I am pleased to report that the faculty’s three departments and their associated research units maintained their record of diverse research in 2012, by working together to steward and administer our thriving research enterprise. The research capacity of the faculty was also significantly strengthened during the past year, when six academics were successfully re-rated by the National Research Foundation. The faculty now has a total of nineteen NRF-rated researchers.

The faculty is home to the DST/NRF SARChI Chair in Customary Law (Professor Chuma Himonga) and the now well-established DST/NRF SARChI Chair in Security and Justice (Professor Clifford Shearing), as well as the Chair of Comparative Law in Africa (Professor Salvatore Mancuso) – an initiative supported by the Vice-Chancellor’s Strategic Fund – and the Chair in Intellectual Property Law and Policy (Professor Julian Kinderlerer), funded by the national Department of Trade and Industry. The Chairs all remained active in the generation and dissemination of research. The Chair in Customary Law, Professor Chuma Himonga, hosted a well-attended seminar on Children: Rights and Ethics on 16 October 2012. The seminar was presented by Professor Michael Freeman, a renowned scholar on children’s rights, and Associate Professor Anne Pope, an expert on research ethics. The Chair of Comparative Law in Africa and the members of the Centre for Comparative Law in Africa, which was established in 2011 to promote the study of comparative law and draw on the strengths of comparative methodology to conduct research into the multifaceted field of law in Africa, held its first Comparative Law methodology workshop, titled Building African Scholarship in Comparative Law: Teaching and Research Methodology. The workshop, held from 22 to 24 October 2012, hosted participants from various African law faculties, as well as from Europe and the United States. As part of the Vice-Chancellor’s Open Lecture series, the Centre for Criminology together with the Institute for Security Studies, hosted leading criminologist Professor John Braithwaite on 26 July 2012, who offered important ideas on how South Africa could address crime in his talk, titled Restorative Justice: Republican Vision and Justice as a Better Future.

Further highlights from our research units include an Expert Roundtable for the United Nations High Commissioner for Refugees hosted by the Refugee Rights Research Unit on 13 and 14 September 2012. A seminar by Willie Hofmeyr, who is currently the Deputy National Director of Public Prosecutions and Head of the Asset Forfeiture Unit, was jointly hosted by the Centre of Criminology and the Democratic Governance and Rights Unit (DGRU) and titled Using Asset Forfeiture to Fight Crime and Corruption.

The faculty welcomed a number of special guests and visitors during the year. These include former Vice-Chancellor Dr Mamphela Ramphele and the Chair of the
Congress of Traditional Leaders, Patekile Holomisa, who formed part of the annual Constitution Week project organised by the DGRU. Clive Thompson, the founding director in 1987 of the Labour Law Unit at UCT known today as the Institute for Development and Labour Law, presented a lunchtime seminar for the faculty as part of the annual Rabinowitz lecture, titled The Paradox of the Great Workplace.

We had one inaugural lecture in 2012. On 31 July 2012, professor Wouter de Vos from the Department of Public Law gave a lecture on Is a Class Action a ‘Classy Act’ to implement outside the Ambit of the Constitution?

I am also very pleased to report that we have four authored books, written respectively by professors Hanri Mostert and Clifford Shearing, Ms Emma Witbooi, and Justice Laurie Ackermann, who is an Honorary Professor in the Faculty. These are listed below, together with books edited by our staff: Fisheries and Sustainability. A Legal Analysis of EU and West African Agreements (Emma Witbooi), Human Dignity: Lodestar for Equality in South Africa (Laurie Ackermann), Mineral Law: Principles and Policies in Perspective (Hanri Mostert), The New Environmental Governance (Clifford Shearing, co-author), Accountable Government in Africa: Perspectives from Public Law and Political Studies (Danwood Chirwa); African Perspectives on Tradition and Justice (Tom Bennett), Labour Law in Context (Rochelle Le Roux, co-author), Permanent Court of Arbitration Award Series: The Guyana/Suriname Arbitration Award of 2007 (Lise Bosman), and The Law of Contract in South Africa 2nd Edition (Dale Hutchison).

