External AWARDS

- **Prof Hugh Corder** directed a project on the appointment of judges in six Commonwealth countries, funded by the Claude Leon Foundation. Outputs include a book and guidelines for judicial appointments.

- The DST/NRF SARChI Chair: Mineral Law in Africa was awarded to **Prof Hanri Mostert**.

- The DST/NRF SARChI Chair in Customary Law, Indigenous Values and Human Rights, held by **Prof Chuma Himonga**, was renewed. Prof Himonga also published *Reform of Customary Marriage, Divorce and Succession in South Africa: living customary law and social realities*.

- The Democratic Governance Research Unit received support from the Norwegian embassy for a project on Women Pioneers in Law.

- The Centre for Law and Society (CLS) received a substantial grant from the Constitutionalism Fund to support research and dialogue on critical issues in South African law and society.

- The IP Unit secured a follow-up grant of R14 million for the next three-year phase of their Open AIR project.
HIGHLIGHTS from June 2015 to June 2016

Prof Dee Smythe was appointed director of research.

The new phase of the Open African Innovation Research (Open AIR) project commenced in 2015. It seeks to solve a problem at the heart of innovation policy and practice: how to reconcile tensions between knowledge appropriation and access, between excluding and sharing, and between competing and collaboration. In doing so, the project helps in addressing some of the most significant innovation challenges: to promote population health, environmental sustainability, universal education, cultural participation, food security, poverty alleviation and economic growth.

The Centre of Criminology has been involved in the police-led process of implementing the Khayelitsha Commission of Inquiry recommendations.

The Tax Institute for Fiscal Research was established, a result of collaboration between the faculties of law and commerce, in cooperation with the International Bureau of Fiscal Documentation. The institute’s aim is to be Africa’s leading academic research institute in fiscal matters.

The Rural Women’s Action Research Unit, formerly part of the Centre for Law and Society, and now reconstituted as the Land and Accountability Research Centre (LARC), has received a range of grants to support work on rural democracy and governance, including from the Raith Foundation, Claude Leon and Ford, and the Tshemba Foundation. Renewed grants were welcomed from the Millenium Trust, HBS and the Open Society Foundation, in respect of supporting strategic litigation.

The Ford Foundation is supporting Dr Kelley Moult’s work in nine countries on forced and child marriage.

Prof Pierre de Vos, faculty SR representative, received a R30 000 grant from the Academic and Non-Fiction Authors’ Association of South Africa (ANFASA) for an ongoing project on autobiography and the Constitution.

Assoc Prof Alistair Price edited A Transformative Justice: essays in honour of Pius Langa with Advocate Michael Bishop.

Prof Dee Smythe published Rape Unresolved: policing sexual offences in South Africa.


Ms Lee-Ann Tong and Prof Caroline Ncube edited the third issue of the SA Intellectual Property Journal.

Dr Hannah Woolaver was awarded a research grant of $250,000 AUD from the Australian Research Council for a three-year research project in collaboration with Assoc Prof Sarah Williams of the Faculty of Law, University of New South Wales. The project, ‘Evaluating Civil Society Participation before International Criminal Tribunals’, provides the first comprehensive assessment of the methods by which civil society actors seek to intervene in international criminal tribunals and the influence of those interventions on legal outcomes, including the question of whether those interventions reflect the range of civil society interests in international criminal justice, or are limited to ‘Western’ perspectives.


The Centre for Criminology completed a major study for the United Nations on international illicit flows and urban security.

POSTGRADUATES (end-2015)

157 Master’s students
95 Master’s graduates
75 PhD students
11 PhD graduates

1 POSTDOC (end-2015)
DOCTORAL GRADUATIONS

Source: Doctoral Degrees Board

O. AKINYEYE (COMMERCIAL LAW)
Are there any justifications for exempting a harbour pilot and port authority from liability and making the shipowner and master of a ship under compulsory pilotage vicariously liable for the actionable wrongs of the pilot, and if any, are they defensible?
Supervised by Professor A. Rycroft and Associate Professor G. Bradfield

T. ANDZENGE (PUBLIC LAW)
Legal issues in the contextual diffusion of independent regulatory agencies in Nigeria
Supervised by Professor H. Corder

O.A. BADEJOGBIN (CRIMINAL JUSTICE)
Sentencing reforms in a postcolonial society. A call for the rationalization of sentencing discretion in Nigeria, drawing on South Africa and England
Supervised by Professor W. De Vos and Ms K. Phelps

J. BERG (CRIMINOLOGY)
Polycentric security governance: legitimacy, accountability, and the public interest
Supervised by Professor C. Shearing

M.C. DU PLESSIS (PUBLIC LAW)
Access to work for disabled persons in South Africa: the intersections of social understandings of disability, substantive equality and access to social security
Supervised by Professor A. Rycroft

E. GUMBOH (CRIMINAL JUSTICE)
A critical analysis of the impact of the bill of rights on punishment in Malawi
Supervised by Professor D. Chirwa

T.P. HERBSTEN (CRIMINOLOGY)
Insurance and the Anthropocene: like a frog in hot water
Supervised by Emeritus Professor C. Shearing

K. IDENSOHN (COMMERCIAL LAW)
The basis and boundaries of employee fiduciary duties in South African common law
Supervised by Professor A. Rycroft

T.E. KADIRI (PUBLIC LAW)
Regulating land based sources and activities causing pollution of the coastal and marine environment in South Africa, Kenya and Nigeria
within the context of integrated coastal zone management
Supervised by Professor J. Glazewski

T.H. MONGALO (COMMERCIAL LAW)
Corporate actions and the empowerment of non-shareholder constituencies
Supervised by Professor J.D. Davis

I. OKUKPON (PUBLIC LAW)
Towards the sustainable management of electronic waste in Nigeria: South Africa as a model
Supervised by Professor L. Feris

