

Faculty of LAW



Dean's Report

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

PROFESSOR
PAMELA
SCHWIKKARD
Dean of Law

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.

Departments

Department of Commercial Law

Department of Private Law

Department of Public Law

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 RYCROFT

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

Honorary Professors	2
Adjunct Professors	6
Honorary Research Associate	1
Professors	9
Associate Professors	4
Emeritus Professor	1
Senior Lecturers	9
Lecturers	5
Teaching and Research Assistants	2
Administrative staff	3
Total	42

Students

Other Faculties	2659
LLB	473
PG Diplomas	15
Doctor of Philosophy	15
Master of Philosophy	31
Master of Philosophy (by dissertation)	1
LLM By Dissertation	4
LLM By Coursework and Dissertation	124
TOTAL	3322

* 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 A. RYCROFT

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

PROFESSOR R.C. WILLIAMS (Part-time)
Revenue Law; Company Law

Associate Professors

ASSOCIATE PROFESSOR G. BRADFIELD
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. SWANEPOEL
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

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 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

Bosman, L. and Clarke, H.C. (eds) 2012. Permanent Court of Arbitration Award Series. The Guyana/Suriname Arbitration Award of 2007 with an Introduction by Judge Peter Tomka. 207pp. The Hague: International Bureau; Permanent Court of Arbitration. ISBN 9789491021008.

Van der Walt, A.J., Le Roux, R. and Govindjee, A. (eds) 2012. Labour Law in Context. 292pp. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

Wautelet, P., Kruger, T. and Coppens, G. (eds). 2012. The practice of arbitration: essays in honour of Hans Van Houtte. Oxford: Hart Publishing. 382 p. ISBN 9781849463331.

Chapters in books

Benjamin, P.S. 2012. To regulate or to ban? Controversies over temporary employment agencies in South Africa and Namibia. In K. Malherbe and J. Sloth-Nielsen (eds), Labour Law into the Future: Essays in Honour of D'Arcy Du Toit, pp. 189-209. Cape Town, RSA: Juta Law. ISBN 9780702194238.

Bradfield, G.B. 2012. National credit act (revised & updated). In M.A. Fouche (ed.), Legal Principles of Contracts and Commercial Law, pp. 147-176. 7th edition. Cape Town, South Africa: LexisNexis. ISBN 9780409049459.

Cassim, M.F. and Yeats, J. 2012. Fundamental transactions, takeovers and offers. In F.H.I. Cassim (ed.), Contemporary Company Law, pp. 672-754. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.

Cassim, M.F. and Yeats, J. 2012. Fundamental transactions, takeovers and offers. In F.H.I. Cassim (ed), The Law of Business Structures, pp. 379-416. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.

- Collier, D. and Glazewski, J.I. 2012. Climate change and possible legal liability: implications for the City of Cape Town. In A. Cartwright, S. Parnell, G. Oelofse and S. Ward (eds), *Climate Change at the City Scale: Impacts, Mitigation and Adaptation in Cape Town*, pp.147-162. Abingdon, Oxon: Routledge. ISBN 9780415 527583.
- Collier, D., Ncube, C.B. and Schonwetter, T. 2012. Intellectual property. In M.A. Fouche (ed.), *Legal Principles of Contracts and Commercial Law*, pp. 289-306. 7th edition. Cape Town, South Africa: LexisNexis. ISBN 9780409049459.
- Davis, D. 2012. Developing the common law of contract in the light of poverty and illiteracy: the challenge of the constitution. In S. Liebenberg and G. Quinot (eds), *Law and Poverty. Perspectives from South Africa and Beyond*, pp. 403-422. Claremont, South Africa: Juta. ISBN 9780702194450.
- Davis, D. 2012. Freedom of trade, occupation and profession. In S. Woolman and M. Bishop (eds), *Constitutional Law of South Africa 2nd Edition (CLOSA)*, pp. 1-30. 2nd edition. South Africa: Juta. ISBN 97807021713080.
- Davis, D. 2012. Socio-economic rights. In M. Rosenfeld and A. Sajo (eds), *The Oxford Handbook of Comparative Constitutional Law*, pp. 1020-1035. Great Britain: Oxford University Press. ISBN 9780199578610.
- Fergus, E. 2012. Dismissal for incapacity. In A.J. Van der Walt, R. Le Roux and A. Govindjee (eds), *Labour Law in Context*, pp. 123-139. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.
- Glazewski, J.I. and Collier, D. 2012. South Africa. In R. Lord, S. Goldberg, L. Rajamani and J. Brunnee (eds), *Climate Change Liability: Transnational Law and Practice*, pp. 319-347. USA: Cambridge University Press. ISBN 9781107673663.
- Hofman, J.P. and De Jager, J. 2012. South Africa. In S. Mason (ed.), *Electronic Evidence*, pp. 761-796. 3rd edition. UK: LexisNexis Butterworths. ISBN 9781405779876.
- Jeram, N. 2012. Allocation of death benefits. In K. Hanekom (ed), *The Manual on South African Retirement Funds and Other Employee Benefits*, pp. 188-280. South Africa: Lexis Nexis Butterworths. ISBN 9780409115468.
- Jooste, R.D. 2012. Business trusts. In F.H.I. Cassim (ed.), *The Law of Business Structures*, pp. 46-60. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.
- Jooste, R.D. and Shev, J. 2012. Close corporations. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 530-559. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.
- Jooste, R.D. 2012. Corporate finance. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 184-210. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.
- Jooste, R.D. 2012. Corporate finance. In F.H.I. Cassim (ed), *Contemporary Company Law: 262-352*. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.
- Jooste, R.D. 2012. Groups of companies and related persons. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 153-161. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.
- Jooste, R.D. 2012. Groups of companies and related persons. In F.H.I. Cassim (ed), *Contemporary Company Law*, pp. 194-211. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.
- Jooste, R.D. and Cassim, R. 2012. Insider trading and market manipulation. In F.H.I. Cassim (ed), *Contemporary Company Law*, pp. 926-1000. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.
- Jooste, R.D. and Cassim, R. 2012. Insider trading and market manipulation. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 504-521. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.
- Jooste, R.D. and Yeats, J. 2012. Shares, securities and transfer. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 162-183. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.
- Jooste, R.D. and Yeats, J. 2012. Shares, security and transfer. In F.H.I. Cassim (ed), *Contemporary Company Law*, pp. 212-262. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.
- Kruger, T. and Samyn, L. 2012. De afwezige verweerder in het Europees procesrecht. In J. Rozie, S. Rutten and A. van Oevelen (eds), *Verstek en verzet in burgerlijke zaken en strafzaken, nationaal en Europees*. Antwerpen: Intersentia. pp. 25-51. ISBN 789400003507.
- Kruger, T. 2012. Internationaal Privaatrecht en ouderlijk gezag. In Centrum voor beroepsvervolmaking, *Samenlevingsvormen en recht*. Antwerpen: Maklu. pp. 79-105. ISBN 9789046604472.
- Kruger, T. 2011. Procedural aspects and private international law. In I. Samoy and B. Lambrecht (eds), *Consortium Agreements for Research Projects. Multiparty Agreements under Belgian Contract Law*. Cambridge: Intersentia. pp. 351-382. ISBN 9781780680316.

