



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



VIEW FROM THE WALL OF THE OLD FORT

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

CONTACT:

Tel: +27 11 339 1194
Fax: +27 11 339 1167

PO Box 84666, Greenside,
2034, South Africa

Dolores Joseph:
dolores@saifac.org.za

George Mukundi:
mukundi@saifac.org.za

Godfrey Musila:
godfrey@saifac.org.za

Solomon Dersso:
solomon@saifac.org.za

David Bilchitz:
davidb@saifac.org.za

Redson Kapindu:
redson@saifac.org.za

Vusi Ncube:
vusi@saifac.org.za

Mmatsie Mooki:
mmatsie@saifac.org.za

Ngwako Raboshakga:
ngwako@saifac.org.za

Michael Bishop:
michael@saifac.org.za

Sebastian Seedorf:
sebastian@saifac.org.za

Hannah Woolaver:
hannah.woolaver@gmail.com

Theunis Roux:
theunis@saifac.org.za

NEWSLETTER **April 2008**

1. NEW RESEARCHER, STUDENT INTERN & RESEARCH ASSOCIATE

Michael Bishop, a former law clerk to Chief Justice Pius Langa, began a six-month contract at SAIFAC as Junior Researcher in January 2008. During his time at SAIFAC Michael will be editing the second edition of Stu Woolman et al (eds) *Constitutional Law of South Africa* (CLOSA) and writing the chapter on constitutional remedies in this work.

Hannah Woolaver joined SAIFAC as a student intern in January 2008 for an initial period of three months. Hannah, a Canadian citizen, holds a BCL degree from the University of Oxford. During her time at SAIFAC she will be assisting with the editing of CLOSA.

Iain Benson, the Executive Director of the Centre for Cultural Renewal in Ottawa, joined SAIFAC as a Research Associate in March 2008. He is the first foreign national to be linked to SAIFAC in this way.

2. NEW RESEARCH PROJECTS

SAIFAC launched two new research projects in the first quarter of 2008: a project on Counter-terrorism and Human Rights in Africa, under the direction of Mia Swart, and a project on Business and Human Rights, which will be led by David Bilchitz. David presented the Baseline Report for the latter project at a conference on Business Development and Poverty in Sandton in March 2008. Download copy of Baseline Report [here](#).

3. RESEARCH SABBATICAL PROGRAMME FOR JUDGES & ACADEMICS

SAIFAC was pleased to host two sabbatical fellows in the first quarter of 2008. Prof. Lourens du Plessis of the University of Stellenbosch spent a month at SAIFAC researching his chapter on 'Constitutional Interpretation' in CLOSA, and Nairobi-based attorney, Kennedy Nyaundi, worked on his doctoral dissertation on 'Counter-terrorism and Human Rights in East Africa'.

4. SUBMISSION TO GINWALA COMMISSION

In February 2008 SAIFAC made a comprehensive submission to the Ginwala Commission of Enquiry into the National Director of Public Prosecutions. Written by Michael Bishop and Hannah Woolaver, the submission argued that the Minister of Justice and Constitutional Development's political responsibility for the NDPP did not extend to a right to intervene in individual prosecutions. Download copy of submission [here](#).

5. SAIFAC BUSINESS PLAN

SAIFAC's Business Plan for the period 2008-2010 was approved by the Board in February. Copies of this plan are available on request from the Director.

6. SAIFAC STAFF SEMINARS

Since the last newsletter in December 2007, SAIFAC researchers, postgraduate students and visiting fellows have presented a number of well-attended public seminars:

- Redson Kapindu 'Towards the Full Realisation of Economic and Social Rights of Refugees: Challenges and Prospects' (December 2007)
- Solomon Dersso 'Taking Ethnic Diversity Seriously in Constitutional Design' (December 2007)
- David Maphakela 'In Defence of an Independent Judiciary through a Judicially Controlled Budget' (December 2007)
- David Bilchitz 'Developing the Judicial Role in Relation to Socio-Economic Rights' (January 2008)



STUDENT INTERN HANNAH WOOLAVER



LLM STUDENT NGWAKO RABOSHAKGA



JUNIOR RESEARCHER MICHAEL BISHOP

- Werner Scholtz 'The Common but Differentiated Responsibility Principle and International Environmental Law: An Unusual Fit?' (February 2008)
- Mmatsie Mooki 'Access to Legal Abortion in SADC from a Reproductive Rights Perspective: A Need for Reform?' (February 2008)
- Lourens du Plessis 'Constitutional Interpretation' (March 2008)
- Sebastian Seedorf 'Constitutional Jurisdiction: A Functionalist Approach' (April 2008)
- Michael Bishop 'A Story Like the Wind: Identity, Storytelling and Human Rights Law' (April 2008)

Copies of these seminar papers may be obtained from the authors concerned on request. See e-mail addresses at the side of this newsletter.

6. OTHER SEMINAR PAPERS PRESENTED BY SAIFAC STAFF

In addition to these internal seminars, SAIFAC researchers and postgraduate students have presented a number of seminars outside of SAIFAC. A full list follows:

- Theunis Roux 'Principle and Pragmatism on the Constitutional Court of South Africa' at the Society of Teachers of Law of Southern Africa conference on *Legal Harmonisation in Africa*, University of Pretoria (January 2008)
- George Mukundi (with Edward Santow) 'The Future of Legal Education: Fostering Civic Professionalism' paper presented at a Conference on *The Future of Legal Education*, Georgia State University (February 2008)
- Godfrey Muslia 'An Overview of International Criminal Justice and Africa: the African Union and the Fight against Impunity' seminar presented at the Institute of Security Studies Symposium on *Developments in International Criminal Justice in Africa*, Cape Town (March 2008)
- George Mukundi 'The Extent and Potential of Kenya's Legal Framework to Protect Indigenous People's Land Rights' seminar presented at the University of Pretoria LLD research group (March 2008)
- David Bilchitz 'Integrating Business and Human Rights: Exploring the Legal Implications' paper presented at the African Institute for Corporate Citizenship conference on *Business, Development and Poverty*, Sandton (March 2008)
- Theunis Roux 'Principle and Pragmatism on the Constitutional Court of South Africa' paper presented at the Durban Constitutional Law Interest Group colloquium on *Recent Developments in South African Constitutional Law*, University of KwaZulu-Natal, Durban (March 2008)
- Theunis Roux 'Comparative Constitutional Law: An African Perspective' presentation made at the Development Partnerships in Higher Education seminar on *Accountability and Constitutional Implementation on the African Continent*, University of Cape Town (March 2008)