue

MS T. ORLEYN

Dispute Resolution

MR N. JERAM

Social Security

Administrative Staff

MS F. KHAN

Researchers

MR S. GODFREY

Senior Researcher, Labour and Enterprise Project Bargaining Councils; Industrial Sociology

MR J. THERON

Co-ordinator of the Labour and Enterprise Policy Research Group (LEP)
Labour Rights; Small and Medium Enterprise

MS M. VISSER

Researcher

Honorary Research Associate

PROFESSOR N. RUBIN

International Labour Standards; Law and Development

CONTACT DETAILS

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CENTRE FOR COMPARATIVE LAW IN AFRICA

Director: Dr A. Ordor

The Centre for Comparative Law in Africa (CCLA) was established in 2011 to promote the study of comparative law and draw on the strengths of comparative methodology to research into the multifaceted field of law in Africa. The Centre presents an opportunity to develop a discipline that lends itself to optimal application in the pluralistic legal frameworks within which life is lived in Africa. In its mission to contribute to the development of comparative law in Africa, the strategy of the CCLA is to *establish* the field at UCT, build *capacity* in it across the continent through academic programmes, *apply* comparative law expertise in consultancies and *disseminate* new knowledge in comparative law in Africa through conferences, publications and professional networks. Its location within the Department of Commercial Law recognises the centrality of comparative law to ongoing efforts at economic integration on the African continent. The CCLA offers an LLM and a postgraduate diploma in Comparative Law and conducts research on a variety of themes that apply the comparative methodology. Currently the Centre is involved in a collaborative research project on mineral law and policy in three southern African countries (South Africa, Namibia and

Zambia) under the UCT PERC Africa Knowledge Project as well as customary law development in Somaliland. The CCLA offers support for Africa-focused doctoral research and also undertakes consultancies from institutions in the public and private sectors.

Professor and Chair

PROFESSOR S. MANCUSO, LLB *Palermo PhD Trieste*

Administrator

MS S. VAN DER BROCK

SHIPPING LAW UNIT

Professor and Head: Professor J.E. Hare

The Shipping Law Unit has been in operation since the beginning of 1993. The Unit was set up within the Department of Commercial Law to accommodate part-time and full-time studies in Shipping Law at higher postgraduate level, and to support the Maritime Law option offered to Final Level LLB students. The Shipping Law Unit provides postgraduate and higher postgraduate tuition and research in Admiralty law and practice and in all private law aspects of the law relating to the sea and ships. It serves as an information and advice centre to the shipping industry, and monitors developments in maritime law and policy in South Africa and abroad. The Unit co-operates closely with the Institute of Marine and Environmental Law which handles the public law elements of the Law of the Sea and related subjects.

Visiting Teacher:

R. KNUTZEN, LLB Cape Town BCL Oxon

RESEARCH OUTPUT

Authored books

Jooste, R.D. 2011. *The Comparative Guide to the Old and New Companies Acts*. Claremont, Cape Town: Juta. 1021pp. ISBN 978-0-7021-8614-1.

Kruger, T. 2011. *International Child Abduction: The Inadequacies of the Law*. Oxford, UK: Hart Publishing. 259pp. ISBN 978-1-84946-156-6.

Okoye, A. and Oniekor O.O. 2011. *Source Book on Drafting Property Law & Practice in Nigeria*. Enugu: Snaap Press Ltd. 609pp. ISBN 978-978-910-021-7.

Theron, J.P. 2011. Working Paper No 28: Non-Standard

Workers, Collective Bargaining and Social Dialogue: The Case of South Africa. Switzerland: International Labour Organization. 26pp. ISBN 978-922-125-5503-1.

Edited books

Cheadle, H.M., Davis, D. and Haysom, N. (eds) 2011. *South African Constitutional Law: Bill of Rights*. 2nd edition. 615pp. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.

Rutinwa, B., Kalula, E.R. and Ackson, T. (eds) 2011. *The New Employment and Labour Relations Law in Tanzania*. 290pp. Tanzania: University of Dar es Salaam School of Law. ISBN 978-0-7992-2479-5.

Chapters in books

Afadameh-Adeyemi, A. and Kalula, E.R. 2011. SADC at 30: Re-examining the legal and institutional anatomy of the Southern African Development Community. In A. Bosl, A. du Pisani, G. Erasmus, T. Hartzenberg and R. Sandrey (eds), *Monitoring Regional Integration in Southern Africa*, pp. 5-22. Stellenbosch, South Africa: Tralac: Trade Law Centre for Southern Africa. ISBN 978-0-9814221-9-0.

Benjamin, P. 2011. Ideas of Labour Law – a view from the South. In G. Davidov and B. Langille (eds), *The Idea of Labour Law*, pp. 209-222. USA: Oxford University Press. ISBN 978-0-19-969361-0.

Benjamin, P. 2011. Subordination, parasubordination and self-employment: a comparative study of selected African countries. In G. Casale (ed.), *The Employment Relationship: A Comparative Overview*, pp. 95-136. Switzerland: International Labour Organization. ISBN 978-92-2-123302-2.

Cheadle, H.M. and Davis, D. 2011. Structure of the Bill of Rights. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 1-1-1-10. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.

Davis, D. 2011. Access to courts. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 28-1-28-11. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.

Davis, D. 2011. Access to information. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 26-1-26-14. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.