Le Roux, R. 2012. Dismissal. In A.J. Van der Walt, R. Le Roux and A. Govindjee (eds), *Labour Law in Context*, pp. 85-99. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

Le Roux, R. 2012. Dismissal for conduct. In A.J. Van der Walt, R. Le Roux and A. Govindjee (ed), *Labour Law in Context*, pp. 111-122. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

Le Roux, R. 2012. The purpose of labour law: can it turn green? In K. Malherbe and J. Sloth-Nielsen (ed), *Labour Law into the Future: Essays in Honour of D'Arcy Du Toit*, pp. 230-249. Cape Town, RSA: Juta Law. ISBN 9780702194238.

Ncube, C.B. 2012. Electronic commerce. In M.A. Fouche (ed.), *Legal Principles of Contracts and Commercial Law*, pp. 307-314. 7th edition. Cape Town, South Africa: LexisNexis. ISBN 9780409049459.

Ncube, C.B. 2012. Software patents. In S. Papadopolous and S. Snail (eds), *Cyberlaw@SA III*, pp. 123-136. 3rd edition. Pretoria, South Africa: Van Schaik Publishers. ISBN 9780627028076.

Shev, J. and Jooste, R.D. 2012. The auditor, financial records and reporting. In F.H.I. Cassim (ed.), *Contemporary Company Law*, pp. 595-647. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.

Shev, J. and Jooste, R.D. 2012. The auditor, financial records and reporting. In F.H.I. Cassim (ed.), *The Law of Business Structures*, pp. 329-368. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.

Yeats, J. 2012. Public offerings of company securities. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 369-378. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.

Yeats, J. 2012. Public offerings of company securities. In F.H.I. Cassim (ed), *Contemporary Company Law*, pp. 648-672. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.

Yeats, J. 2012. Winding-up. In F.H.I. Cassim (ed), *The Law of Business Structures*, pp. 496-503. Claremont, Cape Town: Juta & Co Limited. ISBN 9780702195488.

Yeats, J. 2012. Winding-up. In F.H.I. Cassim (ed), *Contemporary Company Law*, pp. 913-926. 2nd edition. Claremont, South Africa: Juta. ISBN 9780702185656.

Articles in Peer-reviewed Journals

Aiyedun, Y. and Ordor, A.O. 2012. Accessing justice within plural normative systems in Africa: case study of South Africa. *African Journal of Clinical Legal Education and Access to Justice*, 1: 49-72.

Benjamin, P. 2012. Labour law beyond employment. *Acta Juridica*, 1(2012): 21-40.

Bradstreet, R. 2012. Regulating legal capital reduction: a comparison of creditor protection in South Africa and the State of Delaware. *South African Law Journal*, 129(2012): 736-757.

Collier, D. 2012. Technology and law. *Griffith Law Review*, 21(1): 245-287.

Collier, D. and Bamu, P. 2012. Linking trade to labour standards: a promising synergy or a double-edged sword? *Acta Juridica*, 1(2012): 326-347.

Davis, D. 2011. Developing the common law of contract in the light of poverty and illiteracy: the challenge of the Constitution. *Stellenbosch Law Review*, 22(3): 845-864.

Davis, D. 2012. How many positivist legal philosophers can be made to dance on the head of a pin? A reply to Professor Fagan. *South African Law Journal*, 129(1): 59-72.

Davis, D. and Le Roux, M. 2012. Changing the role of the corporation: a journey away from adversarialism. *Acta Juridica*, 2012(1): 306-325.

Fergus, E. 2012. Circumventing review - when is a question jurisdictional? *South African Law Journal*, 129: 504-526.

Fergus, E. and Rycroft, A.J. 2012. Refining review. *Acta Juridica*, 1(2012): 170-194.

Field, C.G., Bagraim, J.J. and Rycroft, A.J. 2012. Parental leave rights: have fathers been forgotten and does it matter? *South African Journal of Labour Relations*, 36(2): 30-41.

Godfrey, S.D. and Bamu, P. 2012. The state of centralised bargaining and possible future trends. *Acta Juridica*, 1(2012): 219-243.

Gutuza, T.L. 2012. Has recent United Kingdom case law affected the interplay between 'place of effective management' and 'controlled foreign companies'? *SA Mercantile Law*, 24(4): 424-437.

Gutuza, T.L. 2012. South Africa. *Cahiers de droit fiscal international*, 97(2012a): 593-618.