The faculty has also maintained its tradition of being engaged in socially responsive research. As such, the Faculty Research and Social Responsiveness Committee considered and approved an initiative titled the UCT Law Advice Programme, co-ordinated by Dr Alistair Price, senior lecturer in the Department of Private Law. The initiative will link members of the faculty with the Legal Resources Centre (LRC) and faculty members will provide legal advice in a number of areas of law, as and when needed by the LRC. In December 2011, the Traditional Courts Bill was published in the Government Gazette and received a critical response from a broad spectrum of civil society. In response, the Centre for Law and Society (previously known as the Law, Race and Gender Unit) co-hosted a national conference for rural community-based organisations and NGOs on the bill, resulting in the establishment of a national co-ordinating committee.

The Kramer Law Library has established a Postgraduate Research Commons, allowing doctoral students and postdoctoral fellows to utilise the quiet and adapted area for writing up their research.

The faculty is also proud to share a number of awards and distinguished appointments received by members of staff. Dr Sindiso Mnisi-Weeks received the Department of Science and Technology’s Emerging Researchers Women in Science Award for her work on the development of rural women. The previous Director of Research, Professor Hanri Mostert, was runner-up in the Distinguished Young Woman Scientist in the Social Sciences and Humanities category. Our faculty presents an annual Research Prize for the most outstanding article published in the preceding two years by any member of staff of the rank of senior lecturer or lecturer. The winner for 2012 was Dr Waheeda Amien and the runner-up was Dr Andrew Hutchison. DGRU director, Professor Richard Calland, has recently been appointed to the World Bank’s Independent Access to Information Appeals Board.

Finally, the faculty welcomed Sufia Singlee, Salona Lutchman, and Thabi Chanetsa as academic staff. It is with sadness, however, that I mention the passing of a wonderful teacher, researcher, friend, and colleague, Professor John Gibson, Director of the Institute of Marine and Environmental Law. He will be missed by all at the Faculty of Law.

Given the relatively high staff/student ratio in the Faculty of Law, the role of Director of Research has been crucial in promoting research in the faculty. Professor Loretta Feris, who took on the directorship officially at the beginning of 2012, continues to encourage and support research. The research featured in this year’s report reflects the broad scope and intellectual vigour of our faculty community. I have pleasure in sharing it with you.
DOCTORAL GRADUATIONS

A.M. BARDOPoulos (COMMERCIAL LAW)
The impact of technology on taxation and is VAT the eTax solution?
Supervised by Professor D. Davis

S. BAVIKatte (PUBLIC LAW)
Stewarding the earth: rethinking property and the emergence of biocultural rights
Supervised by Professor T. Bennett

D. JORDAAN (PRIVATE LAW)
Medical biotechnology law in South Africa: a human rights analysis of selected topics
Supervised by Professor J. Kinderlerer

J. MASABO (PUBLIC LAW)
The protection of the rights of migrant workers in Tanzania
Supervised by Professor E.R. Kalula and Associate Professor B. Rutinwa (University of Dar es Salaam)

C.O. MOITUI (PUBLIC LAW)
Implementation of the precautionary approach in the regulation of genetically modified organisms: An African context
Supervised by Professor J. Kinderlerer

A.E. TSHIVHASE (PUBLIC LAW)
Military courts in a democratic South Africa: in search of their judicial independence
Supervised by Professor H.M. Corder

S. WAGENER (PRIVATE LAW)
An assessment of the normative bases for the doctrine of vicarious liability in South African law, and the implications for its application
Supervised by Professor A. Fagan

RESEARCH CONTRACTS

44
VALUE OF RESEARCH CONTRACTS
R5.66 million
NRF-RATED RESEARCHERS
19
SARCHI RESEARCH CHAIRS
2
ACCREDITED RESEARCH GROUPINGS
3
DOCTORAL GRADUATIONS
7
DHET-ACCREDITED JOURNALS
49.58 units
PEER-REVIEWED PUBLICATIONS
219
POSTGRADUATE STUDENTS
370
POSTGRADUATE FUNDING
R3.9 million
POSTDOCTORAL RESEARCH FELLOWS
4
POSTDOCTORAL RESEARCH FUNDING
R919 291
Department of Commercial Law