M.T. SHALE (CRIMINAL JUSTICE)
Resilience and risk in the informal economy: a study in the regulation of flooding
Supervised by Emeritus Professor C. Shearing and Professor T.A. Börzel (external)

S. TIMM (CRIMINOLOGY)
Modalities of regulation in the informal economy: a study of waste collectors in Cape Town
Supervised by Emeritus Professor C. Shearing

M.R. TURAMWISHIMYE (PUBLIC LAW)
Reconciling biodiversity conservation and agricultural development in the context of international and domestic law in Rwanda
Supervised by Professor J. Glazewski

H.M. VAN DEN BERG (PRIVATE LAW)
Regulation of the upstream petroleum industry. A comparative analysis and evaluation of the regulatory frameworks of South Africa and Namibia
Supervised by Professor H. Mostert
Department of Commercial Law

(INCLUDING THE INSTITUTE OF DEVELOPMENT AND LABOUR LAW, THE CENTRE FOR COMPARATIVE LAW IN AFRICA, THE SHIPPING LAW UNIT AND THE INTELLECTUAL PROPERTY UNIT)

Research Report 2015

Head of Department: Associate Professor Caroline Ncube

Departmental Profile

The Department of Commercial Law is the biggest department in the Law Faculty in terms of both staff complement and student numbers. Several of its academic staff members hold doctoral degrees whilst a few others are currently working on their doctoral degrees. In addition, a number of academic staff members are working on new books or on new editions of established works. All of this enhances the department’s scholarly achievements, as evidenced by the publications listed below. The Department now has three NRF rated researchers.

The Department has an increasing number of PhD and LLM by dissertation students and teaches most of the students who are taking the LLM by coursework and the Postgraduate Diplomas in Law. It graduated its first cohort of professional master’s degree graduates at the end of 2014.

In the LLB programme the Department teaches compulsory courses in Corporation Law, Commercial Transactions Law and Labour Law. It offers 14 optional courses to final year students. The Department also offers specialised commercial law courses to nearly 2600 students from other faculties.

There are four research and teaching units which form part of the Department: the Institute of Development and Labour Law, the Centre for Comparative Law in Africa, the Shipping Law Unit and the Intellectual Property Unit.

Departmental Statistics

| Permanent and Long-Term Contract Staff |
|-------------------------------|--------|
| Professors                    | 6      |
| Associate Professors          | 5      |
| Senior Lecturers              | 8      |
| Lecturers                     | 9      |
| Teaching and Research Assistants | 2   |
| Administrative staff          | 4      |
| **Total**                     | **34** |

| Emeritus, Adjunct and Honorary Staff |
|------------------------------------|-------|
| Emeritus Professors                | 3     |
| Emeritus Associate Professor       | 1     |
| Adjunct Staff                      | 4     |
| Honorary Research Associate        | 1     |
| **Total**                          | **9** |

<table>
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<th>Students</th>
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<tbody>
<tr>
<td>Other Faculties</td>
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</table>

These figures above reflect actual registrations for Commercial Law courses and LLB courses. Where a student registers for two Commercial Law / LLB courses he/she was counted twice.
Research Fields and Staff

**Associate Professor and Head of Department**

**ASSOCIATE PROFESSOR C. NCUBE**
Business Law; Company Law; Intellectual Property Law

**Professors**

**PROFESSOR E.R. KALULA**
International Comparative Labour Law; Labour Market Regulation; Social Security

**PROFESSOR R. LE ROUX**
Labour Law, Sport Law

**PROFESSOR S. MANCUSO**
Comparative Law

**PROFESSOR A. RYRCROFT**
Labour Law; Dispute Resolution

**PROFESSOR D. UNTERHALTER (PART-TIME)**
Competition Law

**PROFESSOR R.C. WILLIAMS (PART-TIME)**
Revenue Law; Company Law

**Emeritus Professors**

**EMERITUS PROFESSOR R.D JOOSTE**
Revenue Law, Company Law

**EMERITUS PROFESSOR JE HARE**
Shipping Law

**EMERITUS PROFESSOR J. KINDERLERER**
Biotechnology and IPL

**Associate Professors**

**ASSOCIATE PROFESSOR G. BRADFIELD**
Shipping Law, International Trade

**ASSOCIATE PROFESSOR D. COLLIER**
Labour Law; Electronic Law; Intellectual Property Law

**ASSOCIATE PROFESSOR T.L. GUTUZA**
Revenue Law; Capital Transfer and International Tax Law

**ASSOCIATE PROFESSOR T.S. EMSLIE SC (PART-TIME)**
Revenue Law

**Honorary Research Associate**

**DR T. KRUGER**
International Trade Law

**Adjunct Staff**

Ms A. Bosman
Mr N. Jeram
Dr T. Madima
Mr E. Swanepoel

**Senior Lecturers**

**DR E. FERGUS**
Labour Law; Business Law

**MS J. FRANCO**
Business Law

**DR A. HUTCHISON**
Business Law

**DR K. IDENSOHN**
Company Law

**MS K. LEHMANN**
Business Law; Global Economic Law; International Economic Law

**MR M. NKOMO**
Business Law; Intellectual Property Law

**MS L.-A. TONG**
Intellectual Property Law

**MS J. YEATS**
Business Law; Company Law

**Lecturers**

**MR K BASSUDAY**
Business Law

**MR R. BRADSTREET**
Company Law; Business Law, Intellectual Property Law

**MS. S. BUTHELEZI**
Business Law

**MS L. NAIDOO**
Business Law; Shipping Law

**MS S. SINGLEE**
Business Law; Labour Law

**MS H. STOOP**
Business Law; Company Law

**MS A.L. TITUS**
Business Law; Revenue Law
Institute of Development and Labour Law

Director: Professor R. le Roux

Institute Profile

The Institute of Development and Labour Law was established in 1996 through the merger of the Labour Law Unit and the Institute of Development Law. The Institute plays a leading role in development and labour law teaching and research. It is involved with training courses in South Africa and other countries in Southern Africa. It also regularly contributes to training programmes in other organisations and collaborates closely with other leading university centres and NGOs.