- Hutchison, A.J. 2012. Liability for breaking off contractual negotiations? *South African Law Journal*, 129: 104-131.
- Hutchison, A.J. 2012. Remoteness in contract: under revision in the House of Lords too? *South African Law Journal*, 129: 199-209.
- Idensohn, K. 2012. The fate of Foss under the Companies Act 71 of 2008. *SA Mercantile Law*, 24(3): 355-360.
- Idensohn, K. 2012. The meaning of 'prescribed officers' under the Companies Act 71 of 2008. *South African Law Journal*, 129: 717-735.
- Idensohn, K. 2012. The nature and scope of employees' fiduciary duties. *Industrial Law Journal Including Industrial Law Reports*, 33(July): 1539-1554.
- Jooste, R.D. 2012. Companies and CCs. *Juta Quarterly Review*, July to September(2012): 3.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(1): 3-29.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(2): 35-81.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(3): 85-130.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(4): 133-232.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(5): 235-342.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(6): 345-424.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(7): 427-462.
- Jooste, R.D. 2012. South Africa. *Income Tax Reporter*, 51(8): 465-498.
- Kruger, T. 2011. Case note on the judgment of the Commercial Court of Namur, 10 March 2010. *Droit de la Consommation / Consumentenrecht*, 59-68.
- Kruger, T. 2012. Case note on the ECJ judgment in the joined cases C-585/08, Pammer v. Reederei Karl Schlütter GmbH & Co. KG and C-144/09, Hotel Alpenhof GesmbH v; Heller. *Droit de la Consommation / Consumentenrecht*, 55-69.
- Kruger, T. 2012. Case note on the ECJ judgment in the joined cases C-585/08, Pammer v. Reederei Karl Schlütter GmbH & Co. KG and C-144/09, Hotel Alpenhof GesmbH v; Heller. *Tijdschrift voor Consumentenrecht en handelspraktijken*.
- Kruger, T. 2012. Onderhoudsvorderingen: nieuwe IPR-wetgeving. *Tijdschrift voor Familierecht*, 32-42.
- Kruger, T. and Samyn, L. 2012. Als de Europese consument moet procederen. *Droit de la consommation*, 66-91.
- Le Roux, R. 2012. The new unfair labour practice. *Acta Juridica*, 1(2012): 41-57.
- Mancuso, S. 2012. Creating mixed jurisdictions: legal integration in the Southern African development community region. *Journal of Comparative Law*, 5(2): 146-160.
- Ncube, C.B. 2012. Copyright enforcement: the graduated response takes centre stage. *SA Mercantile Law*, 24(2): 133-147.
- Ncube, C.B. 2012. Equitable intellectual property protection of computer programs in South Africa: some proposals for reform. *Stellenbosch Law Review*, 2012(3): 438-461.
- Nkomo, M. 2012. IP rights no longer capital in South Africa: a welcome signal for foreign investment. *Journal of Intellectual Property Law and Practice*, 7(2): 88-89.
- Rycroft, A. 2012. Can a protected strike lose its status? *Tsogo Sun Casinos (Pty) Ltd T/A Montecasino v future of SA Workers Union & Others*. *Industrial Law Journal Including Industrial Law Reports*, 33(April): 821-827.
- Rycroft, A. 2012. The intolerable relationship. *Industrial Law Journal*, 33(October): 2271-2287.
- Stoop, H.H. 2012. The derivative action provisions in the Companies Act 71 of 2008. *South African Law Journal*, 129: 527-553.
- Theron, J.P. 2012. Prisoners of a paradigm: labour broking, the 'new services' and non-standard employment. *Acta Juridica*, 1(2012): 58-83.
- Titus, A.L. 2012. The different permutations of CSARS v Brummeria: was it something other than an 'interest-free' loan? *South African Law Journal*, 129: 236-247.
- Von Broembsen, M. 2012. Legal empowerment of the poor: the re-emergence of a lost strand of human rights? *Rapport Center Working Paper Series*, 1: 1-19.

Von Broembsen, M. 2012. People want to work, yet most have to labour: towards decent work in South African supply chains. *Law, Democracy and Development*, 16: 1-27.

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 Naude (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-Naudè 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-Naudè was also appointed as Honorary Research Fellow in the Birkbeck Institute for Humanities, University of London.

Departmental Statistics

Permanent and long-term contract staff

Emeritus Professor	2
Professors	6
Associate Professors	3
Senior Lecturers	4
Lecturers	1
Admin and Clerical Staff	2
Total	18

Students

LLB	511
Masters	6
PhD	9
Total	526

* These numbers generated from Peoplesoft course numbers for 2012.

RESEARCH FIELDS AND STAFF

Professor and Head of Department

PROFESSOR T. NAUDÉ

Law of Contract; Consumer Protection

Professors

PROFESSOR A.J. BARNARD-NAUDÉ

Jurisprudence; Legal Theory

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-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

Authored books

Mostert, H. 2012. *Mineral Law: Principles and Policies in Perspective*. 173pp. Claremont, Cape Town: Juta & Co. Ltd. ISBN 9780702185908.

Edited books

Barratt, A. (ed) 2012. *Law of Person and the Family*. 448pp. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.

Hutchison, D.B. and Pretorius, C.J. (eds) 2012. *The Law of Contract in South Africa*. 2nd edition. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.

Mostert, H. and Bennett, T. (eds) 2012. *Pluralism and Development: Studies in Access to Property in Africa*. Cape Town: Juta Press. ISBN: 9780702195327. Also published in journal form as *Acta Juridica* 2011: *Pluralism and Development: Studies in Access to Property in Africa*.

Chapters in books

Barnard-Naude, A.J. 2012. Adjudication, interpretation and dispute resolution. In T. Humby and L. Kotze (eds), *Introduction to Law and Legal Skills in South Africa*, pp.185-214. Goodwood, CPT: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780195994636.

Barnard-Naude, A.J. 2012. The legislative process and the interpretation of statutes. In T. Humby and L. Kotze (eds), *Introduction to Law and Legal Skills in South Africa*, pp. 169-184. Goodwood, CPT: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780195994636.