Davis, D. 2011. Assembly. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 12-1-12-6. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.

- Davis, D. 2011. Education. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 24-1-24-10. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Enforcement of rights. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 32-1-32-7. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Freedom and security of the person. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 7-1-7-17. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Freedom of expression. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 11-1-11-21. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Interpretation of the Bill of Rights. In MH Cheadle, DM Davis and NRL Haysom(eds), *South African Constitutional Law: Bill of Rights (second edition)*: 33-1-33-22. 2011. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. and Youens, P. 2011. Life. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 6-1-6-20. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. and Steenkamp, A. 2011. Privacy. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 9-1-9-18. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Religion, belief and opinion. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 10-1-10-13. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Rights. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 2-1-2-7. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Davis, D. 2011. Socio-economic rights: has the promise of eradicating the divide between first and second generation rights been fulfilled? In T. Ginsburg and R. Dixon (eds), *Comparative Constitutional Law*, pp. 519-531. United Kingdom: Edward Elgar Publishing. ISBN 978-1-84844-539-0.
- Davis, D. 2011. Tony Mathews and the Rule of Law. In M. Carnelley and S. Hoctor (eds), *Law, Order and Liberty*, pp. 43-53. 2011. South Africa: University of KwaZulu-Natal Press. ISBN 978-56914-214-8.
- Gweshe, R. 2011. Engaging sexual services of persons 18 years or older. In D. Smythe, B. Pithey and L. Artz (eds), *Sexual Offences Commentary: Act 32 of 2007*, pp. 6-1-6-9. Claremont, Cape Town: Juta & Co. Ltd. ISBN 978-07021-8602-8.
- Kalula, E.R. 2011. The context of international labour standards. In B. Rutinwa, E. Kalula and T Jackson (eds), *The New Employment and Labour Relations Law in Tanzania*, pp. 38-87. Tanzania: University of Dar es Salaam School of Law. ISBN 978-0-7992-2479-5.
- Kalula, E.R., Okorafor, N. and Bamu, P. 2011. Towards an effective regulatory framework for labour rights and social protection in Southern Africa. In D. Banik (ed.), *The Legal Empowerment Agenda: Poverty, Labour and the Informal Economy in Africa*, pp. 15-39. England: Ashgate Publishing. ISBN 978-140941-118-5.
- Kamala, P. and Kalula, E.R. 2011. Labour institutions. In B. Rutinwa, E. Kalula and T Jackson (eds), *The New Employment and Labour Relations Law in Tanzania*, pp. 254-276. Tanzania: University of Dar es Salaam School of Law. ISBN 978-0-7992-2479-5.
- Le Roux, R. and Williams, J. 2011. Sections 40-53: National Register for Sex offenders. In D. Smythe, B. Pithey and L. Artz (eds), *Sexual Offences Commentary: Act 32 of 2007*, pp.17-1-17-44. Claremont, Cape Town: Juta & Co. Ltd. ISBN 978-07021-8602-8.
- O'Regan, C. and Cameron, E. 2011. Judges, bias and recusal in South Africa. In H.P. Lee (ed.), *Judiciaries in Comparative Perspective*, pp. 346-378. USA and UK: Cambridge University Press. ISBN 978-0-521-19060-2.
- Roux, T. and Davis, D. 2011. Property. In H. Cheadle, D.M. Davis and N.R.L. Haysom (eds), *South African Constitutional Law: Bill of Rights*. 2nd edition. pp. 20-1-20-28. Durban: LexisNexis Butterworths. ISBN 978-0-409-01829-5.
- Theron, J.P. and Visser, M. 2011. Waste management and the workplace. In D. Banik (ed.), *The Legal Empowerment Agenda: Poverty, Labour and the Informal Economy in Africa*, pp. 69-85. England: Ashgate Publishing. ISBN 978-140941-118-5.
- Von Broembsen, M. 2011. Poverty, legal empowerment and informal business in South Africa. In D. Banik (ed.), *The Legal Empowerment Agenda: Poverty, Labour and the Informal Economy in Africa*, pp. 41-67. England: Ashgate Publishing. ISBN 978-140941-118-5.

Articles Peer-reviewed Journals

Afadameh-Adeyemi, A. 2011. Case review: Barry Gondo & 8 Others v The Republic of Zimbabwe, SADC (T) 05/2008. *SADC Law Journal / Southern African Development Community Law Journal*, 1(2011): 203-205.

Benjamin, P. 2010. Decent work and non-standard employees: options for legislative reform in South Africa: A Discussion document. *Industrial Law Journal*, 31(April): 845-871.

Benjamin, P. 2011. Enforcement and sanctions to promote compliance with South African labour legislation. *Industrial Law Journal*, 32: 805-833.

Bosch, C. and le Roux, R. 2011. Not letting them whistle: the Labour appeal court's approach to the protected Disclosures Act and protecting Parliament's employees. *Obiter*, 32(3): 591-612.

Bradstreet, R. 2011. The impact of globalization of Antitrust Law on developing countries: harmony or hegemony? *Asian Journal of Law and Economics (AJLE)*, 2(3). [Online] http://econpapers.repec.org/article/bpjajlecn/v_3a2_3ay_3a2011_3ai_3a3_3an_3a3.htm.

Bradstreet, R. 2011. The new business rescue: will creditors sink or swim? *South African Law Journal*, 128(2): 352-380.