Research Fields and Staff

Professors

PROFESSOR E.R. KALULA
International and Comparative Labour Law; Labour Market Regulation; Social Security; Law and Regional Integration

PROFESSOR R. LE ROUX
Labour Law

PROFESSOR P. BENJAMIN
Collective Bargaining and Strike Law; Health and Safety; Minimum Labour Standards; Regulatory Framework

ASSOCIATE PROFESSOR D. COLLIERS
Labour Market Regulation, Inequality, Intellectual Property and Development

Adjunct Professors

PROFESSOR C. THOMPSON
Collective Bargaining; International Labour Law

DR T. MADIMA
Collective Bargaining

MR C. NUPEN
Dispute Resolution; Social Dialogue

MS T. ORLEYN
Dispute Resolution

MR N. JERAM
Social Security

Contact Details

Postal Address: Department of Commercial Law, Faculty of Law, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 3068/65
Fax: +27 21 650 5631
Website: http://www.comlaw.uct.ac.za
Centre for Comparative Law in Africa

Chair: Professor S. Mancuso
Director: Associate Professor A. Ordor

Centre profile

The Centre for Comparative Law in Africa (CCLA) was established in 2011 to promote the study of comparative law and draw on the strengths of comparative methodology to research into the multifaceted field of law in Africa. The Centre presents an opportunity to develop a discipline that lends itself to optimal application in the pluralistic legal frameworks within which life is lived in Africa. In its mission to contribute to the development of comparative law in Africa, the strategy of the CCLA is to establish the field at UCT, build capacity in it across the continent through academic programmes, apply comparative law expertise in consultancies and disseminate new knowledge in comparative law in Africa through conferences, publications and professional networks. Its location within the Department of Commercial Law recognises the centrality of comparative law to on-going efforts at economic integration on the African continent. The CCLA offers an LLM and a postgraduate diploma in Comparative Law and conducts research on a variety of themes that apply comparative methodology. Currently the Centre is involved in a collaborative research project on mineral law and policy in three southern African countries (South Africa, Namibia and Zambia) under the UCT PERC Africa Knowledge Project as well as customary law development in Somaliland. The CCLA offers support for Africa-focused doctoral research and also undertakes consultancies from institutions in the public and private sectors.

Administrator

Ms P. Dhlamini
Shipping Law Unit

Head: Associate Professor G. Bradfield

Unit Profile

The Shipping Law Unit has been in operation since the beginning of 1993. The Unit was set up within the Department of Commercial Law to accommodate part-time and full-time studies in Shipping Law at higher postgraduate level, and to support the Maritime Law option offered to Final Level LLB students. The Shipping Law Unit provides postgraduate tuition and research in Admiralty law and practice and in all private law aspects of the law relating to the sea and ships. It serves as an information and advice centre to the shipping industry, and monitors developments in maritime law and policy in South Africa and abroad. The Unit co-operates closely with the Institute of Marine and Environmental Law which handles the public law elements of the Law of the Sea and related subjects.

Visiting Teacher

R. Knutzen

Contact details

Postal Address: Room 5.03, 5th level, Wilfred & Jules Kramer Law Building, Middle Campus, University of Cape Town, Rondebosch, 7700
Telephone: +27 21 650 2676
Fax: +27 21 650 5662
Email: Graham.Bradfield@uct.ac.za
Website: http://www.law.uct.ac.za/law/research/groups/shipping_law/about

Contact Details

Postal Address: Room 4.41, 4th level, Wilfred & Jules Kramer Law Building, Middle Campus, University of Cape Town, Rondebosch, 7700
Telephone: +27 21 650 5268
Fax: +27 21 650 3671
Email: info-ccla@uct.ac.za
Website: http://www.comparativelaw.uct.ac.za/
Intellectual Property Unit

Director: Dr T. Schönwetter

Unit profile

The Intellectual Property Unit (IP Unit) was set up in 2007 as a centre for policy research and teaching in intellectual property law. Intellectual property is a key determinant of human development, economic growth and competitiveness; and intellectual property rules impact on various public policy areas including health, research and development, bio-diversity, clean technologies, food security, and education. Important issues range from the way in which we access and share knowledge to strategies how to commercialise inventions and avoid misappropriation. The IP Unit comprises Dr Tobias Schonwetter, A/Prof. Caroline Ncube and Ms Lee-Ann Tong, two administrators (Nan Warner and Phyllis Webb) as well as a varying number of soft-funded research collaborators, visiting scholars, fellows and visiting students from Africa, Europe and North America. The IP Unit seeks to add a credible African voice to the global debates concerning the link between intellectual property, innovation, development and public policy. The IP Unit offers PhD supervision, LLM and fellowship programmes, hosts regular stakeholder workshops and seminars and is involved in numerous national and international research projects. IP Unit members are involved in various national, regional and international networks and, the unit is the centre of two of the largest intellectual property networks on the African continent, namely the Open A.I.R. (African Innovation Research, www.openair.org.za) network and Creative Commons Africa (www.creativecommons.org).

Contact Details

Postal Address: Room 6.21, 6th level, Wilfred & Jules Kramer Law Building, Faculty of Law, Middle Campus, University of Cape Town, Rondebosch, 7700
Telephone: +27 21 650 3914
Fax: +27 21 650 5631
Email: Tobias.Schonwetter@uct.ac.za
Website: http://ip-unit.org/

RESEARCH OUTPUT

Authored books


Edited books


Chapters in books


Articles in peer-reviewed journals


Bradstreet, R. 2015. Implications of the re-enacted discretionary power to grant judicial relief to directors in section 77(9) of the Companies Act 2008. SA Mercantile Law, 27(1): 145-152.