Barnard-Naude, A.J. 2012. The post-apartheid legal order. In T. Humby and L. Kotze (eds), *Introduction to Law and Legal Skills in South Africa*, pp. 11-43. Goodwood, CPT: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780195994636.

Barratt, A. and Domingo, W. 2012. Children after divorce. In A. Barratt (ed.), *Law of Person and the Family*, pp. 360-374. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.

Barratt, A. 2012. Customary marriages. In A. Barratt (ed), *Law of Person and the Family*, pp. 375-392. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.

Barratt, A. 2012. Dissolution of civil marriage. In A. Barratt (ed), *Law of Person and the Family*, pp. 317-323. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.

Barratt, A. 2012. Domicile. In A. Barratt (ed), *Law of Person and the Family*, pp. 116-130. 2012. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.

- Barratt, A. 2012. Economic consequences of divorce. In A. Barratt (ed), *Law of Person and the Family*, pp. 335-359. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Grounds for divorce. In A. Barratt (ed), *Law of Person and the Family*, pp. 324-334. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Introduction. In A. Barratt (ed), *Law of Person and the Family*, pp. 3-5. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. and Domingo, W. 2012. Introduction: family law in 21st century South Africa. In A. Barratt (ed), *Law of Person and the Family*, pp. 161-176. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Marital property. In A. Barratt (ed), *Law of Person and the Family*, pp. 276-316. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Minority: how age affects status and capacity. In A. Barratt (ed), *Law of Person and the Family*, pp. 38-78. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Personal consequences of civil marriage. In A. Barratt (ed), *Law of Person and the Family*, pp. 255-276. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. and Denson, R. 2012. Religious marriages. In A. Barratt (ed), *Law of Person and the Family*, pp. 393-411. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Requirements of civil marriage. In A. Barratt (ed), *Law of Person and the Family*, pp. 232-246. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Barratt, A. 2012. Through the looking glass: defining words and concepts in law. In A. Barratt (ed), *Law of Person and the Family*, pp. 6-21. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Collier, D., Ncube, C.B. and Schonwetter, T. 2012. Intellectual property. In M.A. Fouche (ed), *Legal Principles of Contracts and Commercial Law*, pp. 289-306. 7th edition. Cape Town, South Africa: LexisNexis. ISBN 9780409049459.
- Domingo, W. and Barratt, A. 2012. Parent and child. In A. Barratt (ed), *Law of Person and the Family*, pp. 177-206. Pinelands, Cape Town: Pearson Education Limited. ISBN 9781775780427.
- Fagan, A. 2012. Cause in fact. In D. Visser and M. Loubser (eds), *Thinking about Law: Essays for Tony Honore*, pp. 50-68. Cape Town: SiberInk. ISBN 9781920025380.
- Hawthorne, L. and Hutchison, D.B. 2012. Offer and acceptance. In D. Hutchison and C.-J. Pretorius (eds), *The Law of Contract in South Africa*. 2nd edition, pp. 45-79. 2nd/2012. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.
- Himonga, C. 2012. Constitutional rights of women under customary law in Southern Africa: dominant interventions and "old pathways". In B. Baines, D. Barak-Erez and T. Kahana (eds), *Feminist Constitutionalism. Global Perspectives*, pp. 317-335. New York, USA: Cambridge University Press. ISBN 9780521137799.
- Himonga, C. 2012. Exploring the concept of ubuntu in the South African legal system. In U. Kischel and C. Kirchner (eds), *Ideologie und Weltanschauung im Recht - Ideology in Law*, pp. 1-22. Tubingen: Mohr Siebeck. ISBN 9783161519888.
- Hofman, J.P. and De Jager, J. 2012. South Africa. In S. Mason (ed.), *Electronic Evidence*, pp. 761-796. 3rd edition. UK: LexisNexis Butterworths. ISBN 9781405779876.
- Hutchison, D.B. 2012. Forms of breach. In D. Hutchison and C.-J. Pretorius (eds), *The Law of Contract in South Africa*, pp. 277-307. 2nd edition. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.
- Hutchison, D.B. 2012. Improperly obtained consensus. In D. Hutchison and C.-J. Pretorius (eds), *The Law of Contract in South Africa*, pp. 113-146. 2nd edition. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.
- Hutchison, D.B. 2012. The nature and basis of contract. In D. Hutchison and C.-J. Pretorius (eds), *The Law of Contract in South Africa*, pp. 3-41. 2nd edition. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.
- Kotze, L.J., Du Plessis, A. and Barnard-Naude, A.J. 2012. Sources of law and legal authority. In T. Humby and L. Kotze (eds), *Introduction to Law and Legal Skills in South Africa*, pp. 121-148. Goodwood, CPT: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780195994636.
- Kuschke, B. and Hutchison, D.B. 2012. Parties to contract. In D. Hutchison and C.-J. Pretorius (eds), *The Law of*

Contract in South Africa, pp. 219-231. 2nd edition. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.

Naude, T. 2012. Termination of obligations. In D. Hutchison and C.-J. Pretorius (eds), *The Law of Contract in South Africa. Private Law 2nd Edition*, pp. 375-391. 2nd/2012. South Africa: Oxford University Press Southern Africa. ISBN 978019-9055111.

Naude, T. and De Stadler, E. 2012. The Consumer Protection Act 68 of 2008. In D. Hutchison and C.-J. Pretorius (eds), *The Law of Contract in South Africa*, pp. 431-462. 2nd edition. South Africa: Oxford University Press Southern Africa. ISBN 9780199055111.

Paleker, M. 2012. Capacity to inherit. In J. Jamneck and C. Rautenbach (eds), *The Law of Succession in South Africa*, pp. 99-114. 2nd edition. South Africa: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780199045426.