Brickhill, J., Corder, H.M., Davis, D. and Marcus, G. 2011. The Administration of Justice. *Annual Survey of South African Law*, 2010(1): 1-40.

Clarke, M. and Godfrey, S.D. 2011. Skirting regulation? Trade liberalisation, retailers and informalisation of South Africa's clothing industry. *Work Organisation, Labour and Globalisation*, 5(1/Summer 2011): 76-94.

Collier, D. 2011. Employer negligence in the promotion process: when should the arbitrator intervene? *Industrial Law Journal*, 128(Oct): 2378-2384.

Davis, D. and Klare, K.E. 2010. Transformative constitutionalism and the common and customary law. *South African Journal on Human Rights*, 26(3): 403-509.

Hofman, J. 2011. The moving finger: sms, on-line communication and on-line disinhibition. *Digital Evidence and Electronic Signature Law Review*, 8: 179-183.

Hutchison, A.J. 2011. Agreements to agree: can there ever be an enforceable duty to negotiate in good faith? *South African Law Journal*, 128(2): 273-296.

Kruger, T. 2011. (Case Study) Case-29/10: Zaak C2-29/10 Kelzsch/Groothertogdom Luxemburg. *SEW Tijdschrift voor Europees en Economisch Recht*, 7: 363-367.

Kruger, T. and Verhellen, V. 2011. Dual nationality=double trouble? *The Journal of Private International Law*, 7(3): 1-26.

Le Roux, R. 2011. Getting clarity: the difference between compensation, damages, reinstatement and backpay. *Industrial Law Journal*, 32: 1520-1545.

Ncube, C.B. 2011. Key copyright issues in African distance education: a South African case study. *Distance Education*, 32(2): 269-275.

Ncube, C.B. 2011. You're fired! The removal of directors under the Companies Act 71 of 2008. *South African Law Journal*, 128(1): 33-51.

Peberdy, S. and Jara, M.K. 2011. Humanitarian and social mobilization in Cape Town: Civil society and the May 2008 xenophobic violence. *Politikon*, 38(1): 37-57.

Schonwetter, T. and Ncube, C.B. 2011. New hope for Africa? Copyright and access to knowledge in the digital age. *The Journal of Policy, Regulation and Strategy for Telecommunications, Information and Media*, 13(3): 64-74.

Stoop, H. 2011. The company director as employee. *Industrial law journal*, 32(Oct): 2367-2377.

DEPARTMENT OF PRIVATE LAW

(Including the Intellectual Property and Policy Research Unit)

HEAD OF DEPARTMENT: PROFESSOR TJAKIE NAUDÉ

DEPARTMENTAL PROFILE

The Department of Private Law maintained its strong research record during the period of review. Members of the department maintained a high rate of publication in 2011, which included a number of international publications.

Four staff members received an NRF rating at the end of 2011. They are Professors Hanri Mostert (B3), Anton Fagan (C2) and Associate Professors Jaco Barnard-Naudé (Y1) and Helen Scott (Y1). This brings the number of NRF-rated researchers in the department to six.

Associate Prof Helen Scott co-organised a seminar at All Souls College, Oxford, entitled 'Iniuria and the Common Law'. Speakers included Professor Anton Fagan from the Department and Professors Boudewijn Sirks of Oxford and David Ibbetson of Cambridge. She also presented a paper in Boston at a conference to celebrate the launch of the Third American Restatement on the Restitution of Unjust Enrichment. Other colleagues who presented papers at international conferences include Prof Chuma Himonga (i.a. 1st International Colloquium on Translational Linguistic Repertoires: Communication in Courts and Public Agencies, Vienna; 33rd Conference of Comparative Law, Trier, Germany), Professor Hanri Mostert (i.a. Progressive Property Conference in Montreal, Canada, Law and Governance Conference in Groningen, Netherlands), Associate Professor Jaco Barnard-Naudé (North American Outgames Human Rights Conference, Vancouver, Canada), Associate Professor Mohamed Paleker (i.a. Public and Private Justices Conference in Dubrovnik, Croatia) and Dr Amanda Barratt (International Private Law Conference in Nicosia, Cyprus). Dr Sindiso Mnisi-Weeks conducted a workshop on 'The Social Life of Legal Innovations' at the University of Wisconsin Law School's Global Legal Studies Center, and Professor Mostert on Tenure Security in Enschede, Netherlands. Associate Professor Scott was invited to teach at the University of Paris.

Another highlight has been Professor Paleker's report for the South African Law Reform Commission project on revision of legislation administered by the Department of Justice and Constitutional Development (on Civil Procedure, Succession, Trusts and Administration of Estates).

Professor Jaco-Barnard Naudé obtained a MA in Creative Writing (Afrikaans Poetry) from UCT in 2011.

Contract staff that excelled includes Meyer van den Berg who was chosen as a UCT research fellow and Salona Lutchman who was chosen for an LLM program in New York.

