



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



Constitutional Court entrance sign

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Old Fort coffee shop

NEWSLETTER June 2006

1. NEW PROGRAMMES

Since the last SAIFAC Newsletter in December 2005, donor support has been received for two new programmes: the LLM Studentship Programme, funded by the Nedbank Foundation; and a public seminar series on recent Constitutional Court decisions, funded by the Foundation for Human Rights. The LLM Studentship Programme will provide material and institutional support to enable a South African student to complete a Masters degree in constitutional, public, human rights or international law at a Gauteng university. The closing date for applications is 14 July 2006. Download the application form from www.saifac.org.za. The public seminar series, which is being run in co-operation with the South African Human Rights Commission, will examine two principal issues: the impact of recent decisions of the Constitutional Court on the work of human rights organizations, and the nature of the state's obligations arising from these decisions.

2. PUBLIC LECTURE SERIES

Together with the Centre for Human Rights at the University of Pretoria and JutaLAW, SAIFAC co-hosted a very successful Public Lecture Series at the Women's Gaol in March 2006. Over 150 people attended the lectures over three days, including the main public lecture on '*The Rule of Law, Legality and the Supremacy of the Constitution*', which was delivered by Professor Frank Michelman of Harvard Law School. All of the lectures in the series were based on chapters in Stuart Woolman et al *Constitutional Law of South Africa*. [Read more>>>](#)

3. EVENING SEMINAR SERIES

In March and April 2006, in co-operation with the Constitution Hill Development Company, SAIFAC co-hosted a series of four evening seminars under the title *Insights @ Constitution Hill*. The seminars were aimed at exploring the practical operation of South Africa's constitutional democracy from an interdisciplinary perspective. Topics covered included: '*Constitutionalism and Everyday Life*', '*South Africa in Africa: Africa in South Africa*', socio-economic rights and the Chapter 9 institutions.

4. DOCTORAL FELLOWSHIP PROGRAMME

In May, SAIFAC doctoral fellows George Mukundi and Kealeboga Bojosi successfully defended their doctoral proposals in an oral examination at the University of Pretoria. One of the four examiners was the distinguished American indigenous rights lawyer, Professor James Anaya.

5. PART-TIME POSTGRADUATE FELLOWS

Nomthandazo Ntlama spent three months at SAIFAC from March to May 2006 working on her PhD proposal. Her topic is '*The Role of the Magistrates' Courts in Promoting Gender Equality: A Case Study of the Eastern Cape*'. Earlier in the year, the second part-time postgraduate fellow, Mlungisi Tenza, spent a month at SAIFAC refining his proposal on '*Labour Rights as Socio-Economic Rights in the 1996 South African Constitution*'.

6. RESEARCH FELLOWSHIP PROGRAMME FOR JUDGES AND ACADEMICS

Professor Charles Manga Fombad of the University of Botswana started a two-month sabbatical at SAIFAC at the beginning of June 2006. Professor Fombad's research topic is '*Mechanisms of Constitutional Control in Africa*'. In April 2006, Justice G. W. Kanyeihamba of the Supreme Court of Uganda became the second judge, after Judge Babacar Kante, to visit South Africa under the auspices of this programme. During his visit, Justice Kanyeihamba participated in the IACL Roundtable conference on *Constitutionalism After Transition* in Cape Town. See item 11 below.

7. VISITORS TO SAIFAC

SAIFAC was pleased to host the following visitors during the first half of 2006:

- The Right Honourable Lady Justice Arden DBE, Member of the Court of Appeal of England and Wales; and



Engraved messages from visitors to Constitution Hill



Public Reading Room
Constitutional Court Library



IACL Executive Committee, April 2006

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TO UNSUBSCRIBE:

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- Professor James Anaya, James J. Lenoir Professor of Human Rights Law and Policy, University of Arizona.

8. RESEARCH INTERN

Ryan Babiuch, a graduate student from the University of Michigan, joined SAIFAC at the end of May 2006 as a short-term research intern. Ryan is providing research assistance for the chapters on 'Political Rights' and 'History' in Stuart Woolman et al *Constitutional Law of South Africa*.

9. PUBLIC ENGAGEMENTS

SAIFAC staff undertook the following public engagements during the first half of the year:

- Kealeboga Bojosi '*An Appraisal of the Concept of Indigenous Peoples in Africa*' SAIFAC PhD seminar (February 2006)
- Theunis Roux: Presentation to the Open Society Foundation of South Africa/Goedgedacht Forum *Colloquium on the Superior Courts Bill*, Cape Town (February 2006)
- Godfrey Musila: '*The New Promise of International Criminal Law*' SAIFAC PhD seminar, Johannesburg (March 2006)
- Theunis Roux: '*Originality in Research*' lecture delivered to the Wits Research Methods course, Johannesburg (March 2005)
- Theunis Roux: '*Property*' and '*Democracy*', chapters presented at CLoSA Public Lecture Series, Johannesburg (March 2006)
- Theunis Roux: '*Confence Conclusions*', presentation delivered at the IACL Roundtable conference on Constitutionalism After Transition, Cape Town (April 2006)
- Solomon Dersso '*Minorities and International Law*' SAIFAC PhD Seminar, Johannesburg (May 2006)
- George Mukundi: Participant in *Brainstorming Session on the African Commission on Human and Peoples' Rights and the African Union*, Banjul, The Gambia (May 2006)
- George Mukundi and Kealeboga Bojosi: Participants in panel discussion on '*The concept of indigenous peoples in Africa*', LLM in Human Rights and Democratization in Africa, Centre for Human Rights, University of Pretoria (May 2006)
- Theunis Roux '*Baker v Carr in South Africa or How Political Questions Become Legal Questions*' paper presented at the Institute of Africa Studies Multidisciplinary Colloquium on 10 Years of the Constitution, University of Cape Town (June 2006)

10. RESEARCH AND PUBLICATIONS

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

- Godfrey Musila '*Challenges in establishing the accountability of child soldiers for human rights violations: Restorative justice as an option*' (2005) 5 African Human Rights Law Journal 321-334
- Kealeboga Bojosi '*Botswana abolishes marital power: A commentary on some interesting aspects of the Abolition of Marital Power Act*' (2006) 123 South African Law Journal (forthcoming)
- Theunis Roux 'Democracy' in Stuart Woolman et al *Constitutional Law of South Africa* (Second Edition, forthcoming 2006) Chapter 10
- Amelia Vukeya '*The Superior Courts Bill in Comparative Perspective*' submission to the Portfolio Committee on Justice and Constitutional Development (June 2006)
- George Mukundi '*A critical examination of the African Charter on Human and Peoples' Rights: Towards strengthening the African human rights system to enable it effectively to meet the needs of the African population*' in Judiciary Watch Report of the International Commission of Jurists, Kenya Chapter (forthcoming, July 2006)

11. INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW

SAIFAC hosted a meeting of the Executive Committee of the IACL in Johannesburg on 8 April 2006. The meeting coincided with a three-day IACL Roundtable conference in Cape Town on *Constitutionalism After Transition*. The conference was attended by delegates from several African countries, including Uganda, Kenya, Tanzania, Botswana, Ivory Coast and Senegal. During the conference, a group of legal academics, practising lawyers and judges met to discuss the revival of the African Network of Constitutional Law. To read more, follow the newsflash link [here](#).

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