Paleker, M. 2012. Fact- and truth-finding in South African civil procedure. In C.H. van Rhee and A. Uzelac (eds), *Truth and Efficiency in Civil Litigation: Fundamental Aspects of Fact-Finding and Evidence-Taking in a Comparative Context*, pp. 189-227. Antwerp: Intersentia. ISBN 9781780681337.

Paleker, M. 2012. Interpretation of wills. In J. Jamneck and C. Rautenbach (eds), *The Law of Succession in South Africa*, pp. 211-230. 2nd edition. South Africa: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780199045426.

Paleker, M. 2012. Intestate succession. In J. Jamneck and C. Rautenbach (eds), *The Law of Succession in South Africa*, pp. 21-42. 2nd edition. South Africa: Oxford University Press Southern Africa (Pty) Ltd. ISBN 9780199045426.

Price, A.M. 2012. The content and justification of rationality review. In S. Woolman and D. Bilchitz (eds), *Is this Seat Taken? Conversations at the Bar, the Bench and the Academy about the South African Constitution*, pp. 37-73. Cape Town, SA: Pretoria University Law Press (PULP). ISBN 9781920538071.

Articles in Peer-reviewed Journals

Barnard-Naude, A.J. 2012. "A law of impurity or a principle of contamination": poetry's resistance. *Stellenbosch Law Review*, 2012(3): 462-475.

Barnard-Naude, A.J. 2012. Die denker as digter, die digter as denker: D.J. Opperman, N.P. Van Wyk Louw en die digkuns/filosofie-debat in die Afrikaanse letterkunde (Deel 1). *LitNet Akademies*, 9(1): 144-180.

Barnard-Naude, A.J. 2012. Die denker as digter, die digter as denker: D.J. Opperman, N.P. Van Wyk Louw en die digkuns/filosofie-debat in die Afrikaanse letterkunde (Deel 2). *LitNet Akademies*, 9(1): 181-207.

Barnard-Naude, A.J. and De Vos, P. 2012. Die politiek van die estetiese in n postkoloniale konteks: menswaardigheid en vryheid van uitdrukking in die debat rondom Brett Murray se skildery *The Spear*. *LitNet Akademies*, 9(2): 176-201.

Bennett, T.W. and Mostert, H. 2012. Access to property in Africa: an introductory survey. *Acta Juridica*, 1(2011): 1-2.

Fagan, A. 2012. A straw man, three red herrings, and a closet rule-worshipper – a rejoinder to Davis JP. *South African Law Journal*, 129(4): 788-798.

Fagan, A. 2012. The German origins of a South African dogma about delict. *Rabels Zeitschrift für Ausländisches und Internationales Privatrecht*, 76(4): 967-993.

Greenbaum, L. 2012. Current issues in legal education: a comparative review. *Stellenbosch Law Review*, 23(1): 16-39.

Greenbaum, L. 2012. Experiencing the South African undergraduate law curriculum. *De Jure*, 1(45): 104-124.

Himonga, C. 2011. Taking the gap - 'living law land grabbing' in the context of customary succession laws in Southern Africa. *Acta Juridica*, 1(2011): 114-139.

Jordaan, D. 2012. Autologous stem cell therapy: an analysis of the South African regulatory regime. *South African Journal on Human Rights*, 28(2012): 31-54.

Jordaan, D. 2012. Regulatory crackdown on stem cell therapy: what would the position be in South Africa? *SAMJ South African Medical Journal*, 102(4): 219-220.

Naude, T. 2011. The consumer's right to safe, good quality goods and the implied warranty of quality under sections 55 and 56 of the consumer protection act 68 of 2008. *SA Mercantile Law*, 23(2011): 336-351.

Naude, T. 2012. The protection of low-income consumers under the South African Consumer Protection Act 68 of 2008. *Zeitschrift Für Europaisches Unternehmen und Verbraucherrecht (Journal of European Consumer and Market Law)*, 1(4): 243-253.

Naude, T. 2012. The South African consumer protection act. *Tijdschrift voor Consumentenrecht en Handelspraktijken / Journal of Consumer & Commercial*, 2: 64-71.

Newdigate, J. 2012. The attraction of convenience: the South African ship registry predicament. *SA Mercantile Law*, 24(2): 194-202.

Paleker, M. 2011. Civil procedure in South Africa: the past, the present and the future. *Zeitschrift für Zivilprozess International*, 16: 343-368.

Pope, A. 2011. Indigenous-law land rights: constitutional imperatives and proprietary paradoxes. *Acta Juridica*, 1: 308-333.

Pope, A. 2012. Ethical and legal issues regarding consent in research with adult stroke patients. *Journal of Nervous and Mental Disease*, 200(3): 250-254.

Price, A.M. 2012. The influence of human rights on private common law. *South African Law Journal*, 129: 330-374.

Scott, H. 2011. Absolute ownership and legal pluralism in Roman law: two arguments. *Acta Juridica*, 1: 23-34.

Scott, H. 2012. Regional digest: South Africa. *Restitution Law Review*, 20: 231-234.

Scott, H. and Visser, D.P. 2012. Excess baggage? Rethinking risk allocation in the Restatement (Third) of Restitution and Unjust Enrichment? *Boston University Law Review*, 92(3): 859-883.

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 Departments contribution to society.

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

**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.I. GLAZEWSKI
Environmental Law; Energy Law, Antarctic, Marine Pollution
Law

PROFESSOR C.M. MURRAY
Constitutional Law including Co-operative Government,
Parliament, Intergovernmental Relations, Local
Government, Constitution Making, and Comparative
Constitutional Law

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; Peace-
keeping

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

Contract Staff

ASSOCIATE PROFESSOR R. MANJOO

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

DR H. WOOLAVER

International Law, International Criminal Law

MS M. VON BROEMBSSEN

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 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.

Research on policing at the Centre of Criminology is concerned both with public police and private policing developments in South Africa and in transitional contexts, particularly in Africa.