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

HEAD OF DEPARTMENT: PROFESSOR ALAN R YRCROFT

Departmental Profile

The Department of Commercial Law is the biggest department in the Law Faculty. It is staffed by many new academic staff working on PhD degrees. Longer-serving academic staff members are working on new books or on new editions of established works. The Department now has three NRF rated researchers.

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 four research and teaching units which form part of the Department: the Institute of Development and Labour Law, the Centre for Comparative Law in Africa, the Shipping Law Unit and the Intellectual Property and Policy Research Unit.

Departmental Statistics

Permanent and long-term contract staff

<table>
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<tr>
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<tr>
<td>Honorary Professors</td>
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<tr>
<td>Adjunct Professors</td>
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<tr>
<td>Honorary Research Associate</td>
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<td>Professors</td>
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<td>Emeritus Professor</td>
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<td>Senior Lecturers</td>
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<td>Teaching and Research Assistants</td>
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<td>Administrative staff</td>
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</table>

Research Fields and Staff

PROFESSOR AND HEAD OF DEPARTMENT

PROFESSOR A. R YRCROFT

Labour Law, Dispute Resolution

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. KINDERLERER

Biotechnology and IPL

PROFESSOR R. LE ROUX

Labour Law, Sport Law

PROFESSOR S. MANCUSO

Comparative Law

Students

<table>
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<td>LLB</td>
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<td>LLM By Dissertation</td>
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<tr>
<td>LLM By Coursework and Dissertation</td>
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<td>3322</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.
PROFESSOR R.C. WILLIAMS (Part-time)
Revenue Law; Company Law

Associate Professors

ASSOCIATE PROFESSOR G. BRADFIELDM
Shipping Law, International Trade

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. SWANEOPEL
PROF C.R. THOMPSON

Senior Lecturers

DR W. AMIEN
Business Law, Muslim Law

MS T.L. GUTUZA
Revenue Law; Capital Transfer and International Tax Law

DR A. HUTCHISON
Business Law

MS K. IDENSOHN
Company Law

MS K. LEHMANN
Business Law; Global Economic Law; International Economic Law

DR C. NCUBE
Business Law; Company Law; Intellectual Property Law

MS L.-A. TONG
Intellectual Property Law

DR T. WIESE
Company Law

MS J. YEATS
Business Law; Company Law

Lecturers

MR C. CHOKUDA
Business Law; Company Law

MS J. FRANCO
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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Faculty of Law
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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 R. LE ROUX

Institute Profile

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 in other organisations and collaborates closely with other leading university centres and NGOs.

Research Fields and Staff

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 on-going 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 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

**Contact details**
Postal address: Room 4.41, 4th Floor, Kramer Law Building, Faculty of Law, Middle Campus
Tel: +27 21 650 5268
Fax: +27 21 650 3671
Email: info-ccla@uct.ac.za

**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 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

**Contact details**
Postal address: Room 501, 5th level, Wilfred & Jules Kramer Law Building, Faculty of Law, Middle Campus
Tel: +27 21 650 2676
Fax: +27 21 650 5662
Email: John.Hare@uct.ac.za

**Department of Commercial Law**

**Research Output**

**Edited books**

**Chapters in books**


Articles in Peer-reviewed Journals


Department of Private Law

HEAD OF DEPARTMENT: PROFESSOR TJAKIE NAUDÉ

Departmental Profile

The Department of Private Law has seven NRF-rated researchers. The Department continued to maintain its strong research record during the period of review. Members of the department maintained a high rate of publication, which included a number of international publications.

The Department welcomed Mr Alistair Price who has since obtained his PhD from the University of Cambridge in 2013.