DEPARTMENTAL STATISTICS

Permanent and long-term contract staff

Emeritus Professor	2
Professors	6
Associate Professors	4
Senior Lecturers	2
Lecturers	1
Admin and Clerical Staff	2
Total	18

Students

Degree	2011 Course Headcount
LLB	472
PG Dip	64
Masters	318
PhD	65
Occasional	168
TOTAL	1087

RESEARCH FIELDS AND STAFF

Permanent staff

ASSOCIATE PROFESSOR A.J. BARNARD-NAUDÉ
Jurisprudence; Legal Theory

DR A. BARRATT
Law of Persons and Marriage; Legal History; Intellectual Property Law

PROFESSOR A.G. FAGAN
Law of Delict; Jurisprudence; Constitutional Theory

DR L. GREENBAUM
Legal Education; Legal Writing.

PROFESSOR C. HIMONGA
African Customary Law

PROFESSOR D.B. HUTCHISON
Law of Contract; Law of Delict

PROFESSOR J. KINDERLERER
Intellectual Property Law; Biotechnology Law

PROFESSOR H. MOSTERT
Law of Property; Mineral and Petroleum Law

PROFESSOR T. NAUDÉ
Law of Contract; Consumer Protection

ASSOCIATE PROFESSOR M. PALEKER
Law of Succession; Civil Procedure

ASSOCIATE PROFESSOR A. POPE
Law of Property; Bio-ethics; Customary Law; Family Law

ASSOCIATE PROFESSOR H. SCOTT
Unjustified Enrichment; Law of Delict; Legal History

MS L.-A. TONG
Intellectual Property Law; Law of Succession.

Honorary Research Associate

ASSOCIATE PROFESSOR M.L. HEWETT
South African and European Legal History

Emeritus Professors

EMERITUS PROFESSOR W. DE VOS SC
Unjustified Enrichment; Legal History

EMERITUS PROFESSOR I. LEEMAN
Copyright Law

Distinguished visitors

PROFESSOR R. EVANS-JONES
University of Aberdeen, Scotland

INTELLECTUAL PROPERTY UNIT (IPU)

Permanent and long-term contract staff

Professors	1
Associate Professors	1
Senior Lecturer	1
Administrative Staff	1
Research Support Staff	3
Honorary Research Staff	2
Total	9

Administrators

MRS. N. CAMPBELL
Administrative Officer
LLB Intermediate/Final Year

MRS. F. MOHAMED
Senior Secretary
LLB Pre-liminary Undergraduate/Postgraduate/LLM
Courses

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e-mail: faiza.mohamed@uct.ac.za; nikki.campbell@uct.ac.za

RESEARCH OUTPUT

Edited books

Mostert, H. and de Waal, M.J. (eds) 2011. Essays in Honour of CG van der Merwe. 411pp. South Africa: LexisNexis. ISBN 978-0-409-05201-5.

Chapters in books

Himonga, C. 2011. The Future of Living Customary Law in African Legal Systems in the Twenty-First Century and beyond, with special reference to South Africa. In J. Fenrich, P. Galizzi and T. Higgins (eds), The Future of African Customary Law, pp. 31-57. USA: Cambridge University Press. ISBN 978-0-521-11853-8.

Mostert, H. 2011. Landlessness, housing and the rule of law. In H. Mostert and M.J. de Waal (eds), Essays in Honour of CG van der Merwe, pp. 73-104. South Africa: LexisNexis. ISBN 978-0-409-05201-5.

Mostert, H. and de Waal, M.J. 2011. Preface: a tribute to Cornie van der Merwe. In H. Mostert and M.J. de Waal (eds), Essays in Honour of CG van der Merwe, pp. vii-xxii. South Africa: LexisNexis. ISBN 978-0-409-05201-5.

Tong, L. 2011. Creating a protection system. In A. van der Merwe (ed.), Law of Intellectual Property in South Africa, pp. 387-388. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. Does the intellectual-property system offer adequate protection for traditional knowledge? In A. van der Merwe (ed.), Law of Intellectual Property in South Africa, pp. 375-381. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. Intellectual-property rights and traditional knowledge. In A. van der Merwe (ed.), Law of Intellectual Property in South Africa, pp. 367-373. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. Intellectual-property rights as human rights. In A. van der Merwe (ed.), *Law of Intellectual Property in South Africa*, pp. 435-439. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. Introduction – the interface between intellectual-property rights and human rights. In A. van der Merwe (ed.), *Law of Intellectual Property in South Africa*, pp. 433-434. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. Protecting traditional knowledge in South Africa. In A. van der Merwe (ed.), *Law of Intellectual Property in South Africa*, pp. 383-385. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. Reconciling intellectual-property rights and human rights. In A. van der Merwe (ed.), *Law of Intellectual Property in South Africa*, pp. 459-460. Durban: LexisNexis. ISBN 9780409022759.

Tong, L. 2011. The impact of intellectual-property rights on human rights. In A. van der Merwe (ed.), *Law of Intellectual Property in South Africa*, pp. 441-457. Durban: LexisNexis. ISBN 9780409022759.

Articles in Peer-reviewed Journals

Barnard-Naude, A.J. 2011. Deconstruction is what happens. *Stellenbosch Law Review*, 22(1): 160-172.

Barnard-Naude, A.J. and de Vos, P. 2011. The heteronormative observer: the Constitutional Court's decision in *Le Roux v Dey*. *South African Law Journal*, 128(3): 407-419.

Barratt, A. 2011. Clarifying protection of spouses married in Community of Property? [Discussion of *Visser v Hull* 2010 1 SA 521 (WCC) and *Bopae v Moloto* 2000 1 SA 383 (T)]. *Stellenbosch Law Review*, 22(2): 272-284.