Department of Private Law

Research report 2015

Head of Department: Professor Anton Fagan

Departmental Profile

The Department of Private Law has seven NRF-rated researchers. The Department continued to maintain its strong research record during the period of review. Members of the Department maintained a high rate of publication, which included a number of international publications.

Departmental Statistics

Permanent and Long-Term Contract Staff

<table>
<thead>
<tr>
<th>Staff Category</th>
<th>Number</th>
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<tbody>
<tr>
<td>Professors</td>
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<td>Associate Professors</td>
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Emeritus and Honorary Staff

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<tr>
<td>Honorary Research Associates</td>
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<td><strong>Total</strong></td>
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Students

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<td>LLB</td>
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<td>Masters</td>
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<td>PhD</td>
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<td><strong>Total</strong></td>
<td><strong>720</strong></td>
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</table>

Research Fields and Staff

Professor and Head of Department

PROFESSOR H. SCOTT
Unjustified Enrichment; Law of Delict; Legal History

Professors

PROFESSOR A. FAGAN
Law of Delict; Jurisprudence; Constitutional Theory

PROFESSOR A.J. BARNARD-NAUDÉ
Jurisprudence; Legal Theory

PROFESSOR T. NAUDE
Law of Contract; Consumer Protection

PROFESSOR C. HIMONGA
African Customary Law

PROFESSOR D.B. HUTCHISON
Law of Contract; Law of Delict

PROFESSOR H. MOSTERT
Law of Property; Land Law; Mineral and Petroleum Law

Emeritus Professors

EMERITUS PROFESSOR W. DE VOS
Unjustified Enrichment; Legal History

EMERITUS PROFESSOR I. LEEMAN
Copyright Law

Honorary Research Associates

PROFESSOR F. DU BOIS
University of Leicester, England
Law of Delict; Legal Theory

ASSOCIATE PROFESSOR M. HEWETT
South African and European Legal History

PROFESSOR D. MEYERSON
Macquarie Law School
Jurisprudence, Human Rights and Moral Dilemmas, Theories of Law and Justice

JUSTICE B. VAN HEERDEN
Judge of Appeal, Supreme Court of Appeal

Distinguished visitors

PROFESSOR R. EVANS-JONES
University of Aberdeen, Scotland
Unjustified Enrichment; Legal History

Associate Professors

ASSOCIATE PROFESSOR M. PALEKER
Law of Succession; Civil Procedure

ASSOCIATE PROFESSOR A. POPE
Law of Property; Bio-ethics; Customary Law; Family Law
ASSOCIATE PROFESSOR A. BARRATT
Law of Persons and Marriage; Legal History; Intellectual Property Law

ASSOCIATE PROFESSOR L. GREENBAUM
Legal Education; Legal Writing.

ASSOCIATE PROFESSOR A. PRICE
Law of Delict; Jurisprudence

Lecturers

MS F. OSMAN
Law of Succession; African Customary Law

MR J. JONKER
Legal theory

Contract Staff

MS F. DIALLO
Research Co-ordinator

MS S. FICK
Lecturer

MS J. WILKE
Lecturer

Administrators

MRS. N. CAMPBELL
Administrative Officer
LLB Intermediate/Final Year

MRS. F. MOHAMED
Senior Secretary
LLB Preliminary Undergraduate/Postgraduate/LLM Courses

Contact Details

Postal Address: Department of Private Law, Faculty of Law, University of Cape Town, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650-3447/5609
Fax: +27 21 650-5770
Email: faiza.mohamed@uct.ac.za; nikki.campbell@uct.ac.za
Website: http://www.privatelaw.uct.ac.za/

RESEARCH OUTPUT

Authored books


Edited books


Chapters in books


Articles in peer-reviewed journals


Department of Public Law

(Including the Centre of Criminology; Institute of Marine and Environmental Law; Democratic Governance and Rights Unit; Centre for Law and Society; and Refugee Rights Unit)

Research report 2015

Head of Department: Professor Elrena van der Spuy

Departmental Profile

The Department of Public Law now has 9 NRF rated researchers and continues to produce high level research in various areas, including constitutional law and human rights, international law, environmental law, refugee law, criminal law, criminal procedure and evidence, land rights, crime, safety and policing. During the course of 2015, members of the Department were involved in the production of various publications including monographs, book chapters, journal articles and research reports.

The five research units attached to the Department – the Centre of Criminology, the Institute of Marine and Environmental Law, the Democratic Governance and Rights Unit, the Centre for Law and Society and the Refugee Rights Unit – continued to make a substantial contribution to research output, policy involvement, advocacy and outreach activities on a wide range of issues of socio-legal importance.

Departmental Statistics

Permanent and Long-Term Contract Staff

<table>
<thead>
<tr>
<th>Position</th>
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<tr>
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<td>Associate Professors</td>
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<td>Senior lecturers</td>
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<td>Administrative Staff</td>
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<td>Teaching Assistants</td>
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Emeritus and Honorary Staff

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<td>Honorary Professors</td>
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Students

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<td>Postgraduate Diploma</td>
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<td>Doctor of Philosophy</td>
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<td>Semester Study Abroad</td>
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<td><strong>Total</strong></td>
<td><strong>874</strong></td>
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</table>

These figures above reflect actual registrations for Public Law courses and LLB courses. Where a student registers for two Public Law/LLB courses he/she was counted twice.