Centre Statistics

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

Research Fields and Staff

Permanent Staff

PROFESSOR C. SHEARING

Governance of Physical and Environmental Security

ASSOCIATE PROFESSOR E. VAN DER SPUIJ

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

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

Postal address: Centre of Criminology, 6.34, 6th Level,
Wilfred & Jules Kramer Law Building, Middle Campus,
University of Cape Town, Rondebosch 7700

Telephone: +27 21 650 4486

Fax: +27 21 6503790

Web: www.criminology.uct.ac.za

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.

Institute Statistics**Permanent and Long-term Contract Staff**

Professors	3
Associate Professors	1
Emeritus Professor	1
Lecturers	1
Honorary Research Associate	2
Administrative and Clerical Staff	1
Total	9

Students

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

Research Fields and Staff**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

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

Associate Professors	1
Contract researchers	2
Administrator	1
Total	4

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

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

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

Contact Details

Postal address: Department of Public Law, Faculty of Law,
University of Cape Town,
Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 5906
Fax: +27 21 650 5183
Web: <http://www.lrg.uct.ac.za>

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

Postal address: Refugee Rights Unit
Department of Public Law, Faculty of Law, University of
Cape Town, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 5632
Fax: +27 21 650 4107
Web: <http://www.refugeerights.uct.ac.za>

Department of Public Law

Research output

Authored books

Ackermann, L.W.H. 2012. *Human Dignity: Lodestar for Equality in South Africa*. 405pp. Claremont, Cape Town: Juta Law. ISBN 9780702199011.

Cartwright, J. and Shearing, C.D. 2012. *Where's the Chicken? Making South Africa Safe*. 140pp. Kenilworth, Cape Town: Jacana Media ISBN 9780987005830.

Holley, N., Gunningham, N. and Shearing, C.D. 2012. *The New Environmental Governance*. 216pp. Abingdon, Oxon: Earthscan. ISBN 9781849714105.

Witbooi, E.V. 2012. Fisheries and Sustainability. A Legal Analysis of RU and West African Agreements. 244pp. Netherlands: Martinus Nijhoff. ISBN 9789004206755.

Edited books

Bennett, T.W., Brems, E., Corradi, G. and Nijzink, L. (eds) 2012. African Perspectives on Tradition and Justice, 168pp. United Kingdom: Intersentia. ISBN 9781780680590.

Chirwa, D.M. and Nijzink, L. (eds) 2012. Accountable Government in Africa, 292pp. Cape Town, South Africa: UCT Press. ISBN 9781919895376.

Chapters in books

Amoah, J. 2012. Watch grace grow: South African customary law and constitutional law in the equality garden. In B. Baines, D. Barak-Erez and T. Kahana (eds), *Feminist Constitutionalism. Global Perspectives*, pp. 357-376. New York, USA: Cambridge University Press. ISBN 9780521137799.

Bennett, T.W. 2012. Access to justice and human rights in the traditional courts of sub-Saharan Africa. In T. Bennett, E. Brems, G. Corradi, L. Nijzink and M. Schotsman (eds), *African Perspectives on Tradition and Justice*, pp. 19-45. United Kingdom: Intersentia. ISBN 9781780680590.

Bennett, T.W. 2011. Customary law in South Africa: new constitutional order. In G. Giappichelli (ed.), *Durritto Pubblico Comparato Ed Europeo 2011-iv*, pp. 1315-1345. Torino: Il Tribunale di Pavia. ISBN 9788834899502.

Calland, R. and Oxtoby, C.C. 2012. In search of a theory of judicious (judicial) transparency: a response to Klaaren. In S. Woolman and D. Bilchitz (eds), *Is this Seat Taken? Conversations at the Bar, the Bench and the Academy about the South African Constitution*, pp. 437-446. Cape Town, SA: Pretoria University Law Press (PULP). ISBN 9781920538071.

Calland, R. and Reddy, T. 2012. Towards a framework for national climate finance governance in Africa. In H.B. Stiftung (ed.), *Africa*, pp. 2-26. Cape Town: Heinrich Boll Stiftung.

Chirwa, D.M. and Kapindu, R.E. 2012. Accountable governance and the role of national human rights institutions: the experience of the Malawi Human Rights Commission. In D.M. Chirwa and L. Nijzink (eds), *Accountable Government in Africa*, pp.140-159. Cape Town, South Africa: UCT Press. ISBN 9781919895376.

Chirwa, D.M. and Nijzink, L. 2012. Accountable government in Africa: introduction. In D.M. Chirwa and L. Nijzink (eds), *Accountable Government in Africa*, pp. 1-13. Cape Town, South Africa: UCT Press. ISBN 9781919895376.

Collier, D. and Glazewski, J.I. 2012. Climate change and possible legal liability: implications for the City of Cape Town. In A. Cartwright, S. Parnell, G. Oelofse, and S. Ward (ed), *Climate Change at the City Scale: Impacts, Mitigation and Adaptation in Cape Town*, pp. 147-162. Abingdon, Oxon: Routledge. ISBN 9780415527583.

Corder, H.M. 2011. Constitutional reform in South African history. In G. Giappichelli (ed.), *Durritto Pubblico Comparato Ed Europeo 2011-iv*, pp. 1346-1362. Torino: Il Tribunale di Pavia. ISBN 9788834899502.

Corder, H.M. 2012. Judicial review of parliamentary actions in South Africa: a nuanced interpretation of the separation of powers. In D.M. Chirwa and L. Nijzink (eds), *Accountable Government in Africa*, pp. 85-104. Cape Town, South Africa: UCT Press. ISBN 9781919895376.

De Vos, P. 2012. Balancing independence and accountability: the role of chapter 9 institutions in South Africa's constitutional democracy. In D.M. Chirwa and L. Nijzink (eds), *Accountable Government in Africa*, pp.160-177. Cape Town, South Africa: UCT Press. ISBN 9781919895376.

