



South African Institute for Advanced Constitutional, Public, Human Rights & International Law



DAVID MAPHAKELA, LAURIE ACKERMANN
AND BONISIWE MAKOLA AT THE
LLM STUDENTSHIP FUNCTION

ON THE SAIFAC WEB SITE
(www.saifac.org.za)

APPLICATIONS:

SAIFAC's PhD studentship
Programme
www.saifac.org.za/phd.html

SAIFAC's Sabbatical
Programme
[www.saifac.org.za/
programmes.html](http://www.saifac.org.za/programmes.html)

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NEWSLETTER **December 2006**

1. LLM STUDENTSHIP PROGRAMME

The selection process for the new LLM Studentship Programme has been completed. The two successful applicants were David Maphakela and Mduduzi Skhosana. Both David and Mduduzi are in the final-year LLB class at the University of the Witwatersrand. They will register for a Masters degree in constitutional law in 2007. The award of the LLM Studentships to David and Mduduzi was celebrated at a cocktail party function on 6 October 2006. The function was attended by Ms Bonisiwe Makola on behalf of the Nedbank Foundation, the donor supporting this programme.

2. STAFF CHANGES

Amelia Vukeya, who joined SAIFAC as a Junior Researcher in February 2006, was awarded a scholarship to study towards a Masters degree in law at Georgetown University in Washington from August 2006.

Dolores Joseph replaced Tsitsi Mugadza as the Director's Personal Assistant in October 2006. Before joining SAIFAC, Ms Joseph worked at the School of Architecture and Planning, University of the Witwatersrand.

David Bilchitz will commence work as a Senior Researcher at SAIFAC in January 2007. David has a PhD from the University of Cambridge, and a BA (Hons) LLB from the University of the Witwatersrand. David's research to date has focused on socio-economic rights. His PhD, on ***Poverty and Fundamental Rights: The Justification and Enforcement of Socio-Economic Rights***, will be published by Oxford University Press in 2007.

3. NEW RESEARCH ASSOCIATE

Stuart Woolman joined SAIFAC as a Research Associate in October 2006. Stu is a Senior Lecturer at the University of Pretoria, and the Editor in Chief of the second edition of ***Constitutional Law of South Africa***. In addition to his editorial work on ***CLoSA***, he is currently reading for a doctoral degree at the University of Pretoria.

4. PUBLIC SEMINAR SERIES

During the second half of 2006 SAIFAC co-hosted, with the South African Human Rights Commission, two well-attended seminars on recent Constitutional Court judgments. The first seminar, on the Court's judgment in the ***Fourie*** case (same-sex marriage) was held on 23 August 2006, and presented by Beth Goldblatt of the Centre for Applied Legal Studies. The second seminar, on the ***Doctors for Life and Matatiele decisions*** (legislature's duty to facilitate public involvement in its processes), was held on 11 October 2006, and presented by Muzi Sikhakhane of the Johannesburg Bar. The SAIFAC/SAHRC seminar series is being funded by the Foundation for Human Rights.

5. DOCTORAL FELLOWSHIP PROGRAMME

Kealeboga Bojosi resigned his SAIFAC Doctoral Fellowship in October 2006 for family reasons. He will be replaced in January 2007 by Mmatsie Mooki, who is currently lecturing at the North-West University. Ms Mooki has a BIuris (cum laude) from Vista University, a LLB from Free State University, and a LLM from the University of Pretoria. Her PhD topic is ***Legal Access to Abortion in SADC from a Reproductive and Sexual Health Perspective: A Need for Reform?***

6. RESEARCH SABBATICAL PROGRAMME FOR JUDGES AND ACADEMICS

Professor Charles Fombad of the University of Botswana completed his two-month sabbatical at the end of July 2006. The article he wrote during his



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LAURIE ACKERMANN, BONISIWE MAKOLA AND MDUDUZI SKHOSANA AT THE LLM STUDENTSHIP FUNCTION



LÚCIA DA LUZ RIBEIRO, JUDGE OF THE MOZAMBIQUE CONSTITUTIONAL COURT, AT THE ROUNDTABLE CONFERENCE IN HELSINKI

time at SAIFAC is listed in the Research and Publications section below.

Jean Desiré Ingange-wa-Ingange spent three months at SAIFAC from August to November 2006. M. Ingange-wa-Ingange is both a judge and a legal academic in his home country, the Democratic Republic of Congo. During his time at SAIFAC he worked on his doctoral proposal on the African human rights system, which he intends to register part-time at the University of Pretoria in 2007.

7. PUBLIC ENGAGEMENTS

SAIFAC staff and postgraduate fellows undertook the following public engagements during the second half of the year:

