The SARChI Chair, in partnership with STIAS, ICLA - University of Pretoria and KAS, hosted the seventh Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA7) at the STIAS-Wallenberg Research Centre from 18-20 September 2019. The theme for the SASCA 2019 seminar was Constitutionalism, Constitutions and the Economy in Africa.

On 4 October the SARChI Chair hosted a Policy Dialogue with Prof Zemelak Ayele. The topic was: The rising demand for own ethnic-based states in Ethiopia and the future of Ethiopian federalism.

The Dullah Omar Institute is re-introducing the Local Government Bulletin, its regular newsletter with articles, updates and opinion pieces on local government law, policy and practice.

This collection of essays assesses the efforts of African governments to constitutionalise decentralisation, be it in the form of federalism, local government or traditional authorities. Since the end of the Cold War, jurisdictions across Africa have witnessed an ostensible return to multi-party democracy within the paradigm of constitutionalism and the rule of law. Linked to the democratisation process, many countries took steps to decentralize power by departing from the heavily centralized systems inherited from colonial regimes. The centralization of power, typically characterized by the personalization and concentration of power in the hands of leaders and privileged elites in capital cities, mostly resulted in repressive regimes and fragile states. As decentralisation is a response to these challenges, this volume analyses the dynamic relationship between the efforts to implement decentralization and the presence or absence of constitutionalism.

The Child and Family in Law and Society

The niche area, in collaboration with the Dullah Omar Institute’s Children’s Rights Project and the Centre for Child Law at the University of Pretoria hosted on 19 and 20 August an expert consultation meeting on draft principles for the protection of the rights of the child in the context of surrogacy. This meeting was convened by the International Social Services (ISS). Experts came from Geneva, the Netherlands, Australia, South Africa, Nigeria, Uganda, Kenya and Ghana.

UWC hosted the annual Family Law Teachers Conference on 19 and 20 September. Papers were presented by Booley, Sono, Sloth-Nielsen and Mwambene. 13 papers were presented.
Julia Sloth-Nielsen was invited to lead a session in September on Artificial Reproduction for SADC judicial officers by a Nairobi-based NGO, the Centre for Reproductive Rights.

The LLM Module in Children’s Rights has attracted 22 students this semester. Several theses in the niche area have been submitted for examination. An LLD student supervised by Lea Mwambene - A Mutema - submitted her thesis for examination in August 2019.


On 23 September 2019, Benyam Mezmur, head of the Children’s Rights Project, was part of the panel at a side event of the 24th Human Rights Council Session in Geneva. The event was to commemorate the 30th Anniversary of the Convention on the Rights of the Child and it was organised by the African Union Ambassadors to Geneva.

Benyam Mezmur was also part of a panel discussion looking at 30 years after the ratification of the Convention on the Rights of the Child (CRC). The event under the theme “The CRC at 30 - What is needed to realise those Rights?” took place in Venice and was organised by the Global Campus of Human Rights on 28 September 2019.
Julia Sloth-Nielsen was the keynote speaker at the ‘Engendering access to Justice’ conference co-hosted by the UWC Law Faculty, 28-29 October 2019. She will also be the keynote speaker at the annual South African Professional Society for the Prevention of Child Abuse (SAPSAC) conference on 6 November, and is a featured speaker at the conference “Empowering Children” to be held in Leuven Belgium, on 22 and 23 November.

Julia Sloth-Nielsen was approached by Facebook to assist them to develop a policy on commercial surrogacy. An online meeting has already taken place to determine parameters.

Maria Assim and Robert Nanima - researchers with the Children’s Rights Project - participated in a 3-day child rights strategic litigation training and case-identification workshop from 10-12 September 2019 in Mombasa, Kenya.

The Children’s Rights Project at the DOI was one of three partners that were granted permission to submit an amicus brief to the Constitutional Court in relation to the constitutionality of the common law defence of reasonable and moderate parental chastisement. The CC found the defence to be unconstitutional. Robert Nanima, a postdoctoral researcher with the Children’s Rights Project, spoke to ENCA’s Naledi Moleo to explain what this means for parents.
Recent Publications

- Mezmur B.D. (2019) “Every ‘i’ dotted, and every ‘t’ crossed?’ : Reflections on the Joint General Comments on the rights of children in the context of international migration, with a focus on its relevance for the Horn of Africa” IV Ethiopian Journal of Human Rights

Global Environmental Law (GEL)

The fifth annual SARCIL/GEL seminar, titled “Gaps in international environmental law and the global environmental pact: normative expectations and missed opportunities”, took place on 29 August 2019 in Cape Town. The seminar facilitated vigorous discourse on the shortcomings of international environmental law in the context of the dire state of the environment. Speakers from the UK, Kenya, South Africa and New Zealand contributed to the successful outcome of this event. The seminar strengthened existing cooperation with a number of partners, such as UNEP.