Froestad, J., Shearing, C.D., Herbstein, T.P.W. and Grimwood, S. 2012. City of Cape Town solar water heater by-law: barriers to implementation. In A. Cartwright, S. Parnell, G. Oelofse, and S. Ward (eds), *Climate Change at the City Scale: Impacts, Mitigation and Adaptation in Cape Town*, pp. 244-262. Abingdon, Oxon: Routledge. ISBN 9780415527583.

Glazewski, J.I. and Collier, D. 2012. South Africa. In R. Lord, S. Goldberg, L. Rajamani and J. Brunnee (eds), *Climate Change Liability: Transnational Law and Practice*, pp. 319-347. USA: Cambridge Univ Press. ISBN 9781107673663.

Glazewski, J.I. 2012. Towards a climate-resilient and low-carbon city of Cape Town. Climate change, planning law and practice. In A. Cartwright, S. Parnell, G. Oelofse, and S. Ward (eds), *Climate Change at the City Scale: Impacts, Mitigation and Adaptation in Cape Town*, pp.163-181. Abingdon, Oxon: Routledge. ISBN 9780415 527583.

Manjoo, R. 2012. Women's human rights in Africa. In M. Ssenyonjo (ed.), *The African Regional Human Rights System: 30 Years after the African Charter on Human and Peoples' Rights*, pp. 137-154. Leiden, Netherlands: Martinus Nijhoff. ISBN 9789004218147.

- 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.
- Nijzink, L. 2012. Accountability compromised: floor crossing in Malawi and South Africa. In D.M. Chirwa and L. Nijzink (eds), *Accountable Government in Africa*, pp. 178-199. Cape Town, South Africa: UCT Press. ISBN 9781919895376.
- Olugbuo, B. 2012. Thematic prosecution of international sex crimes and stigmatisation of victims and survivors: two sides of the same coin? In M. Bergsmo (ed.), *Thematic Prosecution of International Sex Crimes*, pp. 109-136. 2012. Beijing: TOAEP/Torkel Opsahl Academic EPublisher. ISBN 9788293081319.
- Oxtoby, C.C. and Powell, C. 2012. Terrorism and governance in South Africa and eastern Africa. In V. Ramraj, M. Hor, K. Roach and G. Williams (eds), *Global Anti-Terrorism Law and Policy*, pp. 573-596. United States: Cambridge University Press. ISBN 9781107014671.
- Powell, C. 2012. The United Nations Security Council, terrorism and the rule of law. In V. Ramraj, M. Hor, K. Roach and G. Williams (eds), *Global Anti-Terrorism Law and Policy*, pp. 19-43. 2nd edition. United States: Cambridge University Press. ISBN 9781107014671.
- Schwikkard, P.J. 2012. A constitutional revolution in South African criminal procedure? In P. Roberts and J. Hunter (eds), *Criminal Evidence and Human Rights. Reimagining Common Law Procedural Traditions*, pp. 25-54. United Kingdom: Hart Publishing. ISBN 9781849461726.
- Schwikkard, P.J. 2012. Evidence. In S. Woolman and M. Bishop (eds), *Constitutional Law of South Africa*, pp. 52:1-52:30. 2nd edition. South Africa: Juta. ISBN 97807021713080.
- Stenning, P.C. and Shearing, C.D. 2011. The shifting boundaries of policing globalisation and its possibilities. In T. Newburn and J. Peay (eds), *Policing, Politics, Culture and Control. Essays in Honour of Robert Reiner*, pp. 265-284. United Kingdom: Hart Publishing. ISBN 9781849463003.
- Barnard-Naude, A.J. and De Vos, P. 2012. Die politiek van die estetiese in 'n postkoloniale konteks: menswaardigheid en vryheid van uitdrukking in die debat rondom Brett Murray se skildery *The Spear*. *LitNet Akademies*, 9(2): 176-201.
- Bennett, T.W. 2012. An African doctrine of equity in South African public law. *Loyola Law Review*, 57(2012): 709-726.
- Bennett, T.W. and Jacobs, P.J. 2012. The spoor law: an anachronism or constitutional misfit? *South African Journal of Criminal Justice*, 25(2): 213-234.
- Bennett, T.W. and Mostert, H. 2012. Access to property in Africa: an introductory survey. *Acta Juridica*, 1(2011): 1-2.
- Burchell, J., Phelps, K. and Smythe, D.L. 2012. Jurisdiction spotlight: South Africa. *Journal of Commonwealth Criminal Law*, 1: 125-156.
- Calland, R. and Nakhooda, N. 2012. Participatory democracy meets the hard rock of energy policy: South Africa's national integrated resource plan. *Democratization*, 19(5): 912-931.
- Cheadle, H.M. 2012. Reception of international labour standards in common-law legal systems. *Acta Juridica*, 1(2012): 348-364.
- Claassens, A.E. 2011. Contested power and apartheid tribal boundaries: the implications of 'living customary law' for indigenous accountability mechanisms. *Acta Juridica*, 1(2011): 174-209.
- Concetta, L. 2012. Prison reforms in Mozambique fail to touch the ground. Accessing the experience of pre-trial detainees in Maputo. *South African Crime Quarterly*, 42: 29-38.
- Corder, H.M. 2012. 'Building a nation': the judicial role in South Africa. *Law in Context*, 28(8): 60-75.
- De Vos, P. 2012. Looking backward, looking forward: 'race', corrective measures, and the South African constitutional court. *Transformation*, 79(2012): 144-167.
- De Vos, P. 2012. Proposed assessment of South Africa's constitutional court: danger or opportunity? *Public Law Review*, 23(2): 69-74.

Articles in Peer-reviewed Journals

- Bargueno, D.P. 2012. Cash for genocide? The politics of memory in the Herero case for reparations. *Holocaust and Genocide Studies*, 26(3): 394-424.

- De Vos, P. 2012. The past is unpredictable: race redress and remembrance in the South African constitution. *South African Law Journal*, 129(2012): 73-103.