Barratt, A. and Afadameh-Adeyemi, A. 2011. Indigenous peoples and the right to culture: the potential significance for African indigenous communities of the Committee on Economic Social and Cultural Rights' General Comment 21. *African Human Rights Law Journal*, 11: 560-587.

Fagan, A. 2011. The Constitutional Court loses its (and our) sense of humour: *Le Roux v Dey*. *South African Law Journal*, 128(3): 395-407.

Jonker, J.D. 2010. Truth, amnesty and defamation: the *Citizen v McBride* 2010 (4) SA 148 (SCA). *South African Law Journal*, 127(3): 381-397.

Kruise, H. 2011. 'The art of the possible' in realising socio-economic rights: *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty)Ltd*. *South African Law Journal*, 128(4): 620-632.

Mostert, H. 2011. Tenure security reform and electronic registration: exploring insights from English Law. *Potchefstroom Electronic Law Journal*, 14(3): 86-117.

Naude, T. 2011. Pre-emption agreements and the myth of the "trigger event" as any manifestation of a decision to sell: a response to Deeksha Bhana. *Journal of Contemporary Roman-Dutch Law*, 74(1): 87-106.

Nothling-Slabbert, M., Maister, B., Botes, M. and Pepper, M.S. 2011. The application of the Consumer Protection Act in the South African health care context: concerns and recommendations. *Comparative and International Law Journal of Southern Africa*, 44(2): 168-203

Pope, A. 2011. Inaedicatio revisited: looking backwards in search of clarity. *South African Law Journal*, 128(1): 123-146.

Pope, A. 2011. The alternative accommodation conundrum: trends and patterns in eviction jurisprudence. *Speculum Juris*, 25(1): 134-147.

Schonwetter, T. and Ncube, C.B. 2011. New hope for Africa? Copyright and access to knowledge in the digital age. *The Journal of Policy, Regulation and Strategy for Telecommunications, Information and Media*, 13(3): 64-74.

Scott, H. 2011. South Africa. *Restitution Law Review*, 19: 246-252.

Scott, H. 2011. Unjustified enrichment. *Annual Survey of South African Law*, 1(2010): 1401-1410.

DEPARTMENT OF PUBLIC LAW

(Including the Centre of Criminology; Institute of Marine and Environmental Law; Democratic Governance and Rights Unit; Law, Race and Gender Unit; and Refugee Rights Unit)

HEAD OF DEPARTMENT: ASSOCIATE PROFESSOR D.M. CHIRWA

DEPARTMENTAL PROFILE

The Department of Public Law (including the Centre of Criminology; Institute of Marine and Environmental Law; Law, Race and Gender Unit; Democratic Governance and Rights Unit; and Refugee Rights Unit) continues to produce high level research in various areas, including constitutional law and human rights, environmental law, criminal law (both national and international), criminal procedure, evidence, policing, land rights and labour law. 2011 was an unprecedentedly, highly productive year for this Department. Members of the Department produced a total of five books under the following titles: *Human Rights under the Malawian Constitution*; *South African Criminal Law and Procedure (Vol 1)*; *Sexual Offences Commentary*; *Traditional African Religions in South African Law*; and *Accountable Government in Africa – Perspectives from Public Law and Political Studies*.

The AFTRALAW project involving the Department and the University of Ghent (Belgium), which focused on the role of traditional law and institutions in international cooperation programmes aimed at promoting transitional justice and the rule of law in Africa, was concluded.

DEPARTMENTAL STATISTICS

Permanent and long-term contract staff

Professors	11
Associate Professors	6
Senior lecturers	4
Lecturers	5
Administrative	2
Teaching and Research Assistants	6
Total	34

Honorary staff

Research Associates	1
Honorary Professors	2
Emeritus Professors	2

Students

LLB	479
Masters – Coursework and Research/MPhil	194
Postgraduate Diploma	8
Honours	8
PhD	42
Total	731

RESEARCH FIELDS AND STAFF

Permanent Staff

PROFESSOR T.W. BENNETT

African customary law; land rights; public and private international law

PROFESSOR J. BURCHELL

Criminal Law; Personality Rights

ASSOCIATE PROFESSOR R. CALLAND

Accountable Government; Access to Information; Whistle Blowing Legislation; Constitutional Law; Public Ethics

PROFESSOR H. CHEADLE

Labour Law; Human Rights; Constitutional Litigation; Legal Drafting

ASSOCIATE PROFESSOR D.M. CHIRWA

International Human Rights; the Rights of the Child; Domestic implementation of Human Rights; Administrative Law; Social and Economic Rights

PROFESSOR H.M. CORDER

Administrative Law; the Judicial Process

PROFESSOR P. DE VOS, CLAUDE LEON Foundation

Chair in Constitutional Governance
Constitutional Law; Current issues in Constitutional Law; Governing under Constitution

PROFESSOR W. DE VOS

Criminal Procedure; Law of Evidence; Constitutional aspects of Procedure; Class Actions

MS M.C. DU PLESSIS

Social Security Law and Governance; Workers' Compensation

ASSOCIATE PROFESSOR L.A. FERIS

Environmental law; Liability; Biodiversity; Climate Change; Trade and Environment