The DHET has given approval for an nGAP appointment in the position of Lecturer: GEL. The appointment will expand the capacity of the GEL niche area in order to ensure sustainable growth.

The importance of environmental law prompted the establishment of an environmental law interest group for law students at UWC. ELIG facilitates presentations of eminent scholars in order to expose students to excellence. Prof Duncan French, Pro Vice Chancellor of Lincoln University and Extraordinary Professor at UWC, presented a lecture on 28 August that dealt with the recent regulatory developments pertaining to the deep seabed in international environmental law.
Werner Scholtz presented a paper that analysed welfare aspects of biodiversity law at the Animal Conference that was held on 15 and 16 September in Cape Town. This conference provided an opportunity to network with scholars as well as activists that focus on animal welfare issues.

The niche area is currently considering a number of initiatives to further cooperation in the fields of postgraduate teaching as well as research with international partners. Furthermore, Werner Scholtz will submit an application to initiate the process of transforming the GEL niche area into a Centre.

**Labour Law in the 4th Industrial Revolution (LL4.0)**

The niche areas website is about to go live. A professional website developer has assisted the niche area in designing a highly functional website that will serve as a research tool as well as showcasing the niche area and its activities. It will include a blog site and information of significant conferences and events relating to cutting-edge research in labour law. A trial version is expected to be active within days, which will then be finalised as soon as possible.

**Labour Law OnLine (LLoL)**

LLoL is also about to go live. It is an interactive online programme offering individualised information on workers’ rights, developed at the University of Amsterdam, which the niche area is adapting under license to the South African legal context, in collaboration with the Social Law Project, with input from the CCMA. It is primarily targeted at informing vulnerable workers, who seldom have unions to assist them, whether they have a case which could be referred to the CCMA or a bargaining council and giving a detailed analysis of its strengths and weaknesses. A trial version is already in use and is being fine-tuned for piloting in the Faculty’s Law Clinic by the end of October.

**Social Law Project (SLP)**

Fairuz Mullagee and Roger Ronnie are attending a conference in Germany at the end of October at the invitation of the DGB (German trade union federation) in preparation for the Digital Platform Cooperative Project which is being launched in January 2020.
A Memorandum of Understanding on mutual cooperation is being finalised with PSA, focusing on shared commitment to the development of work creation in South Africa that will be sustainable in a digital environment as well as productive and in conformity with the standards of decent work. Joint fundraising is envisaged to enable the niche area to grow into a research centre capable of serving this purpose, and initial approaches to potential funders are being made.

Through SLP, contact is also being maintained with a wide range of organisations engaged in related areas of work and/or offering potential support to various activities, including the Open Society Foundation, the Platform Cooperativism Consortium (New York) and Oxfam.

The Fairwork Project (Fairwork in the Platform Economy in the Global South, based at Oxford University), in which Darcy du Toit and Abigail Osiki are participants, held a workshop on 3 October to discuss the development of legal regulation for the platform economy with stakeholders, including representatives of the Presidency and the Department of Labour. Very useful ideas emerged on the shape that such regulation could take, and a paper on the strategic road forward will be produced by January 2020 in preparation for the tasks of concretising and advancing regulatory proposals through appropriate channels.

On 27 September, Emeritus Professor Manfred Weiss of the J.W. Goethe University in Frankfurt, and an Extraordinary Professor of the Law Faculty, presented a seminar on “German/European responses to labour law issues in the digital age”

Volume 3 of the Journal of Anti-Corruption Law (JACL) has been published.

Jamil Mujuzi presented a paper titled: Private Prosecution of Corruption in East Africa at the 2nd International conference on governance and service delivery in developing economies, October 21-26, 2019 at the Uganda Management Institute, Kampala.

The SABC came to UWC on 10 October 2019 to record footage of Dr Abduroaf for a programme “An Nur the Light”.

The department will host its second conference on Economic Crimes and Cybercrimes on 1 November 2019. Adv. Billy Downer will be the keynote speaker. It is envisaged that most of the papers which will be presented will be published in JACL.
Fareed Moosa received an award as UWC’s best mid-career researcher on 22 August at the inaugural Research and Recognition Awards.

Postgraduate Seminar Series

The Deputy Dean: R&PG Studies, Benyam Mezmur, has started a conversation series where different speakers are invited to address postgraduate students. Recent speakers include Thuli Madonsela (the flag judgment), Jonathan Jansen (transformation at universities) and Pierre de Vos (the decriminalisation of the use of cannabis in private in South Africa).
On 16 September, the Law Faculty launched ‘Constitution Lane’ containing photos of all its alumni and former staff members who have been appointed as judges.