Research Fields and Staff

Professor, Chair of Criminology and Head of Department

**PROFESSOR E. VAN DER SPUY**

Policing (public); Police Reform; History of criminal justice reform

Professors

**PROFESSOR D. CHIRWA**

International Human Rights; the Rights of the Child; Domestic implementation of Human Rights; Administrative Law; Social and Economic Rights

**PROFESSOR H.M. CORDER**

Administrative Law; the Judicial Process

**PROFESSOR P. DE VOS, CLAUDE LEON FOUNDATION CHAIR IN CONSTITUTIONAL GOVERNANCE**

Constitutional Law; Current issues in Constitutional Law; Governing under the Constitution

**PROFESSOR L.A. FERIS**

Environmental law; Environment and Human rights; Trade and Environment; Water and Sanitation

**PROFESSOR J.I. GLAZEWSKI**

Environmental Law; Energy Law; Antarctic, Marine Pollution Law

**PROFESSOR R. MANJOO**

Women’s Human Rights; Violence against Women; Culture, Religion, Tradition and Human Rights

**PROFESSOR C.M. MURRAY**


**PROFESSOR A.R. PATERSON**

Environmental Law; Biodiversity; Protected Areas; Environmental Fiscal Reform

**PROFESSOR P.J. SCHWIKKARD**

Evidence, Criminal Procedure

**PROFESSOR M. SHAW**

Organised crime, security, policing

**PROFESSOR C. SHEARING**

Governance of physical and environmental security

**PROFESSOR D. SMYTHE**

Law and Society (particularly the use of interdisciplinary research methods); Criminal Justice Policy; Human Rights; Violence against Women

Associate Professors

**ASSOCIATE PROFESSOR W. AMIEN**

Legal Pluralism; Family Law; Muslim personal law; Law and Religion; Law and culture; Human Rights, Gender and the Law; Gender Studies; Politics; Multiculturalism; Islamic Law; and Citizenship
ASSOCIATE PROFESSOR R. CALLAND
Accountable Government; Access to Information; Whistle Blowing Legislation; Constitutional Law; Public Ethics

Emeritus Professors

PROFESSOR T.W. BENNETT
African customary law; land rights; public and private international law

PROFESSOR J. BURCHELL
Criminal Law; Personality Rights

PROFESSOR H. CHEADLE
Labour Law; Human Rights; Constitutional Litigation; Legal Drafting

PROFESSOR D.J. DEVINE
International Law of the Sea; General Principles of International Law; Regional Integration

PROFESSOR D. VAN ZYL SMIT
Criminal Law; Prisons and Punishment

Honorary Professors

Professor J. Dugard
Advocate W. Trengove

Honorary Research Associates

Adv V. De La Hunt
Professor J. Froestad
Associate Professor S. Jagwanth
Dr C. Darch
Dr J.H. Hall
Dr D. Pinnock
Mr M. Bishop
Ms T. Schreier

Senior Lecturers

MS J. BERG
Governance of Security; Plural Policing; Policing Accountability

DR K. MOULT
Criminology, Research Methods, Gender-based violence

MS K. PHELPS
Constitutional Criminal Adjudication; Punishment; the Principle of Legality and Sexual Offences

MS C.H. POWELL
Constitutional Law; International Law; International Criminal law

DR H. WOOLAVER
International Law, International Criminal Law

Lecturers

MS M.C. DU PLESSIS
Social Security Law and Governance; Workers’ Compensation

MS S. LUTCHMAN
Evidence; International Law; Rights of the Child

MS M.A. YOUNG
International law of the sea, Marine law; Environmental law

MS J. OMAR
Criminal law; Criminal Procedure; Evidence

MS L. KOHN
Constitutional Law; Administrative Law

Administrative Staff

MS D. MWAMBALA
Administrative Officer

MS R. FRANCKE
Senior Secretary

MS T. MURPHY
Senior Secretary

Contact Details

Postal Address: Department of Public Law, Faculty of Law, University of Cape Town, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 3072
Fax: +27 21 650 5673
Email: Rene.Francke@uct.ac.za
Website: http://www.publiclaw.uct.ac.za
Centre of Criminology

Director: Professor Mark Shaw

Centre Profile

The South African National Research Foundation (NRF) Chair of Security and Justice, a South African Research Chairs Initiative of the Department of Science and Technology and the NRF is hosted by the Law Faculty at the University of Cape Town. Professor Clifford Shearing, held the chair until August 2014. Prof. Mark Shaw took up this position with effect from 1 September 2014. Professor Elrena van der Spuy holds the Chair of Criminology in the Centre.

During the course of 2015 the work of the Centre was focused around some of the most pertinent challenges facing South Africa and Africa more generally within the overall context of an increasingly globalised world. This work included a strong emphasis on research in: (1) organised crime and illicit trafficking in South Africa and Africa, including with a focus on the evolution of criminal networks in fragile states and their impact on governance, democracy, livelihoods and the environment; (2) developments and challenges for policing, both public, private and community driven, and reforms; (3) urban safety challenges with a particular focus on the evolution of city insecurity in the ‘global south’; (4) criminal justice policy questions, with an emphasis on developing country contexts; and (5) violent crime, with particular attention to its impact on youth and women.

