

CENTRE FOR COMPARATIVE LAW IN AFRICA

NEWSLETTER DECEMBER 2015



Journal of Comparative Law in Africa

The second edition of the Journal of Comparative Law in Africa (JCLA) was published in April 2015. See the Call for Papers as well as the Editor's Guide on the home page of CCLA website

www.comparativelaw.uct.ac.za.

The third edition, published in the fourth quarter of 2015, presents most of the African contributions to the *Juris Diversitas* conference held in Aix-en-Provence (France) in 2014.

LLM in Comparative Law in Africa

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

Olu Akinkugbe Fellows

The Olu Akinkugbe Business Law in Africa Fellowship is an all-expenses paid visiting fellowship of eight weeks, generously endowed by Chief Olu Akinkugbe CON which commenced in 2014. The fellowship supports short-term visits by two Law academics annually from universities in African countries to the CCLA for the purpose of carrying out research on various aspects of business law in Africa for the production of a paper for publication in a peer-reviewed academic journal or book. The 2015 fellowship period was from 14th September to 14th November 2015. 2015 Fellows were Dr Sope Williams-Elegbe from the University of Lagos and Dr Alioune Badara Thiam from the Ecole Supérieure de Commerce (SUPDECO) in Dakar, Senegal.

On Wednesday 7th October 2015, the fellows presented Faculty seminars on topics of their choice. Dr Williams-Elegbe presented "A Comparative Evaluation of Public Procurement Reforms in Africa: Challenges and Prospects" and Dr Thiam spoke on, "Trade Policy Reform in ECOWAS: A dynamic appraisal in the light of an effective common market". For more information on the Olu Akinkugbe Fellowship, see info document on the CCLA website.

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.



Dr Alioune Thiam (first from right) 2015 Olu Akinkugbe Fellow with Law Dean Prof PJ Schwikkard (middle) and CCLA Chair Prof Salvatore Mancuso



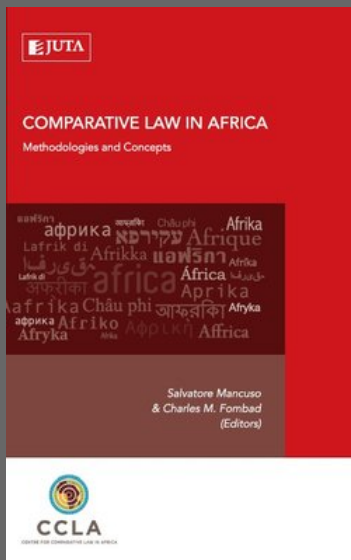
Dr Sope Williams Elegbe of University of Lagos, Nigeria, 2015 Olu Akinkugbe Fellow



Dr Alioune Thiam 2015 Olu Akinkugbe Fellow presenting a seminar at UCT Law Faculty

CCLA Book Series

The CCLA published the second volume in its book series titled *Comparative Law in Africa: Methodologies and Concepts*. This is a collection of papers presented at the CCLA Comparative Law in Africa methodology workshop held in October 2012. The book was edited by CCLA Chair, Professor Salvatore Mancuso and Professor Charles Fombad of the Institute for International and Comparative Law in Africa at the University of Pretoria.



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.



Prof Omorogbe presenting at the research-scoping workshop on 23rd November 2015

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.



Some participants at the workshop: NIALS researchers Nnenna Eboh, Helen Chuma-Okoro (1st and 2nd from left), CCLA's Phumi Dhlamini, Prof Yinka Omorogbe, UCT's Mineral Law Chair Prof Hanri Mostert and Dr Tobias Schonwetter, Director, Intellectual Property Law Unit at UCT Faculty of 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.

Publications

Salvatore Mancuso, "Comparative Law in Africa: Methodologies and Concepts", (Cape Town, JUTA, 2015) a book co-edited with Prof Charles Fombad from University of Pretoria.

Salvatore Mancuso, "Comparative Law in the African context", Chapter 2 of Salvatore Mancuso and Charles Fombad (eds) Comparative Law in Africa: Methodologies and Concepts (Cape Town, JUTA, 2015).

Ada Ordor, "Tracking the Law and Development Continuum through Multiple Intersections" published in the *Law and Development Review* available at <http://www.degruyter.com/view/j/ldr.2015.8.issue-2/ldr-2015-0027/ldr-2015-0027.xml>.

Ada Ordor, "Applying the Tool of Comparative Law to the Study of Africa's Multiple Development Pathways", Chapter 6 of Salvatore Mancuso and Charles Fombad (eds) Comparative Law in Africa: Methodologies and Concepts (Cape Town, JUTA, 2015).

Events Attended:

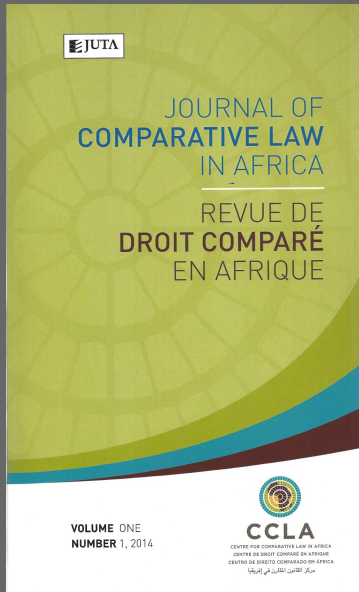
In addition to events on the UCT Campus, CCLA researchers have been involved in a number of events in other parts of the world. In 2015 Prof Mancuso attended several conferences and events, among which were the Juris Diversitas Conference in Limerick (Ireland), where he became the Vice-President (Events) 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.

In April 2015, Dr Ada Ordor attended the 2015 Law and Development Conference organised by the Law and Development Institute and hosted at the Payson Centre for International Development at the Tulane University School of Law, New Orleans. Her paper, "Tracking the Law and Development Continuum through Multiple Intersections" has been published in the *Law and Development Review*. See <http://www.degruyter.com/view/j/ldr.2015.8.issue-2/ldr-2015-0027/ldr-2015-0027.xml>.



One of the CCLA PhD students, Ms Concetta Lorizzo, made presentations at the Juris Diversitas Conference in Limerick (Ireland) in June, and at the International Conference of the

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Contributors: Muna Ndulo; Nwudego N Chinwuba; Richard Rachlitz; Bukola Faturoti; Tania Abbate; Salvatore Mancuso.

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.

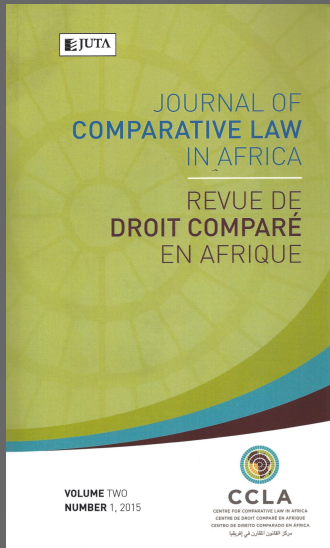
Capacity-Building Workshop

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

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

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 co-ordinate 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



Prof Salvatore Mancuso, Dr Tobias Schonwetter and Dr Ada Ordor (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.