PROFESSOR J.N.K. GIBSON

Law of the Sea; Coastal Zone Law; Environmental Law

PROFESSOR J.I. GLAZEWSKI

Environmental Law; Energy Law, Antarctic, Marine Pollution Law

MS P.K. GUMEDE

Environmental Law; Alien Invasive Species, Environmental Management Agreements; African Customary Law; Marine Pollution Law

PROFESSOR C.M. MURRAY

Constitutional Law including Co-operative Government, Parliament, Intergovernmental Relations, Local Government, Constitution Making, and Comparative Constitutional Law

MR S.A. NAKHJAVANI

International Criminal Law; Prosecutorial Powers under the Rome Statute of the International Criminal Court; African Domestic Approaches to the Investigation, Prosecution and Adjudication of International Crimes

ASSOCIATE PROFESSOR A.R. PATERSON

Environmental Law; Biodiversity; Protected Areas; Environmental Fiscal Reform

MS K. PHELPS

Constitutional Criminal Adjudication; Punishment; the Principle of Legality and Sexual Offences

MS C.H. POWELL

Constitutional Law; International Law; International Criminal law

PROFESSOR P.J. SCHWIKKARD

Evidence, Criminal Procedure

PROFESSOR C. SHEARING

Governance of Security; Environmental Security

DR D. SMYTHE

Law and Society (particularly the use of interdisciplinary research methods); Criminal Justice Policy; Human Rights; Violence against Women

MR A. TSHIVHASE

Military Justice; Criminal Procedure; Law and Regional Integration in Africa; Human Rights; Constitutional Law

ASSOCIATE PROFESSOR E. VAN DER SPUY

Policing (public); International Assistance to Policing in Transition; Security Sector Reform; Police Reform; Peace-keeping

MS M. VON BROEMBSEN

Law and Poverty; Human Rights and Legal Empowerment of the Poor; the Interrelationship between the Informal Economy; Alleviation of Poverty and Law

Contract Staff

ASSOCIATE PROFESSOR R. MANJOO

Women's Human Rights; Violence against Women; Culture, Religion, Tradition and Human Rights

MS L. NIJZINK

Accountable Government; Parliamentary and Party Politics in Africa; Constitutional Design and Democratization; Research Methodology

Emeritus Professors

PROFESSOR D.J. DEVINE

International Law of the Sea; General Principles of International Law; Regional Integration

PROFESSOR D. VAN ZYL SMIT

Criminal Law

Honorary Professors

PROFESSOR J. DUGARD

ADVOCATE W. TRENGOVE

Honorary Research Associates

JUSTICE L.W.H. ACKERMANN

Emeritus Justice of the Constitutional Court

Administrative Staff

MS D. MWAMBALA

Administrative Officer

Senior Secretary

MS R. FRANCKE

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CENTRE OF CRIMINOLOGY

The Centre of Criminology is a research unit linked to the Department of Public Law. The Centre aims to initiate, co-ordinate and develop research and extension services in the broad field of criminology, and to promote public interest in all aspects of criminology.

Current research in the Centre focuses on two main areas in criminology which are physical security and environmental security.

In the area of Physical Security, during 2011 research was undertaken on police in peacekeeping in Africa and on the role of the South African police in the border conflict of the post-1976 period of South African history. The Plural Policing Programme of research explored initiatives that have adopted a plural governance approach to policing and continued exploring lessons learnt from the Soccer World Cup. Another project involves working with the Government of the Western Cape to develop a 'whole of society' security governance approach to develop a set of design principles for the Western Cape Department of Community Safety (DOCS) to use in carrying out the task of 'improving safety' in the province. This includes police oversight and the role of Community Police Forums (CPFs); the safety of provincial institutions, people and assets, such as schools, hospitals and clinics.

The Environmental Security research programme is focused on the emergence of environmental security as an area of (in) security that is becoming increasingly relevant. The programme builds upon criminology's established concerns with risks that threaten human well-being and how these risks are, and should be, governed. In doing so it seeks to expand the boundaries of criminology in ways that will enable it to assist in understanding and responding to the new environmental challenges, such as climate change, that have already become such a crucial feature of the new century.

Permanent and long-term contract staff

Professors	1
Associate Professors	1
Senior Lecturer	1
Administrative Staff	2
Research Staff	4
Honorary Research Associates	3
Total	12

Permanent Staff

PROFESSOR C. SHEARING

Governance of Physical and Environmental Security

ASSOCIATE PROFESSOR E. VAN DER SPUI

Policing (public); International Assistance to Policing in Transition; Security Sector Reform; Police Reform; Peace-keeping

MS. J. BERG, SENIOR LECTURER,

Governance of Security; Plural Policing; Policing Accountability

Honorary Research Associates

DR L. LAZARUS a lecturer at St Anne's College, University of Oxford

C. CULLINAN, Director, EnAct International, Practising Environmental Attorney

ASSOCIATE PROFESSOR J. FROESTAD, Institute of Administration and Organization Theory, University of Bergen

Research Staff

MS E. ATKINS (INFORMATION MANAGER)