Centre Statistics

Research Fields and Staff

Permanent Staff

PROFESSOR M. SHAW
Policing, Organised crime and Illicit economies, Crime and Development

PROFESSOR E. VAN DER SPUY
Policing (public); Police Reform; History of criminal justice reform

MS J. BERG
Governance of Security; Plural Policing; Policing Accountability

Emeritus Professor

PROFESSOR C. SHEARING
Governance of Physical and Environmental Security

Research and Administrative Staff

DR. S. HOWELL; SENIOR RESEARCHER
Policing, drug policy and gangs

DR. A. FAULL; SENIOR RESEARCHER

DR. S. HENKEMAN; STAFF ASSOCIATE/SENIOR RESEARCHER
Violence, structural violence and crime prevention

DR. C. GOREDEMA; STAFF ASSOCIATE/SENIOR RESEARCHER
Organised crime, illicit financial flows and money laundering

MR. M. SKADE; RESEARCHER
Urban security policy and transport security

MS. T. HUME
Finance Assistant as of October 2015

Postdoctoral Fellow

DR ANNETTE HÜBSLE-FINCH
Illicit environmental trafficking and environmental crime

Honorary Research Associates

MR C. CULLINAN
Director, EnAct International, Practising Environmental Attorney

DR D. NEL
Associate Professor J. Froestad
Institute of Administration and Organization Theory, University of Bergen
Institute of Marine and Environmental Law

**Director:** Professor Loretta Feris

### Institute Profile

The Institute of Marine and Environmental Law undertakes research, teaching and consultancy in the fields of marine and environmental law both at the international level and in the context of Southern Africa. It also participates in multi-disciplinary projects in collaboration with other specialists in marine and environmental subjects. In 2015 members of the Institute worked collaboratively as well as individually on a number of projects. **Professor Feris** continued her work on environmental rights and on the legal implications of the concept of place. She presented a paper on environmental rights at a seminar on the legal foundation of environmental sustainability convened by the United Nations Environment Programme (UNEP) as part of the Midterm Review of the Montevideo Programme IV. In collaboration with Professor Glazewski, she continued work on water governance and in particular clarification of the concept “responsible authority” as it relates to Catchment Management Agencies. **Prof Glazewski** continued his research on transnational fisheries crime in collaboration with counterparts at NMMU and the Norwegian Ministry of Trade and Fisheries as well as research on legal and governance aspects of hydraulic fracturing in the Karoo. **Professor Paterson** continued with his research in the area of protected areas law and governance, biodiversity, land reform and community conservation. His research in these areas led to several publications on indigenous peoples’ rights in the Central Kalahari Game Reserve, connectivity in the Greater Cederberg Biodiversity Corridor, and biodiversity and local governance. He also presented a paper at the IUCNAEL Colloquium held in Jakarta (Indonesia) focusing on participatory forest management. His main highlight of 2015, was completion of the IUCN Environmental Law Centre’s Protected Areas Law and Governance Project, of which he was the lead author, and running workshops in Bonn (Germany) and Wuhan (China) focusing on the resources to emerge from this project. **Micha Young** continued to focus...
on her key research area, being conservation in areas beyond national jurisdiction. During 2015, this resulted in a publication centred around the International Court of Justice’s judgment in the whaling case. She also continued to further her research into a key principle underpinning governance in areas beyond jurisdiction – the principle of the freedom of the seas.

Institute Statistics

Permanent and Long-Term Contract Staff

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Professors</td>
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<td>Emeritus Professor</td>
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<td>Lecturers</td>
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<td>Administrative and Clerical Staff</td>
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<td><strong>Total</strong></td>
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Students

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<td>Doctoral</td>
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<td>Masters (MPhil)</td>
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<td>LLB – Final Year</td>
<td>16</td>
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<td>Non-Law students (cross faculty)</td>
<td>18</td>
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<td><strong>Total</strong></td>
<td><strong>146</strong></td>
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</tbody>
</table>

Research Fields and Staff

Permanent Staff

**PROFESSOR L.A. FERIS**
Environmental law; human rights and environment; water and sanitation, sense of place.

**PROFESSOR J.I. GLAZEWSKI**
Environmental law; energy law; Antarctic; marine pollution law

**PROFESSOR A.R. PATERSON**
Environmental law; biodiversity; protected areas; environmental fiscal reform

**MS M.A. YOUNG**
International law of the sea, marine law; environmental law

Emeritus Professor

**EMERITUS PROFESSOR D.J. DEVINE**
Law of the sea; international law

Honorary Research Associates

**DR J. HALL**
Role of the judiciary in environmental governance

**MR R. KINNA**
International environmental law (specifically water), river basin governance and liability for transboundary harm.

Administrative Assistant

Ms P. Murphy

Contact Details

Postal Address: Institute of Marine and Environmental Law, University of Cape Town, Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 5642
Email: Toni.Murphy@uct.ac.za
Fax: +27 21 650 5183
Website: [http://www.imel.uct.ac.za/](http://www.imel.uct.ac.za/)
Democratic Governance & Rights Unit

Director: Associate Professor R. Calland
Deputy Director: Ms V. Karth

Unit Profile

The Democratic Governance and Rights Unit conducts applied and comparative research in the field of judicial governance with a particular interest in judicial appointments and gender equality and diversity in the judiciary and in the legal profession in both South Africa and the region. We provide bespoke research support to judges in the SADC region. We are a member of the international free access to law movement through our SAFLII and AfricanLII projects. We publish the largest free-access collection of legal materials from southern Africa and we are a leader in supporting and providing free access to Law on the continent.

In 2015, our researchers were engaged in a number of activities. Tabeth Masengu amongst others, spoke at the African international Association of Women Judges conference in Pretoria, organised a panel and spoke at the South African Development Community (SADC) lawyers AGM in Dar es Salaam, Tanzania and facilitated at a Judges training workshop held in Bagamoyo, Tanzania organised by Equality Now, an NGO based in Kenya. Tabeth concluded the national legal sector meetings, spoke at a Judges Matter meeting and provided strategic advice to the Malawi law society. She also published a chapter in Constitution Building in Africa (Visser and Steyler eds) and an article in the South African Journal on human rights. In the faculty, Tabeth taught three sessions of the Governing Under the constitution module to an LLM class.