The annual Dean’s Distinguished Lecture took place on 25 October. The keynote speaker was Supreme Court of Appeal Justice Mahomed Navsa, an alumnus of the Faculty, who addressed the audience on ‘Protecting, promoting and entrenching the rule of law – what individuals, constitutional institutions, state entities and civil society must do’. The event was the highlight of the 40th anniversary of the Faculty of Law. A number of other alumni also shared their experiences, including newly appointed Constitutional Court judge Steven Majiedt and Western Cape High Court judges Robert Henney and Chantel Fortuin.
The institute released a report on: The Regulation of Public Enterprises in Ethiopia. The report shows that, in Ethiopia, SOE operations are not immune from undue political interference. This is part of the Dullah Omar Institute’s SOE series (16 August).

On 20 August, the Socio-Economic Rights Project hosted a roundtable to discuss the impact of the activities of corporations for the realisation of human rights in South Africa. This included a discussion on accountability mechanisms for ensuring that the activities of corporations are respectful of human rights. The guest speakers were Mr Josua Loots, Project Manager: Business and Human Rights Unit, Centre for Human Rights, University of Pretoria and Dr Khulekani Moyo Senior Lecturer & Acting Director, Mandela Institute, School of Law, University of the Witwatersrand. The roundtable was attended by academics, community-based organisations, non-governmental organisations, policy makers and stakeholders. This event was made possible with the help of the Konrad-Adenauer-Stiftung (KAS) South Africa.

Dr Khulekani Moyo Senior Lecturer & Acting Director, Mandela Institute, School of Law, University of the Witwatersrand. The roundtable was attended by academics, community-based organisations, non-governmental organisations, policy makers and stakeholders. This event was made possible with the help of the Konrad-Adenauer-Stiftung (KAS) South Africa.

The Socioeconomic Rights Project and its partners participated in the UN Summit on Sustainable Development that took place in New York from 22-25 September. This Summit was a gathering of Heads of State to deliberate on and assess the commitments made under the Sustainable Development Goals (SDGs).

Dr Michelle Maziwisa published an article titled: ‘Giving a Voice to Subnational Authorities and Citizens in EU Trade Agreements’ on the EURAC Blog (17 September).
African Criminal Justice Reform and partner organisation, REFORMAR released a research report which assesses the consequences of the 2013 decision of the Constitutional Council of Mozambique, which gives only to judges the authority to order pre-trial detention for cases falling outside of flagrante delicto (September).

ACJR has released four fact sheets, the first is a guide to reading government annual reports and three new fact sheets dealing with petty offences as part of the Africa-wide campaign on the decriminalisation and declassification of petty offences (September-October).

On 2 October, the Socioeconomic Rights Project hosted a Community Leaders Workshop on non-state actors and the realisation of sexual and reproductive health rights for people in communities.

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Olufunmilola Adeniyi, Socio-economic rights doctoral researcher, and Marc Wegerif, post-doctoral fellow, University of Pretoria penned an op-ed on the right to food. Policies need to cover students at public and private institutions, from training centres to universities. The higher education sector needs legislation, regulations and programmes of action with budgets to deal with this. It was published on the Conversation. This led to a television (ENCA) interview on 1 October, with the Dullah Omar Institute’s Doctoral researcher, Adeniyi discussing student food insecurity at SA tertiary institutions.

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The mock trial assessment was the highlight of the second semester. Students worked in a team consisting of three members. Each team was placed in either a civil trial or a criminal trial. Where a team was placed in a civil trial, the team represented either the Plaintiff or the Defendant. Where a team was placed in a criminal trial, the team represented either the State or the Accused. The trials were conducted in the Clinic Moot Court and the Kader Asmal Moot Court. Senior attorneys, advocates and magistrates currently in practice presided over the proceedings.

SLP presented on its work in the domestic work sector and facilitated participation of domestic worker leaders at the event.

SLP formed part of a delegation to urge the Minister to ensure that the policy process for inclusion of domestic workers under COIDA is expedited.

<table>
<thead>
<tr>
<th>DATE &amp; TIME</th>
<th>PRESIDING OFFICER</th>
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</thead>
<tbody>
<tr>
<td>Friday 20 September 2019, 14h30</td>
<td>Ms Fatima Parker</td>
</tr>
<tr>
<td>Wednesday 2 October 2019, 17h00</td>
<td>Mr Mbebezeli Benjamin</td>
</tr>
<tr>
<td>Saturday 5 October 2019, 09h00</td>
<td>Mr Ashwin Kassen</td>
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<td>Saturday 5 October 2019, 09h00</td>
<td>Mr Tashreeq Ahmed</td>
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<tr>
<td>Saturday 5 October 2019, 14h30</td>
<td>Ms Simone Carollisson</td>
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<td>Saturday 12 October 2019, 09h00</td>
<td>Mr Charl May</td>
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<td>Saturday 12 October 2019, 14h00</td>
<td>Mrs Candy De Sousa</td>
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<td>Saturday 12 October 2019, 14h00</td>
<td>Mr Charl May</td>
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<td>Saturday 19 October 2019, 09h00</td>
<td>Ms Donna Fortuin</td>
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<td>Ms Simone Carollison</td>
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<td>Mr Tashreeq Ahmed</td>
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<td>Mr Tashreeq Ahmed</td>
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<td>Saturday 26 October 2019, 09h00</td>
<td>Mr Dudley Johnson</td>
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<td>Saturday 26 October 2019, 14h00</td>
<td>Mr Nathan Adriaanse</td>
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The following workshops/ events were held:

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<thead>
<tr>
<th>Date</th>
<th>Venue</th>
<th>Topic</th>
<th>Audience</th>
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<tbody>
<tr>
<td>16 August</td>
<td>Project Playground, Khayelitsha</td>
<td>Statutory Rape</td>
<td>Learners</td>
</tr>
<tr>
<td></td>
<td>Project Playground, Langa</td>
<td>Statutory Rape</td>
<td>Learners</td>
</tr>
<tr>
<td>21 August</td>
<td>Huis Vredelus</td>
<td>Statutory Rape</td>
<td>Minor girls</td>
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<tr>
<td>22 August</td>
<td>Bonnytoun</td>
<td>Drug Abuse</td>
<td>Minor boys</td>
</tr>
<tr>
<td>23 August</td>
<td>Saartjie Baartman</td>
<td>Menthal Health</td>
<td>Women</td>
</tr>
<tr>
<td>26 August</td>
<td>Eben Donges High School</td>
<td>Abuse</td>
<td>Minor girls</td>
</tr>
<tr>
<td>28 August</td>
<td>Bonnytoun</td>
<td>Depression</td>
<td>Learners</td>
</tr>
<tr>
<td>29 August</td>
<td>Saartjie Baartman</td>
<td>Child abuse</td>
<td>Minor boys</td>
</tr>
<tr>
<td></td>
<td>Cake Sale</td>
<td>N/A</td>
<td>Students</td>
</tr>
<tr>
<td>30 August</td>
<td>Huis Vredelus</td>
<td>Suicide</td>
<td>Minor girls</td>
</tr>
<tr>
<td>4 September</td>
<td>Bonnytoun</td>
<td>Violence</td>
<td>Minor boys</td>
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</tbody>
</table>
Street Law partnered up with the Gabriella Centre and the Kraaifontein Pathfinders Club to host a concert in aid of differently-abled children. The concert took place on 13 October 2019 in the Main Hall.

### Cape Human Rights Cluster

The following workshops/ events were held:

<table>
<thead>
<tr>
<th>Date</th>
<th>Venue</th>
<th>Topic</th>
<th>Presenter</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 August 2019</td>
<td>Law Clinic</td>
<td>Housing</td>
<td>Z Peterson, Norton Rose</td>
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<tr>
<td>14 August 2019</td>
<td>YMCA</td>
<td>Wills and Estates</td>
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</table>
The Black Lawyers Association UWC student chapter hosted the 10th AGM of the Black Lawyers Association Student Chapter (4-6 October 2019). Two BLA members at UWC were elected to the National Executive Committee of the Student Chapter: Sibabalo Mtonga, is now the Secretary General and Noma Hanjana is now Treasurer of the NEC.

Nompumelelo Khaba, Thato Machabaphala, Nolundi Nyati (senior magistrate, Cape Town), Justice Babalwa Mantame, Jacques de Ville, and Sibabalo Mtonga

LexisNexis Moot Court Competition, University of Pretoria, 4-6 October 2019: The Senior Team from UWC won the final round and a UWC law student, Mr S Tshangasa was chosen as best speaker in the final round.

Deidre Susan Kusevitsky (née Le Roux)

Has been appointed as Judge at the Western Cape High Court. She started studying part-time at UWC in the late 1990s and completed her LLB degree in 2002 and her LLM degree (in Environmental law) in 2005. She worked at the same time at Standard Bank as legal assistant, from 1996 to 2000, and as article clerk at Smith Tabata Buchanan Boyes, from 2001 to 2003. She joined the Cape Bar in 2003 where she practised as an advocate for 16 years. Deidre served as an acting judge in the Western Cape High Court in 2017 as well as 2018.

See https://www.uwc.ac.za/Faculties/LAW/News/Pages/Judge-Kusevitsky-joins-UWC’s-Constitutional-Lane.aspx

Enga Kameni

An alumnus of the UWC International Trade and Investment Law programme will be teaching a course in Law & Development in Africa: Contemporary Issues, Problems and Prospects this fall at Harvard Law School.

See https://hls.harvard.edu/faculty/directory/11929/Kameni/?fbclid=I-wAR1nC-6nkrULREI_m4KP-Stu8qZJjgC0hmVBJWafE3k-f--X6n-M096wfLQU