Multi-media Electronic Resource Library

MR T. HERBSTEIN

Environmental Security Programme

PROFESSOR J. CARTWRIGHT

Urban Security Programme

MS L. JOUBERT

Contract Researcher, Food Security

Administrative Staff

MS V. TOLENI

Administrative Assistant

MS T. HUME

Finance Administrator

Postdoctoral Fellow

DR G. SUPER

Prisons and Crime in South Africa

CONTACT DETAILS

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INSTITUTE OF MARINE AND ENVIRONMENTAL LAW

Director: Professor J.N.K. Gibson

The Institute of Marine and Environmental Law undertakes research, teaching and consultancy in the fields of marine and environmental law both at the international level and in the context of Southern Africa. It also participates in multi-disciplinary projects in collaboration with other specialists in marine and environmental subjects. In 2011, the Institute co-hosted the Annual Colloquium of the IUCN Academy of Environmental Law on the theme of water and the law; Associate Professors Loretta Feris and Alexander Paterson were members of the colloquium's organising committee, and four academic staff of the Institute presented papers. Professor John Gibson published on the responsibilities of States sponsoring mining activities on the deep sea bed, and (with Loretta Feris) co-wrote a chapter on the right to water in South Africa and Scotland. He also gave a conference paper on legal liabilities for coastal erosion and flooding due to sea level rise and climate change, and undertook research on piracy in African waters. Professor Jan Glazewski's research activities were largely in the area of climate change law and energy law. He co-authored a number of reports on the topic of climate change law and on the legal implications of hydraulic fracturing ('fracking') in the Karoo, as well as co-authoring a chapter in an international book on climate change liability. Associate Professor Loretta Feris published a joint chapter with Charles Moitui on the synergies between African customary law and environmental law, and presented two papers on the subject of traditional knowledge and trade at the First Annual SADC Seminar Series in Cape Town and the TRANPROBIO conference on transboundary protection of biodiversity at Potchefstroom. Associate Professor Alexander Paterson successfully completed his PhD focusing on the role of community-conserved areas as a tool for balancing South Africa's land reform and conservation agendas. He published an array of peer-reviewed journal articles and book chapters on protected areas governance, natural commons regulation and indigenous community rights in protected areas. He also continued to be actively involved in the work of the IUCN Commission on Environmental Law, most notably in the preparation of the revised IUCN Guidelines on Protected Areas Legislation and the Concept Paper on Connectivity Conservation Law. Ms Peggy Gumede conducted research on marine pollution law, investigating intervention at sea to prevent pollution from ships and also the role of standards set by the International Maritime Organization.

Permanent and Long-term Contract Staff

Professors	2
Associate Professors	2
Emeritus Professor	1
Lecturers	1
Honorary Research Associate	1
Administrative and Clerical Staff	1
Total	8

Students

Doctoral	9
Masters	57
Postgraduate Diploma	2
LLB – Final Year	24
Non-Law students	12
Total	104

Permanent Staff

PROFESSOR J.N.K. GIBSON

Law of the sea; coastal zone law; environmental law

PROFESSOR J.I. GLAZEWSKI

Environmental law; energy law, Antarctic, marine pollution law

ASSOCIATE PROFESSOR L.A. FERIS

Environmental law; liability; biodiversity; climate change; trade and environment.

ASSOCIATE PROFESSOR A.R. PATERSON

Environmental Law; biodiversity; protected areas; environmental fiscal reform

MS P.K. GUMEDE

Environmental law; alien invasive species, environmental management agreements; African customary law; marine pollution law

Emeritus Professor

PROFESSOR D.J. DEVINE

Law of the sea; international law

Honorary Research Associate

DR E.V. WITBOOI

Law of the sea; marine fisheries

Distinguished Visitor

DR J. ROCHETTE

Institute for Sustainable Development and International Relations, Sciences Po, Paris, France

Research Assistant

MR C.O. MOITUI

CONTACT DETAILS

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DEMOCRATIC GOVERNANCE & RIGHTS UNIT

Based in the Department of Public Law at the University of Cape Town, the DGRU's mission is to advance the principles and practice of constitutional democracy in Africa. Recognising the gap between the promise of constitutionalism and the reality of daily life for the majority of Africans, the DGRU aims to stimulate fresh thinking on the intersection between rights and transformative governance. In collaboration with others, the DGRU supports the process of law and policy reform, and informs public debate, through inter-disciplinary research and advocacy.

The vision for the future is that in ten years' time, the DGRU will have a strong international reputation as a place where bold new ideas are born and then turned into working practice, providing a stimulating environment for policy-makers, academic thinkers and students alike, and an intellectual bridge between Europe and Africa on some of the most significant public law issues that face modern societies everywhere.

Permanent and Contract Staff

ASSOCIATE PROFESSOR R. CALLAND

Transparency Law & Policy, the Right of Access to Information, Whistle Blowing, Public Ethics, Political and Economic Governance, Constitutional Law, Multistakeholder Processes

DR K. BENTLEY

Theories of Rights, Human Rights and Multiculturalism, Rights of Women and Children

MR A. SIPONDO

Intersection of International Human Rights and International Trade Law; Health and Human Rights; Constitutionalism and Governance; Third Generation Rights; and the Intersection of Religious Rhetoric and the Rights of Sexual Minorities

MR C. OXTOBY

Judicial Appointments, Judicial Ethics, Human Rights, Anti-terrorism Law and Practice in Southern and Eastern Africa and the 2010 World Cup

Administrative Staff

MS V. KARTH

Programme Management and Budget; Events' Management; Website Management, Marketing & PR

MS N. JWAQU

Office Administration and Events' Organization

CONTACT DETAILS

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LAW, RACE AND GENDER RESEARCH UNIT

Director: Dr D. Smythe

The Law, Race and Gender Unit (LRG) has worked, since its inception in 1993, to provide legal decision-makers with an understanding of the ways in which the history and social context of our country informs the creation, application and interpretation of our laws. The Unit focuses on producing excellent empirical studies of law in context, based on participatory methodologies and collaborative partnerships. They publish a work in progress series, called *Issues in Law, Race & Gender* and convene a very successful seminar series under the auspices of our Rural Women's Action Research Project.