Chris Oxtoby participated in a conference, convened by Professor Hugh Corder and the Bingham Centre for the Rule of Law, which developed a set of principles (“The Cape Town Principles”) on judicial appointments in commonwealth countries. Chris supervised the preparation of three research reports and submissions for Judicial Service Commission interviews during 2015. He and Roger Gachago were involved in a joint project with Austlii to develop data mining facilities on the Saflii database. A paper reporting these findings is currently being finalised. The initial findings of this research were presented by Gachago at the Law Via the Internet conference in Sydney in October 2015.

In September we hosted the annual International Law via the Internet Conference (LVI) in partnership with Kenya Law with participants from over 35 countries. Hosting the LVI in Africa provided a unique opportunity to combine advocacy for the now well-developed Free Access to Law Movement in Africa with practical models for implementing legal information technologies to further promote and increase the impact of open access to law and, consequently, greater access to justice. The conference tailored its plenary and parallel sessions to the challenges faced by the government, the judiciary, academic institutions, legal practitioners, and citizens in utilizing open access law in Africa in particular, and the developing world more generally.

We convened a forum for South African Judges in November which explored the theme of constitutional and transformative adjudication, and a forum for judges from other SADC regions in May, which focused on the separation of powers and case flow management. We continued our Court Intern programme in Malawi and Namibia. This is a partnership project with Oxford University’s pro Bono Public group through which we place post-graduate students as interns in superior courts. It continues to be well received by the courts. One UCT and one Oxford student were sent to the Supreme Court of Namibia, while two UCT students were sent to the Supreme Court of Malawi. Our ‘virtual research assistant’ project in the region continues to be popular with judges and lawyers in the region, and provides great opportunities for post graduate students to gain practical research experience whilst providing high quality research support to judges around the region. Students at UCT worked on various projects for judges – from producing legal opinions and comparative research reports to the provision of articles and other background resources.

On a technical level, we started development of an offline legal resource “Pocket Law” which will be updatable when there is access to the internet - this will be rolled out in 2015 as a research tool for students, judges and practitioners in the region.
Unit Statistics

Permanent and Long-Term Contract Staff

<table>
<thead>
<tr>
<th>Position</th>
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<tr>
<td>Associate Professors</td>
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<td>Permanent researchers (1 senior researcher)</td>
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<td>Deputy Director</td>
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<tr>
<td>Project Leaders</td>
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<tr>
<td>Policy and Advocacy lead</td>
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<td>IT co-ordinator</td>
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<tr>
<td>Website Developer</td>
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<td>Content editors</td>
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<tr>
<td>Administrator</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
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</tbody>
</table>

Research Fields and Staff

Permanent and Contract Staff

**ASSOCIATE PROFESSOR R. CALLAND**
Transparency Law & Policy, the Right of Access to Information, Whistle Blowing, Public Ethics, Political and Economic Governance, Constitutional Law, Multi-stakeholder Processes, Climate Finance Governance.

**MS T. MASENGU**
Human Rights, Women, Equality and Constitutionalism and Judicial Appointments.

**MR C. OXTOBY**
Judicial Governance, Separation of Powers, Anti-terrorism Law and Practice.

Professional and Administrative Staff

**MS V. KARTH**
Judges Support in the SADC region, Programme and Financial Management

**MS M. BADEVA-BRIGHT**
AfricanLII Programme Management; Training; Content Development; Strategic Direction and Development

**MR A. MAHLANGU**
Develop and deploy new web system architectures for AfricanLII

**MR O. BADEJOGBIN**
Lead the regional development and implementation of policy and advocacy for the Unit as a whole

Contact Details

Postal Address: The Democratic Governance and Rights Unit, Kramer Law School Building, Middle Campus, University of Cape Town, Rondebosch, 7700
Telephone: +27 21 650 2011
Fax: +27 21 650 5607
Email: Vanja.Karth@uct.ac.za
Website: www.dgru.uct.ac.za
Centre for Law and Society

Director: Professor D. Smythe

Centre Profile

With a primary focus on producing excellent empirical studies of law in context, based on participatory methodologies and collaborative partnerships, CLS is committed to sound research underpinning evidence-based advocacy on critical legal and social issues. In recent years we have expanded our areas of focus, retaining the emphasis on participation, knowledge-sharing, and capacity-building as central tenets of our Centre’s scholarly approach. In 2009 the Rural Women’s Action Research Programme (RWAR) was established within the Centre, with the objective of challenging government policies and laws that undermine the citizenship rights of the 18 million people living within them and set the former homelands apart from the rest of South Africa as zones of chiefly sovereignty. We are committed to foregrounding the understandings, initiatives and expertise of people living in rural areas in informing law and policy. To this end we support rural leaders to make direct submissions to parliament and engage directly in policy debates. We engage in ongoing conversations with our rural partners in order to develop joint strategies for change. We have made a significant contribution to shifting academic discourse in the area of rural power relations and citizenship rights and in creating a space for community-based groups and organisations to challenge the government’s approach to land reform, traditional courts and the elevation of chiefly interests at the expense of the citizenship rights of ordinary people. Our work has also contributed to extensive media coverage and political debate about these issues, and we have provided extensive research and conceptual support in relation to a number of cases in the Constitutional Court.

The Centre offers a postgraduate Programme in Criminology, Law and Society, in partnership with the Centre for Criminology, to train the next generation of scholars concerned with issues of law and society in Africa.