- De Vos, W. 2012. Is a class action a "classy act" to implement outside the ambit of the Constitution. *Tydskrif Vir Die Suid-Afrikaanse Reg*, 2012(4): 737-757.
- Feris, L. 2012. The public trust doctrine and liability for historic water pollution in South Africa. *Lead Journal*, 8(1): 3-18.
- Glazewski, J.I. 2011. Country/region report: South Africa. *Yearbook of International Environmental Law*, 20(2009): 668-687.
- Glazewski, J.I. 2012. Country/region report: South Africa. *Yearbook of International Environmental Law*, 21(2010): 474-488.
- Hall, J. 2010. Building the ethical dimension of the environmental right: the contribution of the South African Predator Breeders Association v The Minister of Environmental Affairs and Tourism. *The South African Journal of Environmental Law and Law Policy*, 17(1): 1-21.
- Hubschle, A. and Van der Spuy, E. 2012. Organised crime and law enforcement in Southern Africa: the challenges confronting research. *SADC Law Journal / Southern African Development Community Law Journal*, 2(2): 319-334.
- Kinnes, I. 2012. Contesting police governance: respect, authority and belonging in organised violent gangs in Cape Town. *Acta Criminologica*, 2(2012): 31-46.
- Kinnes, I. and Newham, G. 2012. Why an anti-corruption agency should not be in the SAPS. *South African Crime Quarterly*, 39: 33-39.
- Manjoo, R. 2012. The continuum of violence against women and the challenges of effective redress. *International Human Rights Law Review*, 1: 1-29.
- Mnisi, S. 2011. Securing women's property inheritance in the context of plurality: negotiations of law and authority in Mbuzini customary courts and beyond. *Acta Juridica*, 1(2011): 140-173.
- Mnisi, S.S. 2012. Regulating vernacular dispute resolutions forums: controversy concerning the process, substance and implications of South Africa's traditional courts bill. *Oxford University Commonwealth Law Journal*, 12(1): 133-156.
- Mnisi, S.S. 2012. Take your rights then and sleep outside, on the "street": rights, Fora and the significance of rural South African women's choices. *Wisconsin International Law Journal (WILJ)*, 29(2): 288-318.
- Moyo, A. 2011. Sub-regional and constitutional protection of socio-economic rights: SADC, Botswana, Lesotho, Malawi, Namibia and Zimbabwe. *Malawi Law Journal*, 5(1/ June 2011): 75-90.
- Moyo, A. 2012. Reconceptualising the 'paramountcy principle': beyond the individualistic construction of the best interests of the child. *African Human Rights Law Journal*, 12(1): 142-177.
- Munro, R. and Bennett, T.W. 2012. Ubuntu, indaba and Baptist congregationalism. *The South African Baptist Journal of Theology*, 21: 24-35.
- Murray, C.M. 2012. How new laws balance budgetary powers. *Law Nairobi Monthly*, January: 38-43.
- Paterson, A.R. 2010. Co-Managing South Africa's conservation and land reform agendas: evaluating recent initiatives to resolve the unruly interface thrust upon South Africa's protected Areas. *The South African Journal of Environmental Law and Law Policy*, 17(2): 97-125.
- Paterson, A.R. 2011. An attempt to delimit the boundary between regional and municipal planning in Lagoon Bay Lifestyle Estate (Pty) Ltd v Minister of Local Government, Environmental Affairs and Development Planning (Western Cape). *The South African Journal of Environmental Law and Law Policy*, 18(1): 65-75.
- Paterson, A.R. 2011. The Judiciary's gritty efforts to erode the mining authority's continued aversion to cooperative environmental governance in the Cape dunes. *Southern African Public Law. SA Public Law*, 26(2): 567-577.
- Reeves, C.J. 2012. After Glenister: the case for a New dedicated agency. *South African Crime Quarterly*, 39(March): 23-32.
- Sang, B. 2012. Clearing some of the fog of war over combating terrorists on the frontiers of international law: targeted killing and international humanitarian law. *African Yearbook of International Humanitarian Law*, 1(2011): 1-46.
- Sang, B. 2012. Improving the protection of human and peoples' rights in Africa: reflections from the Yogogomaye case. *African Journal of International and Comparative Law/ Revue Africaine de Droit International et Compare*, 20(3): 341-364.
- Schwikkard, P.J. 2012. Evidence. *Juta Quarterly Review, JQR Evidence* 2012(1-3): [online] <http://ipproducts.jutalaw.co.za/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>.
- Schwikkard, P.J. 2012. The law of evidence. *Annual Survey of South African Law*, 2010(2012): 954-980.

Smythe, D.L. 2012. Response: of classifications and sub-classifications: a response stone and Erasmus, and de Vos. *Transformation*, 79: 168-172.

Von Broembsen, M. 2012. Mediating from the margins: the role of intermediaries in facilitating participation in markets by poor producers. *South African Journal of Labour Relations*, 36(1): 31-53.

Ward, C.L., Artz, L.M., Berg, J.M., Boonzaier, F.A., Crawford-Browne, S.H., Dawes, A.R.L., Foster, D.H., Matzopoulos, R., Nicol, A., Seekings, J.F., Van As, A.B. and Van Der Spuy, E. 2012. Violence, violence prevention, and safety: a research agenda for South Africa. *SAMJ South African Medical Journal*, 102(4): 215-218.

Peer-reviewed published conference proceedings

Okafor, O.C. and Olugbuo, B. 2012. Economic and financial crimes commission and the accountability of corrupt foreign actors in Nigeria. In H. Mohammed, M.T. Aluaigba and A. Kabir (eds), *Proceedings of Corruption, Governance and Development in Nigeria: Perspectives and Remedies*, December 2011, Kano, Nigeria. Nigeria: Aminu Kano Centre for Democratic Research & Training. ISBN 9789788203452.