Professor Hanri Mostert and Associate Professor Anne Pope convened the annual Southern African Property Law Teachers Colloquium and Associate Professor Mohamed Paleker convened a conference on the Law of Succession and Trusts. Several members of the Department presented papers at local and international conferences: Dr Lesley Greenbaum (UCT’s Teaching and Learning Conference and the Higher Education Teaching and Learning Association of South Africa Conference); Professor Tjakie Naudé (International Consumer Law Conference, Utrecht, Netherlands); and Professor Hanri Mostert (World Bank Conference on Land and Poverty, Washington DC; Progressive Property Seminar, Harvard University).

Professor Jaco Barnard-Naudê was invited to teach at the University of Pretoria, Associate Professor Paleker at the University of Florida, Professor Mostert in the Topclass Programme of the Universities of Radboud Nijmegen and Groningen, and Associate Professor Scott at the University of Oxford. Prof Barnard-Naudê was also appointed as Honorary Research Fellow in the Birkbeck Institute for Humanities, University of London.

Departmental Statistics

Permanent and long-term contract staff

<table>
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<tr>
<th>Position</th>
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<tbody>
<tr>
<td>Emeritus Professor</td>
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<td>Admin and Clerical Staff</td>
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Students

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<td>PhD</td>
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<td>526</td>
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* These numbers generated from Peoplesoft course numbers for 2012.

RESEARCH FIELDS AND STAFF

PROFESSOR A.J. BARNARD-NAUDÉ
Law of Contract; Consumer Protection

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

PROFESSOR C. HIMONGA
African Customary Law

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

Emeritus Professors

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

EMERITUS PROFESSOR I. LEEMAN
Copyright Law

Honorary Research Associate

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

Distinguished visitors

PROFESSOR R. EVANS-JONES
University of Aberdeen, Scotland

Senior Lecturers

DR A. BARRATT
Law of Persons and Marriage; Legal History; Intellectual Property Law
DR L. GREENBAUM
Legal Education; Legal Writing.

DR SINDISO MNISI-WEEKS
African Customary Law

DR ALISTAIR PRICE
Law of Delict; Jurisprudence

Lecturers

MS SALONA LUTCHMAN
Law of Succession

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

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

Administrators

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

MRS. F. MOHAMED
Senior Secretary
LLB Pre-Iminary 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

Authored books


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: PROFESSOR D.M. CHIRWA**

**Departmental Profile**

The Department of Public Law now has 9 NRF rated researchers on staff and 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. 2012 was another highly productive year for this Department. Members of the Department were involved in the production of at least four books and two edited books. A large amount of book chapters and journal articles were produced.

The Department’s research units – the Centre of Criminology, the Institute of Marine and Environmental Law, the Democratic Governance and Rights Unit, and the Law, Race and Gender Research Unit – apart from producing accredited research outputs, were involved in a wide range of socially responsive activities, which bolstered the Department’s contribution to society.

**Departmental Statistics**

**Permanent and long-term contract staff**

<table>
<thead>
<tr>
<th>Position</th>
<th>Number</th>
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<td>Professors</td>
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**Honorary staff**

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<td>Emeritus Professors</td>
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**Students**

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

**Research Fields and Staff**

**Professor and Head of Department**

PROFESSOR D.M. CHIRWA

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

**Professors**

PROFESSOR T.W. BENNETT

African customary law; land rights; public and private international law
PROFESSOR J. BURCHELL
Criminal Law; Personality Rights

PROFESSOR H. CHEADLE
Labour Law; Human Rights; Constitutional Litigation; Legal Drafting

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

PROFESSOR L.A. FERIS
Environmental law; Human rights, Liability; Biodiversity; Climate Change; Trade and Environment

PROFESSOR J.N.K. GIBSON
Law of the Sea; Coastal Zone Law; Environmental Law

PROFESSOR J.J. GLAZEWSKI
Environmental Law; Energy Law, Antarctic, Marine Pollution Law