Centre Statistics

Permanent and Contract Staff

<table>
<thead>
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<th>Position</th>
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<tr>
<td>Professor</td>
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<td>Chief Researcher/Associate Professor</td>
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<td>Senior Researchers</td>
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</table>

Research Fields and Staff

Permanent and Contract Staff

PROFESSOR D. SMYTHE
Director of the Centre for Law and Society (On sabbatical in 2015)
Law and society, criminal justice policy, women and law, violence against women, interdisciplinary research methods

DR A. CLAASSENS
Chief Researcher and RWAR Programme Director (Acting Director 2015)
Land rights, customary law, law and society, rural women’s rights in respect of land and marriage, property and power relations, citizenship and governance

MR B. BOYLE
Senior Researcher (RWAR)
Mining in former homeland areas, corruption, political participation

MR M. CLARKE
Researcher (RWAR)
Land rights, communal land, tenure security, land under the Ingonyama trust

MS M. DE SOUZA
Researcher (RWAR)
Traditional leadership and governance, traditional dispute resolution

MR T. DUDA
Researcher (RWAR)
Traditional leadership and governance
MS D. JEFTHAS
Researcher (Acting Deputy Director 2015)
Gender-based violence, transitions to higher education, legal education, identity

MS N. LUWAYA
Researcher (RWAR)
Women’s land rights, participatory research practices, land rights

DR K. MOULT
Senior Researcher
Law and society, criminal justice policy implementation, women and the law, violence against women, empirical research methods

MR P. NDINISA
Researcher (RWAR)
Land rights, communal land

MS T. THIPE
Researcher (RWAR)
Traditional leadership and governance, traditional dispute resolution, gender studies

MS M. VON BROEMBSEN
Senior Researcher/Senior Lecturer
Economic justice, law and development

MS T. WEINBERG
Researcher (RWAR)
Land rights, including women’s land rights, customary tenure in historical perspective, land restitution and communal tenure.

MS S. YENI
Researcher (RWAR)
Land rights, communal land, land under the Ingonyama Trust

Research Associates
Mr M. Jara
Ms N. Gasa
Dr S. Mnisi-Weeks
Dr R. Kingwill

Research Assistants
Ms J. Diala
Ms L. Khan
Mr O. Kolawole
Ms M. Mutloane
Ms R. Nekura
Ms T. Paine

Administrators
Ms J. Thomas (Financial Manager)
Ms A. Wilkinson (Administration)

Contact Details
Postal Address: Centre for Law & Society, All Africa House, Faculty of Law, University of Cape Town Private Bag X3, Rondebosch, 7701
Telephone: +27 21 650 5906
Fax: +27 21 650 3095
Email: Jemima.Thomas@uct.ac.za
Website: http://www.cls.uct.ac.za; www.customcontented.co.za
Refugee Rights Unit

Unit Director: Ms. F Khan

Unit Profile

The Refugee Rights Unit is a multifunctional unit with four main components: It incorporates a Law Clinic which provides direct legal services to thousands of refugees and asylum seekers; it conducts Applied Research in refugee law and related topics; it teaches Refugee and Immigration Law to the undergraduate LLB students and Refugee Law and Human Rights to the Masters Students; and, it undertakes a significant amount of targeted advocacy and training of government officials, the judiciary, civil society partners and refugee communities.

The Refugee Rights Unit is an implementing partner of the United Nations High Commissioner for Refugees (UNHCR) and is funded UNHCR, The Sigrid Rausing Trust and Hivos.

The close relationship between the Refugee Law Clinic’s practice the Unit’s teaching of Refugee and Immigration Law courses to LLB and LLM students, and the Unit’s research is a unique aspect of the Unit’s work. The Refugee Law Clinic provides the Unit with a close link to the practical application of refugee law in South Africa and therefore directly informs and supports the Unit’s teaching activities and research outputs. Students often engage with the most current issues facing refugees and asylum seekers in South Africa, including those involved in the strategic litigations undertaken by the Refugee Law Clinic. Students are also encouraged to volunteer at the Refugee Law Clinic in order to gain practical experience and fulfil community service requirements.

The Unit’s teaching component includes the direct supervision of undergraduate and graduate level research work in the field of refugee and immigration law.

The Working Paper Series, (http://www.refugeerights.uct.ac.za/research/working_papers/) publishes the research reports of the Refugee Rights Unit, occasional papers of the Unit members and versions of some of the papers presented by the Refugee Rights Unit members. A key focus of the Working Papers is the promotion of the rights of refugees in South Africa and the global South.

The Refugee Rights Unit remains not only committed to directly assisting refugees and asylum seekers but also in teaching and engaging in research which can be used to promote and further the law in this area and as an advocacy tool in the future. The Unit has compiled a Refugee Law textbook titled Refugee Law in South Africa. Members of staff also write refugee law related articles for the purpose of publishing in peer-reviewed journals.

Unit Staff

Director
Ms F. Khan

Unit Attorneys
Mr J. Chapman
Ms M. Schoeman
Mr P.W. Mfubu
Mr N. Mauritz
Ms N.H. Willie

Unit Candidate Attorneys
M. Lee
A. Truter
X. Msabala

Research Assistant
K. Vanoverloop

Honorary Research Associates
Ms T. Schreier
Ms L. de La Hunt

Contact Details
Postal Address: Refugee Rights Unit, Kramer Law School Building, Middle Campus, 1 Stanley Road, University of Cape Town, Rondebosch, 7708, Cape Town, South Africa
Telephone: +27 21 650 5581
Fax: +27 21 650 4107
Email: refugeelawclinic@uct.ac.za
Website: http://www.refugeerights.uct.ac.za

RESEARCH OUTPUT

Authored books

Edited books


Articles in peer-reviewed journals


Honig, M., Petersen, S.L., Shearing, C.D., Pinter, L. and Kotze, I. 2015. The conditions under which farmers are likely to adapt their behaviour: a case study of private land conservation in the Cape Winelands, South Africa. Land Use Policy, 48: 389-400.

Howell, S. 2015. ‘We have to start showing who is the boss now’: constructing methamphetamine use and users in the South African print media. Crime Media Culture, 11(2): 137-156.


**Peer-reviewed published conference proceedings**