



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

## NEWSLETTER *December 2005*

### 1. SAIFAC OFFICES

SAIFAC has now taken up occupation of nine offices and a seminar room in the Old Fort, Constitution Hill. The seminar room has been equipped to accommodate twenty people. The new offices include a spacious office for use by visiting research fellows.

### 2. DOCTORAL FELLOWSHIPS

Since the last SAIFAC newsletter reporting on the arrival of George Mukundi, three further doctoral fellows have commenced work on their dissertations: Mr Godfrey Musila (Kenya), Mr Solomon Dersso (Ethiopia) and Mr Kealeboga Bojosi (Botswana). Their respective topics are: *'Restorative Justice in International Criminal Law'*; *'The Question of Minorities in Africa'*; and *'A Critical Appraisal of the Concept of Indigenous Peoples' Rights in Africa'*.

### 3. PART-TIME POSTGRADUATE FELLOWSHIPS

In September 2005, SAIFAC announced the award of two Part-time Postgraduate Fellowships to Ms Nomthandazo Ntlama and Mr Mlungisi Tenza. The Fellowships, which are being funded by the Open Society Foundation of South Africa, are intended to assist the recipients to register and make significant progress towards the completion of their doctoral dissertations.

### 4. NEW MEMBER OF STAFF

Ms Amelia Vukeya, who is currently completing her articles of clerkship at Deney's Reitz Attorneys in Johannesburg, will take up a position as Junior Research Fellow at SAIFAC from February 2006. Ms Vukeya is a former law clerk to Constitutional Court Justice Kate O'Regan.

### 5. SAIFAC LAUNCH

SAIFAC's formal launch took place on 9 September 2005. The launch coincided with the 14th African Human Rights Moot Court Competition. Over 140 guests from all over Africa attended the evening function. The guest speakers were Justice Pius Langa, Chief Justice of the Constitutional Court of South Africa, and Professor Cheryl Saunders, Professor of Law at the University of Melbourne and President of the International Association of Constitutional Law.

### 6. VISITORS TO SAIFAC

SAIFAC was pleased to host the following visitors during the second half of 2005:

- Prof. Babacar Kanté (Vice-President of the Constitutional Court of Senegal);
- Dr Nico Horn (Director of the Human Rights and Documentation Centre, Faculty of Law, University of Namibia); and
- Dr Dario Milo (Part-time Lecturer, University of the Witwatersrand and Partner, Webber Wentzel Bowens).

### 7. PUBLIC ENGAGEMENTS

SAIFAC staff undertook the following public engagements during the second



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#### APPLICATIONS:

SAIFAC's PhD studentship Programme.

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SAIFAC's Sabbatical Programme.

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Section of Old Fort, Constitution Hill



Vusi Ncube: SAIFAC office cleaner



Cheryl Saunders & Michel Rosenfeld, IACL  
Executive Committee meeting,  
4-5 November 2005, Berlin



Nadia Bernoussi, Cesare Pinelli &  
Tony Bradley, IACL Executive Committee  
meeting, 4-5 November 2005, Berlin



Members of the IACL Executive Committee  
together after dinner at the restaurant  
Refugium auf dem Gendarmenmarkt,  
Berlin, 4 November 2005.

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half of the year:

- Presentation by the Director on *'Ubuntu as a political project'* at the Ubuntu Conference, Johannesburg (August 2005)
- Summer course on *Peace and Development in Africa* attended by Solomon Dersso and George Mukundi, Bochum and Bonn, Germany (September - October 2005)
- Paper by Godfrey Musila on *'Child Soldiers: Challenges in Establishing their Accountability and the Sierra Leone Experience'* International Conference on Human Rights in Africa, University of Johannesburg (September 2005)
- Lecture series by the Director on *'Constitutional property law'*, University of the Witwatersrand (September - October 2005)
- Institute for Justice and Reconciliation (IJR) and the International Centre for Transitional Justice (ICTJ) Conference on *'Transforming Conflicts: Options for Reconciliation and Reconstruction'* attended by Godfrey Musila, Cape Town (October 2005)

**8. RESEARCH AND PUBLICATIONS**

In addition to work on the doctoral fellows' dissertations, the following research was produced at SAIFAC during the second half of 2005:

- Roberto Gargarella, Pilar Domingo and Theunis Roux (eds) *'Courts and Social Transformation: An Institutional Voice for the Poor?'* (London: Ashgate, forthcoming 2006)
- George Mukundi *'Enforcement of the recommendations of the African Commission on Human and Peoples' Rights'* paper presented at *Advanced Course on the International Protection of Human Rights*, Institute for Human Rights, Åbo Akademi University, Finland (August 2005)
- Godfrey Musila *'Establishing the accountability of child soldiers for human rights violations: the role of the restorative justice model'* African Human Rights Law Journal (forthcoming, 2006)
- Solomon Dersso *'Peoples' rights under the African Charter on Human and Peoples' Rights: Much ado about nothing?'* as yet unpublished paper
- Kealeboga Bojosi *'Botswana abolishes marital power: A commentary on some interesting aspects of the abolition of Marital Power Act'* as yet unpublished paper
- Nico Horn *'Interpreting the Interpreters: An Analytical Study of Different Interpretative Models in Namibian Constitutional Jurisprudence'* paper presented at internal SAIFAC seminar series on (November 2005)
- George Mukundi *'The role of courts in protecting indigenous peoples' rights to land and resources'* paper presented at a workshop on *Courts and the Marginalized: Comparative Experiences*, Universidad Diego Portales, Santiago de Chile (December 2005)
- Dario Milo *'Freedom of Expression'* in Stuart Woolman, Theunis Roux, Jon Klaaren, Anthony Stein and Matthew Chaskalson (eds), *Constitutional Law of South Africa 2ed* (Cape Town: Juta, forthcoming 2006)

**9. BOARD MEETING**

The fourth meeting of SAIFAC's Board of Trustees was held at the Old Fort, Constitution Hill, on 14 October 2005.

**10. INTERNATIONAL ASSOCIATION OF  
CONSTITUTIONAL LAW**

The Director of SAIFAC attended a meeting of the Executive Committee of the International Association of Constitutional Law (IACL) in Berlin, Germany, on 4-5 November 2005. The next Roundtable meeting of the IACL will take place in Cape Town in April 2006.

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