- Nomthandazo Ntlama presented a paper on 'The Equality Act: A Tool for Social Change in Promoting Gender Equality' at the Law Society of the Northern Provinces Conference on ***The Improvement of the Quality of Life, Status, Justice and Constitutional Development of Women, Pretoria*** (August 2006)
- George Mukundi Wachira participated in an ILO/African Commission ***Workshop to Determine the Scope and Methodology of Research on Indigenous and Tribal Peoples in Africa, Yaounde, Cameroon*** (September 2006)
- Godfrey Musila presented a paper on 'The Right to an Effective Remedy under the African Charter on Human and Peoples' Rights' at the ***International Human Rights Conference***, Addis Ababa, Ethiopia (September 2006)
- Solomon Dersso presented a paper on 'The Jurisprudence of the African Commission on Peoples' Rights of the African Charter' at the ***International Human Rights Conference***, Addis Ababa, Ethiopia (September 2006)
- Theunis Roux attended a Roundtable Conference ***In Commemoration of the 100th Anniversary of Universal Suffrage and the Eligibility of Women*** in Finland, Helsinki (September 2006)
- George Mukundi Wachira participated in a training workshop on ***Indigenous and Tribal Peoples' Issues: Rights and Good Practices*** organised by the Project to Promote ILO Policy on Indigenous and Tribal Peoples (PRO 169), Turin, Italy (September 2006)
- Nomthandazo Ntlama presented a paper on 'The Limitation of Law in Generating Social Change' at the University of Fort Hare conference on ***Law and Transformative Justice in Post-Apartheid South Africa***, East London (October 2006)
- Theunis Roux chaired a panel at the University of Fort Hare conference on ***Law and Transformative Justice in Post-Apartheid South Africa***, East London (October 2006)
- Godfrey Musila attended the Marie Curie Research Course at the Grotius Centre for International Legal Studies, The Hague (October 2006)
- Theunis Roux presented a paper on 'Land Restitution and Reconciliation in South Africa' at the University of Cape Town Law Faculty (October 2006)
- Godfrey Musila presented a paper on 'The Participation of Victims in the International Criminal Court and the Question of Reparations' at the Institute for War and Peace Reporting ***International Justice Seminar***, Johannesburg (October 2006)
- George Mukundi Wachira presented a paper on 'A Critical Analysis of the African Court on Human and People's Rights' at the ICJ-Kenya International Litigation workshop on ***A Critical Assessment of Public Interest Litigation Strategies in Africa***, Banjul, The Gambia (November 2006)
- Theunis Roux presented a paper on 'Land Restitution and Reconciliation in South Africa' at a special event on ***Transitional Justice in South Africa***, University of Cambridge, United Kingdom (November 2006)
- Godfrey Musila participated in an ICRC-sponsored ***Advanced Seminar in International Humanitarian Law for African Academics***, Pretoria (November 2006)
- Solomon Dersso presented a paper on 'The Minorities Question in Africa: Inquiry into its Nature, Manifestations and Origin' at a University of the



NORMAN TAKU,
DEPUTY SECRETARY-GENERAL
OF THE IACL, AT THE
UNIVERSITY OF HELSINKI



THEUNIS ROUX, CHARLES FOMBAD,
GEORGE MUKUNDI AND
KEALEBOGA BOJOSI OUTSIDE SAIFAC



STU WOOLMAN RELAXING IN ONE OF
THE SAIFAC 'HOTSEATS'

Witwatersrand Law School PhD candidates' seminar (November 2006)

- Godfrey Musila participated in the **VI International Human Rights Colloquium: Strengthening Human Rights in the South**, São Paulo, Brazil (November 2006)
- Theunis Roux presented a paper on 'Land Restitution and Reconciliation in South Africa' at the School of Oriental and African Studies (November 2006)
- George Mukundi Wachira participated in the **4th Global Alliance on Justice Education Conference in Cordoba**, Argentina (December 2006)

8. RESEARCH AND PUBLICATIONS

In addition to doctoral research, the following research was produced at SAIFAC during the second half of 2006:

- Edwin Odhiambo Abuya & George Mukundi Wachira 'Assessing Asylum Claims in Africa: Missing or Meeting Standards?' (2006) **Netherlands International Law Review** 171-204
- George Mukundi Wachira 'A Critical Examination of the African Charter on Human and Peoples' Rights: Towards Strengthening the African System for the Promotion and Protection of Human and Peoples' Rights' (2006) **Judiciary Watch Report** (Kenya Section of the International Commission of Jurists, 2006) 1-30
- George Mukundi Wachira 'The Emerging Discourse of Constitutional Commissions in East Africa' in (2006) **Judiciary Watch Report**, (Kenya Section of the International Commission of Jurists, 2006) (forthcoming)
- Godfrey Musila 'The Office of the Attorney General in East Africa: Protecting the Public Interest through Independent Prosecution and Quality Legal Advice' in (2006) **Judiciary Watch Report** (Kenya Section of the International Commission of Jurists, 2006) (forthcoming)
- Kealeboga N Bojosi & George Mukundi Wachira 'Protecting Indigenous Peoples in Africa: An Analysis of the Approach of the African Commission on Human and Peoples' Rights' (2006) **African Human Rights Law Journal** (forthcoming)
- George Mukundi Wachira & Abiola Ayinla 'Twenty years of Elusive Enforcement of the Recommendations of the African Commission on Human and Peoples' Rights: A Possible Remedy' (2006) **African Human Rights Law Journal** (forthcoming)
- Godfrey Musila 'The Right to an Effective Remedy under the African Charter on Human and Peoples' Rights' (2006) **African Human Rights Law Journal** (forthcoming)
- Solomon Dersso 'The Jurisprudence of the African Commission with Respect to Peoples' Rights of the African Charter on Human and Peoples' Rights' (2006) **African Human Rights Law Journal** (forthcoming)
- Charles Manga Fombad 'Challenges to Constitutionalism and Constitutional Rights in Africa and the Enabling Role of Political Parties: Lessons and Perspectives from Southern Africa' (2007) **American Journal of Comparative Law** (forthcoming)
- Theunis Roux 'Land Restitution and Reconciliation in South Africa' in Antje du Bois Pedain and Francois du Bois **Justice and Reconciliation in South Africa** (Cambridge University Press, forthcoming 2007)

9. INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW

The Director of SAIFAC attended a meeting of the Executive Committee of the IACL in Helsinki on 14 September 2006. The meeting discussed and made further preparations for the IACL World Congress, which will take place in Athens, Greece, in June 2007. See www.enelsyn.gr. In the lead-up to the World Congress, a conference for African constitutionalists will be held in Nairobi, Kenya, from 18-20 April 2007. The theme of the conference will be **Fostering Constitutionalism in Africa**. The conference will mark the re-launching of the African Network of Constitutional Law. See www.iacl-aidc.org/events.