Over the years LRG has done research, developed a range of training materials, and conducted regular participatory workshops through which actors within the justice system are able to explore issues such as gender-based violence, racial discrimination and inequality, sexuality, ethics and various associated legal problems. Current work focuses on laws and practices affecting women living under customary law, including the Traditional Courts Bill and Communal Land Rights Act, and related governance issues. Our work reflects a continued commitment to sound research underpinning evidence-based advocacy on critical legal and social issues.

LRG hosted an externship project with Stanford University's Stanford International Human Rights Clinic, receiving 3 final-year Stanford law students. They also convene the final year LLB research focus group on 'Women and the Legal System' and an LLM course on 'Sexual Offences'.

LRG works on a collaborative basis with a range of external partners, including rural community based organisations (e.g. Masifunde, Masimanyane, LAMOSA, Border Rural Committee, and the Rural Women's Movement) and other academic institutions (especially UWC, Stellenbosch and Stanford University). They work particularly closely with lawyers from the Legal Resources Centre. They draw on a range of internationally recognised researchers to supplement their own research capacity where necessary.

Permanent and Contract Staff

Senior Lecturer	1
Senior Researchers	3
Research Support Staff	1
Contract researchers	3
Administrator	1
Total	9

Permanent Staff

MS A. CLAASSENS

Culture and Human Rights; Land Rights; Women's Rights; Participatory Action Research, Traditional Leadership and Governance

MS M. DE SOUZA

Researcher

MS D. JEFTHAS

Researcher

MS S. TAHERZADEH

Researcher

MR M. JARA

Accountable Government; Traditional Leadership and Governance; Land Rights; Agricultural Production

DR S. MNISI

Interface between Living Customary Law and State Law, Culture and Human Rights; Institutionalisation of Traditional Authorities, particularly Traditional Courts; Succession

DR D. SMYTHE

Law and Society (particularly the use of Interdisciplinary Research Methods), Participatory Governance, Criminal Justice Policy, Violence against Women

Research Support Staff

MR C. KAVURO

Resource Administrator

Administrator

MS S. WRIGHT

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REFUGEE RIGHTS UNIT

Director: Ms F. Khan

The Refugee Rights Unit was founded in 1998 as a Project within the UCT Law Clinic, aimed at providing legal support services to the growing number of refugees and asylum seekers in South Africa. It has since evolved into a fully independent Unit, with four main components: the Unit's Refugee Law Clinic provides direct legal services to thousands of refugees and asylum seekers in the Western Cape each year; the Unit conducts applied research in refugee law and related topics; it teaches refugee law to undergraduate law and masters' students within the Department of Public Law; and, it undertakes a significant amount of targeted advocacy and training of government officials, the judiciary, civil society partners and refugee communities.

The close relationship between the Refugee Law Clinic's practice, the Unit's teaching of Refugee and Immigration Law courses to LLB and LLM students, and the Unit's research is a unique aspect of the Unit's work. The Refugee Law Clinic provides the Unit with a close link to the practical application of refugee law in South Africa and therefore directly informs and supports the Unit's teaching activities and research outputs. Students often engage with the most current issues facing refugees and asylum seekers in South Africa, including those involved in the strategic litigations undertaken by the Refugee Law Clinic. Students are also encouraged to volunteer at the Refugee Law Clinic in order to gain practical experience and fulfil community service requirements. The Unit's teaching component also includes the direct supervision of undergraduate and graduate level research work in the field of refugee and immigration law.

In 2011 the Unit launched its Working Paper Series, in order to promote the activities and research of the Unit and to promote scholarship in Refugee Law in South Africa (http://www.refugeerights.uct.ac.za/research/working_papers/). The Series publishes research reports of the Refugee Rights Unit, occasional papers of the Unit members and versions of some of the papers presented by the Refugee Rights Unit members. A key focus of the Working Papers is the promotion of the rights of refugees in South Africa and the global South.

The Refugee Rights Unit remains not only committed to directly assisting refugees and asylum seekers but also in teaching and engaging in research which can be used to promote and further the law in this area and as an advocacy tool in the future.

Unit Staff

MS F. KHAN (DIRECTOR)

Rights of refugees and their integration into the host country

MS T. SCHREIER (SENIOR ATTORNEY AND RESEARCH MANAGER)

International and human rights law, South African refugee law and analyzing refugee legislation in SADC

Unit Attorneys and Researchers

MS Y. MOODLEY

MR J. CHAPMAN

MR J. DE JAGE

MS M. SCHOEMAN,

Unit Candidate Attorneys

MS T. MWAMBALA

MS N MAGAZI

CONTACT DETAILS

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RESEARCH OUTPUT

Authored books

Burchell, J. 2011. South African Criminal Law and Procedure: General Principles of Criminal Law. 4th edition. Cape Town: Juta & Co Limited. 577pp. ISBN 978-0-7021-8612-7.

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