PROFESSOR C.M. MURRAY

PROFESSOR P.J. SCHWIKKARD
Evidence, Criminal Procedure

PROFESSOR C. SHEARING
Governance of Security; Environmental Security

Associate Professors

ASSOCIATE PROFESSOR R. CALLAND
Accountable Government; Access to Information; Whistle Blowing Legislation; Constitutional Law; Public Ethics

ASSOCIATE PROFESSOR A.R. PATERSON
Environmental Law; Biodiversity; Protected Areas; Environmental Fiscal Reform

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

ASSOCIATE PROFESSOR E. VAN DER SPUY
Policing (public); International Assistance to Policing in Transition; Security Sector Reform; Police Reform; Peacekeeping

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

Senior Lecturers

MS C.H. POWELL
Constitutional Law; International Law; International Criminal law

Lecturers

MS M.C. DU PLESSIS
Social Security Law and Governance; Workers’ Compensation

MS P.K. GUMEDE
Environmental Law; Alien Invasive Species, Environmental Management Agreements; African Customary Law; Marine Pollution Law

MS K. PHELPS
Constitutional Criminal Adjudication; Punishment; the Principle of Legality and Sexual Offences

MR A. TSHIHVASE
Military Justice; Criminal Procedure; Law and Regional Integration in Africa; Human Rights; Constitutional Law
Centre of Criminology

DIRECTOR: PROFESSOR C. SHEARING

Centre profile

The Centre is a niche research unit within the Faculty of Law at the University of Cape Town. Our research and analysis in 2012 was organised around three principal foci, namely, developments in policing; developments in penal policy and the emergence of new environmental risks and responses to them. A uniting theme is the concern to ensure that the programmes contribute to both theory development and to policy development and implementation.

The Centre’s research programme builds on established arenas within Criminology and established strengths within the Centre of Criminology and is stretching the boundaries of Criminology in ways that will enable it to recognise and respond to the changing international and local risk landscapes.

Contract Staff

ASSOCIATE PROFESSOR R. MANJOO
Women’s Human Rights; Violence against Women; Culture, Religion, Tradition and Human Rights

DR H. WOOLAPER
International Law, International Criminal Law

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

Administrative Staff

MS D. MWAMBALA
Administrative Officer

MS R. FRANCKE
Senior Secretary

Contact Details

Postal address: Department of Public Law, Faculty of Law, University of Cape Town, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 3072
Fax: +27 21 650 5673
Website: http://www.publiclaw.uct.ac.za

Centre Statistics

Permanent and long-term contract staff

<table>
<thead>
<tr>
<th>Role</th>
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<tr>
<td>Professors</td>
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Research Fields and Staff

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
lector 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. HERBEIN
Environmental Security Programme
Institute of Marine and Environmental Law

DIRECTOR: ASSOCIATE PROFESSOR A.R. PATERSON

Institute Profile

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. 2012 was a year of transition for the Institute with the sudden sad death of its director, Professor John Gibson. Prof Gibson will always be remembered for his significant international and domestic contribution to teaching and research in the areas of international law of the sea, coastal zone law, marine resources law and marine pollution law. In 2012, Professor Loretta Feris initiated a research project examining the right to sanitation in both international law and domestic law. To this end she delivered papers at both international and domestic conferences which will shortly be published. She also published an article on acid mine drainage and investigated the intersection between customary law and the traditional rights to fishing, which resulted in the drafting of an advisory opinion for the Eastern Cape Parks and Tourism Authority. Professor Jan Glazewski’s research focussed on the areas of climate change law and marine law. In collaboration with the Centre for Law and Environment at UCL, he convened a series of workshops and co-authored a report titled Carbon Capture and Storage – Towards a Regulatory and Legal Regime for South Africa. He was also involved in collaborative projects with the ACDI (on climate change in the Berg River Region) and MA-Re (on ocean governance). Associate Professor Alexander Paterson continued with his research in the area of protected areas governance. He published several journal papers and book chapters on co-management, indigenous peoples’ rights in protected areas, and legal models for promoting inclusive, participatory and human-centred legal approaches to conservation. He also continued his work with the IUCN Environmental Law Centre relating to the development of a Concept Paper on the Legal Aspects of Connectivity Conservation. Miss Peggy Gumede progressed with her research in the areas of integrated coastal management and alien invasive species regulation.

