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.
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 (Evance 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 (Hanni 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)
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: Commually 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
SARCIHI 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 RYCORFT**

**DEPARTMENTAL PROFILE**

The Department of Commercial Law is the biggest department in the Law Faculty. It is staffed by many novice academic staff finishing LLM 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 LLM by dissertation students and teaches most of the students who are taking the LLM by coursework and the Postgraduate Diplomas in Law.

In the LLB 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**

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<tr>
<th>Role</th>
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**Students**

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<tr>
<td>LLM By Coursework and Dissertation</td>
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<td>Semester Study Abroad</td>
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* These figures reflect actual registrations for Commercial Law courses and LLB courses. Where a student registers for two Commercial Law /LLB 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**

Postal address: Department of Commercial Law
Faculty of Law
Private Bag, Rondebosch, 7701
Telephone: + 27 21 650 3068 / 65
Fax: +27 21 650 5631
Web page: http://www.comlaw.uct.ac.za
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
Postal address: Institute of Development and Labour Law, 6.23, 6th Level, Wilfred & Jules Kramer Law Building, Middle Campus, University of Cape Town, Rondebosch, 7700
Tel: +27 21 650 5634
Fax: +27 21 650 5660
Web: www.idll.uct.ac.za

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**


**Edited books**


**Chapters in books**


Articles Peer-reviewed Journals


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

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<th>Post Level</th>
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<td>Senior Lecturers</td>
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<td>Admin and Clerical Staff</td>
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<td><strong>Total</strong></td>
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Students

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<th>Degree</th>
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<td>LLB</td>
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<td>PG Dip</td>
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<td>Masters</td>
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<td>PhD</td>
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<td>Occasional</td>
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<td><strong>TOTAL</strong></td>
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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

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<th>Role</th>
<th>Number</th>
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<td>Professors</td>
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Administrators

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

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

CONTACT DETAILS

Postal Address: Department of Private Law, Faculty of Law, University of Cape Town, Private Bag, Rondebosch, 7701
Telephone: +27 (21) 650-3447/5609
Fax: +27 (21) 650-5770
e-mail: faiza.mohamed@uct.ac.za; nikki.campbell@uct.ac.za

RESEARCH OUTPUT

Edited books


Chapters in books


Articles in Peer-reviewed Journals


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

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Honorary staff

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<tr>
<td>Emeritus Professors</td>
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Students

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<td>Postgraduate Diploma</td>
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<td>Honours</td>
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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. GLAZEWIKI
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

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. PHEILPS
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; Peacekeeping

MS M. VON BROEMBSENN
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. NJIZINK
Accountable Government; Parliamentary and Party Politics in Africa; Constitutional Design and Democratization; Research Methodology

Emeritus Professors

PROFESSOR D.J. DEVINEN
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. MWAMBALE
Administrative Officer

Senior Secretary
MS R. FRANCKE

CONTACT DETAILS
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Website: http://www.publiclaw.uct.ac.za
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 (CPF) 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 SPUY
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. HERBST
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

Postal address: Centre of Criminology, 6.34, 6th Level, Wilfred & Jules Kramer Law Building, Middle Campus, University of Cape Town, Rondebosch 7700
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Fax: +27 21 6503790
Web: www.criminology.uct.ac.za
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**

<table>
<thead>
<tr>
<th>Position</th>
<th>Number</th>
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<tr>
<td>Professors</td>
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<tr>
<td>Associate Professors</td>
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<tr>
<td>Emeritus Professor</td>
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<td>Lecturers</td>
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<tr>
<td>Honorary Research Associate</td>
<td>1</td>
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<tr>
<td>Administrative and Clerical Staff</td>
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<tr>
<td><strong>Total</strong></td>
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**Students**

<table>
<thead>
<tr>
<th>Level</th>
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<tbody>
<tr>
<td>Doctoral</td>
<td>9</td>
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<tr>
<td>Masters</td>
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<tr>
<td>Postgraduate Diploma</td>
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<tr>
<td>LLB – Final Year</td>
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<tr>
<td>Non-Law students</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>104</td>
</tr>
</tbody>
</table>

**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. WITBOOIJ**
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

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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 policymakers, 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

**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**

**CONTACT DETAILS**

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Fax: +27 21 650 5183  
Web: http://www.lrg.uct.ac.za

**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
Postal address: Refugee Rights Unit
Department of Public Law, Faculty of Law, University of Cape Town, Private Bag X3, Rondebosch, 7701
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Fax: +27 21 650 4107
Web: http://www.refugeerights.uct.ac.za

RESEARCH OUTPUT

Authored books


Edited books


Chapters in books


**Encyclopaedia entries**


**Articles in Peer-reviewed Journals**


Mnisi, S. and Claassens, A. 2011. Tensions between vernacular values that prioritise basic needs and State versions of Customary Law that contradict them: „We love these fields that feed us, but not at the expense of a person“. Stellenbosch Law Review, 22(3): 823-844.


**Peer-reviewed published conference proceedings**


**Encyclopaedia entries**