

**DST/NRF CHAIR ON CUSTOMARY LAW, INDIGENOUS  
VALUES AND HUMAN RIGHTS AND SADC LAW JOURNAL**

**WORKSHOP IN HONOUR OF PROFESSOR BILL McCLAIN**

**THEME: THE INTERPLAY OF CUSTOMARY LAW RIGHTS IN  
LAND AND LEGAL PLURALISM**

**VENUE: FACULTY OF LAW, UNIVERSITY OF CAPE TOWN, SOUTH  
AFRICA**

**DATE: 15 – 17 OCTOBER 2014**

**Wednesday, October 15, 2014**

4.30 pm to 4.45 pm	Official Welcome, <b>Professor Danie Visser</b> , Deputy Vice Chancellor, University of Cape Town
4.45 pm to 6.45 pm	Message from <b>Professor Alexander McCall-Smith</b> Tribute in honour of Professor Bill McClain, <b>Advocate Vusi Pikoli</b> , (on behalf of McClain Family)
6.45 pm to 7.00 pm	Official opening of the Workshop, <b>Professor Nqosa Mahao- Representative of His Majesty, King Letsie III</b>
7.00 pm to 8.00 pm	Tributes colleagues and friends Vote of Thanks: <b>Professor Evance Kalula</b> , Editor-in-Chief, SADC Law Journal  Welcome Cocktail  Programme Director: <b>Professor Thandabantu Nhlapo</b>

**Thursday, October 16, 2014**

8.00 am to 8.30 am

Registration/Welcome Tea

**Chair: Professor Thandabantu Nhlapo**

**Welcome Remarks:** Professor Nico Horn, SADC Law Journal Trustee

8.30am to 9.30 am **Keynote address: Professor Muna Ndulo** Professor of Law, Director, Institute of African Development, Cornell University, Ithaca, New York, United States of America

9.30 am to 9.45 am Tea Break

9.45 am to 12.00 pm **SESSION ONE (CHAIR: Professor Chuma Himonga)**

Defining Customary Law through Distributive Justice: Women's Land Rights among the Lozi People of Western Zambia (Professor Margaret Munalula, University of Zambia, Lusaka, Zambia) [20 mins]

Confusion in Culture? The progressive realization of women's rights to land in Tanzania (Ms Mercy-Grace Kisinza and Mr Joseph Mtebe Tungaraza, University of Cape Town, South Africa) [20 mins]

Until -'Divorce'-Do us part- A Feminist legal challenge of neolocal matrilineal widows in realizing the right to property (Mr Patrick Chinguwo Ministry of Justice & Constitutional Affairs, Legal Department, Malawi) [20 mins]

Gender and land tenure systems: A comparative review of Islamic and customary perspectives (Dr Alioune Badara Thiam, University of Macau, China) [20 mins]

Customary law inheritance: Lessons learnt from Ramantele v Mmusi and others (Ms Tabeth Masengu, Researcher, Democratic Governance and Rights Unit, University of Cape Town)[20mins]

Discussion/Questions [35mins]

12.00 pm to 1.00pm

**LUNCH BREAK**

1.00 pm to 2.50 pm **SESSION TWO (CHAIR: Dr Ada Odor)**

Foreign Investments and the future of customary land rights in Tanzania: Examining legal challenges under the Land Acts (Ms Laurean Mussa, University of Dar es Salaam, Tanzania) [20 mins]

Pathologies of power in Corporate Social Responsibilities: Exploring Theory and

Practice in the South African Mining Industry ( Dr Fola Adeleke, Ms Rachel Ward and Ms Kelly Stone, Mandela Institute, University of Witwatersrand, Johannesburg, South Africa) [20 mins]

The status of communal land tenure after 20 years of democracy in South Africa (Dr Tara Weinberg, University of Cape Town) [20mins]

The space between: Significance of a vertical theory of living customary law for development (Dr Ada Ordor, Mr Anthony Diala, University of Cape Town) [20 mins]

Discussion/Questions [30 mins]

## Friday, October 17, 2014

9.00 am to 10.50 am

### **SESSION ONE (CHAIR – Ms Fatima Diallo)**

Customary Land Laws within Legal Pluralism through the generations (Professor Gordon Woodman, Emeritus Professor of Comparative Law, Birmingham Law School, University of Birmingham) [20mins]

Customary Land in Zambia at Crossroads: Two Decades of Contested Land Policy and Reforms (Dr Horman Chitonge, University of Cape Town, South Africa) [20mins]

Interplay of the customary law of testacy and statutory regulation of intestacy with respect to the transfer of customary law rights in land in South Africa (Mrs Rebecca Badejogbin, University of Cape Town, South Africa) [20 mins]

The Western Sahara Case: Land Reform and Pre-Colonial Land Rights in Namibia (Professor Nico Horn, University of Namibia) [20mins]

Discussion/Questions (30mins)

10.50 am to 11.10 am

Tea Break

11.10 am to 1.10 pm

### **SESSION TWO – (CHAIR – Professor Gordon Woodman)**

Platinum, Gold and Agrarian changes in Zimbabwe: New livelihoods and 'accumulation from below' after the Fast Track land Reform Programme (FTLRP) (Dr Grasian Mkodzongi, University of Cape Town) [20 mins]

Aboriginal Rights to Land and Resources in Canada: What Role for Indigenous (Customary) Law? (Professor Ghislain Otis, Faculty of Law, University of Ottawa, Canada) [20 mins]

Foreign Land Investment and Customary Tenure: A comparative legal study of Tanzania and Zambia (Dr Margherita Baldarelli, University of Trento, Italy) [20 mins]

The role of traditional authorities in land allocation and management in Lesotho (Dr Kananelo Mosito, Dean, Faculty of Law, National University of Lesotho, Judge Labour Court of Appeal, Lesotho) [20mins]

Discussion/Questions [30mins]

**Closing Remarks:** Dr Bernd Althusmann, Resident Representative, Konrad Adenauer Stiftung (KAS, Namibia and Angola). Professor Chuma Himonga, DST/NRF Chair of Customary Law, University of Cape Town.

1.10 pm to 1.30 pm

1.30 pm

**CLOSING LUNCH**