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

Institute of Marine and Environmental Law

Permanent Staff

PROFESSOR J.N.K. GIBSON
Law of the sea; coastal zone law; environmental law

PROFESSOR J.I. GLAZIEWSKI
Environmental law; energy law; Antarctic; marine pollution law

Research Fields and Staff

Permanent Staff

PROFESSOR J.N.K. GIBSON
Law of the sea; coastal zone law; environmental law

PROFESSOR J.I. GLAZIEWSKI
Environmental law; energy law; Antarctic; marine pollution law

Institute Statistics

Permanent and Long-term Contract Staff

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Students

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<td>LLB – Final Year</td>
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<td>Non-Law students</td>
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</table>
PROFESSOR L.A. FERIS
Environmental law; human rights and environment; trade and environment; sanitation biodiversity; liability.

ASSOCIATE PROFESSOR A.R. PATERSON
Environmental Law; biodiversity; protected areas; environmental fiscal reform

MS P.K. GUMEDE
Environmental law; alien invasive species; marine pollution; integrated coastal management

Emeritus Professor
PROFESSOR D.J. DEVINE
Law of the sea; international law

Honorary Research Associate
DR J. HALL
Role of the judiciary in environmental governance

DR E.V. WITBOOI
Law of the sea; marine fisheries

Administrative Assistant
MS P. MURPHY

Contact Details
Postal address: Institute of Marine and Environmental Law, University of Cape Town, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 5642
Fax: +27 21 650 5183
Web: http://www.imel.uct.ac.za/

Democratic Governance & Rights Unit
DIRECTOR: ASSOCIATE PROFESSOR R. CALLAND

Unit Profile
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.

Unit Statistics

<table>
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<td>Associate Professors</td>
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<td>Administrator</td>
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Research Fields and Staff

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, Multi-stakeholder Processes

MS T. MASENGU
Refugee Law, Women’s Rights and the impact of the Protocol to the African Charter on the Rights of Women in Africa on Democracy and Governance

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 and Financial Management; Website Management, Marketing & PR

Contact details
Postal Address: The Democratic Governance and Rights Unit, Kramer Law School Building, Middle Campus, University of Cape Town, Rondebosch, 7700
Tel: +27 21 650 2011
Fax: +27 21 650 5607
Web: www.dgru.uct.ac.za
Law, Race and Gender
Research Unit

DIRECTOR: ASSOCIATE PROFESSOR D. SMYTHE

Unit profile

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. It publishes 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. Its 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

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<td>Administrator</td>
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Research Fields and Staff

Permanent Staff

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

DR A. CLAASSENS
Culture and Human Rights; Land Rights; Women’s Rights; Participatory Action Research, Traditional Leadership and Governance

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

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

Research Support Staff

MR C. KAVURO
Resource Administrator

Administrator

MS S. WRIGHT
Refugee Rights Unit

DIRECTOR: MS F. KHAN

Unit Profile

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 includes the direct supervision of undergraduate and graduate level research work in the field of refugee and immigration law.

The Working Paper Series, (http://www.refugeerights.uct.ac.za/research/working_papers/) publishes the 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 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

MR J. CHAPMAN
MR J. DE JAGE
MS M. SCHOEMAN

Unit Candidate Attorneys

MS N MAGAZI

Contact Details

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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

Department of Public Law

Authored books


Edited books

Chapters in books
Mnisi, S. and Claassens, A. 2012. 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”. In S. Liebenberg and G. Quinot (eds), Law and Poverty. Perspectives from South Africa and Beyond, pp. 381-402. Claremont, South Africa: Juta. ISBN 9780702194450.


Articles in Peer-reviewed Journals


Corder, H.M. 2012. ‘Building a nation’: the judicial role in South Africa. Law in Context, 28(8): 60-75.


**Peer-reviewed published conference proceedings**