The take-off of the LLM programme in Comparative Law in Africa increases the Law Faculty postgraduate course offerings. The two core courses for the LLM in Comparative Law in Africa are Comparative Legal Systems and African Law. Electives include Civil Law, Common Law, Chinese Law and Investments in Africa and Law and Regional Integration in Africa. The CCLA also has a number of doctoral students.

Research

Mapping Somaliland Customary Law

In May 2014, a CCLA research project to map Somaliland customary law, funded by the National Research Foundation (NRF) commenced with a trip led by the Principal Investigator, Prof Salvatore Mancuso, to Somaliland to carry out a technical analysis and determination of the project structure. The CCLA is collaborating on the project with the Faculty of Law at the University of Hargeisa, Somaliland with whom the UCT Faculty of Law has a co-operation agreement. The project continued in 2015. This is the second grant to the CCLA from the NRF. In
2012, a grant made under the NRF Knowledge Fields Development category funded the inaugural Comparative Law in Africa Methodology Workshop which brought together comparative law experts from various institutions in Africa and beyond.
Somalia Research

The CCLA Chair has been asked to contribute to the project on Italian Colonialism in Somalia, which is aimed at filling a doctrinal lacuna by undertaking a detailed scientific investigation into this subject. The project is meant to analyse the subject under a double-fold perspective: historical and legal. From a historical point of view, an in-depth study of the subject will shed more light on events which are an integral part of the history of both Italy and Somalia. From a legal point of view, there are several aspects of Italian colonialism in Somalia that deserve further analysis, some of which are still relevant at present. Prof Mancuso will contribute with a chapter on the Interaction between Local Customs, Sharia and Colonial Law.

CCLA-NIALS Research Collaboration

The research collaboration between the CCLA and the Nigerian Institute of Advanced Legal Studies (NIALS) on sustainable energy for all kicked off with a research-scoping workshop held on 23rd November 2015 at the UCT Law Faculty. At the workshop, various approaches to the project were considered and it was decided that the focus would be on using legal tools to improve access to energy in Africa. The workshop was attended by Prof Yinka Omorogbe who is the lead investigator of the project.

Following the completion of the research project on Energy Law and Policy for Development in Africa, research results will be presented at a conference to be hosted in Lagos in 2017 for that purpose. It is envisaged that a book produced from the research will be presented at that event. Participants will include academics, practitioners, government and corporate entities with an interest in exploring ways of increasing access to energy on the African continent.

BRICS Legal Forum

CCLA continues to promote research on the legal aspects of BRICS. In October 2015, CCLA Chair, Prof Mancuso, attended the second BRICS Legal Forum in Shanghai, representing
2015 News

Mrs Phumelele Dhlamini joined the CCLA in September 2015 in an administrative capacity. Phumelele holds a BA Law Honours degree from Rhodes University.

UCT. A research project aiming at the production of the “Principles of BRICS Contract Law will be hosted at the CCLA under the coordination of Prof Mancuso and Prof Jacques Du Plessis from Stellenbosch University. UCT academic, Mr James Leach will develop research on the corporate governance aspects of the New Development Bank under the umbrella of the CCLA. Other initiatives are envisaged in the areas of Intellectual Property and Environmental Law.

Mineral Law in Africa

The Mineral Law in Africa (MLiA) research project led by Prof Hanri Mostert, originally hosted at the CCLA was recognised with the award of a South African Research Chair to Prof Mostert in 2015. Seed funding for the project was provided through a grant from the UCT Programme for the Enhancement of Research Capacity (PERC) awarded in December 2011.
Events Attended:

In addition to events on the UCT Campus, CCLA researchers have been involved in a number of events in other parts of the world. In 2015 Prof Mancuso attended several conferences and events, among which were the Juris Diversitas Conference in Limerick (Ireland), where he became the Vice-President (Events) of the association; the conference “Urban Africa” in Turin (Italy), where he was invited as a keynote speaker; the conference on “Comparing Comparative Law” in Freiburg (Switzerland), the II BRICS Legal Forum in Shanghai; and the Annual Meeting of the Global Forum Law, Justice and Development at the World Bank, where he is one of the two coordinators of the thematic working group on Justice & Rule of Law.


Publications


Commission on Legal Pluralism in Mumbai (India), in December 2015.

Prospects for 2016

Research Project: Principles of BRICS Contract Law

A methodology workshop to consider the development of a BRICS contract law is scheduled for 27th and 28th January 2016 featuring leading comparative law scholars from universities in the BRICS countries and others.

Capacity-Building Workshop

The activity selected to pioneer the CCLA’s capacity-building engagement under the TY Danjuma Fund is the training of junior Law academics in research skills. The first of these training events is scheduled for September 2016 and will cover a selection of researchers from the Nigerian Institute of Advanced Legal Studies. This event is modelled after the Emerging Researchers’ Programme at UCT where young academics are mentored through a programme that introduces them comprehensively to the research enterprise. Training sessions at the NIALS workshop will address various aspects of conducting research in an African context, including research planning, methodologies and dissemination. The objective is to equip participants with tools for initiating, undertaking and publishing Africa-focused research.

Index of Legal Certainty

The Civil Law Foundation (with which the CCLA has a longstanding cooperation) launched in 2014 the “Index of Legal Certainty” project in cooperation with the University of
Paris II – Pantheon-Assas. The aim of the Index is to help all the economic players in law to establish what system offers the most guarantees regarding legal certainty. It presupposes the accessibility of the applicable law – contained in fully inclusive, validated, published form - its predictability, achieved through the ranking of the norms and the predefined competencies of lawmakers and judges, reasonable stability over time, and lastly a balance between economic interests and the parties concerned. More information is available at http://www.fondation-droitcontinental.org/en/index-legal-certainty/.

The first analysis included 13 countries and the resultant report was published in mid-2015 (and is available through the same web page indicated above). The next step will include 5 more countries in the study, among which is South Africa. CCLA has been requested to form and coordinate the South African team which needs to be composed not only of academics, but also of practitioners. The topics to be analysed (following the Index naming) are: Contracts, Settlement of Disputes, Property, Liability (Torts), Corporate, and Employment Law. The analysis will be done by electronically answering to a questionnaire to be submitted to the analysts, and then by continuing to contribute with updates on request.

Capping off 2015

Contributors: Luca Siliquini-Cinelli; Regis Nogbou; Samson Igor Bidosessi Guedegbe; Shiundu Joseph Lutta; Ephraim Haggai Panshak; Tina Lorizzo; Waheeda Amien

Contributors: Harith Al-Dabbagh; Mathilda Twomey; Ibrahim Abdouraoufi; Samuel Amoo; Yeukai Mupangavanhu

Prof Salvatore Mancuso, Dr Tobias Schonwetter and Dr Ada Ordoñez (1st, 2nd and 3rd from right) are among facilitators for the capacity-building event. Nebu Pohlela of PetroSA (1st from left) and Dr Britta Rennkamp of UCT’s Energy Research Centre (3rd from right) were also at the research workshop.