

2017 Law and Development Conference Program
“Law and Development: From the African Perspective”

Introduction

Economic development in Africa has been one of the most important issues on the global agenda. A number of development and law reform projects have been undertaken, but many African countries are yet to achieve successful economic development. The 2017 Law and Development Conference examines the development paths that have been taken in Africa over the years, discusses the challenges and explores new approaches to law and development that may yield better development results for Africa.

The Law and Development Institute (LDI, www.lawanddevelopment.net) and the Centre for Comparative Law in Africa (CCLA) at the University of Cape Town co-host the 2017 Law and Development Conference. Over forty leading scholars and experts from Africa, North and South Americas, Asia, and Europe present papers over two days on the following sub-topics:

- Legal Pluralism and Effective Governance for Development in Africa
- Law and Industrial Promotion in Africa
- Law and Natural Resources Development in Africa
- Intellectual Property Rights and Development
- Law, Poverty Alleviation, and Sustainable Development
- Human Rights and Conservation.

The conference also hosts a Young Scholars’ Panel composed mainly of Ph.D candidates as an encouragement for the promising young scholars with interests in law and development.

The select conference papers will be published in the 2018 Special Issue of *Law and Development Review* (www.degruyter.com/ldr) published by DeGruyter.

The conference is open to the general public. Participants must register online at www.lawanddevelopment.net/registration2017.php no later than June 30, 2017.

Dates and Venue

September 7 and 8, 2017

Seminar Room, School of Economics Building (tentative), Middle Campus University of Cape Town, Cape Town, South Africa

Conference Schedule

Day 1: September 7, 2017

- 9:00 a.m. – 9:30 a.m.: Registration
- 9:30 a.m. – 9:40 a.m.: Introductory Remarks by Associate Prof. Ada Ordor, Director of the CCLA, University of Cape Town
- 9:40 a.m. – 9:50 a.m.: Opening Statement by Prof. Y.S. Lee, Director and Professorial Fellow, The Law and Development Institute
- 9:50 a.m. – 10:00 a.m.: Welcome Address by Dean Penelope (Penny) Andrews, Professor of Law and Dean, Faculty of Law, University of Cape Town
- 10:00 a.m. – 10:30 a.m.: Keynote Speech by Prof. Dr. Wouter Vandenhoe, Chair in Human Rights - UNICEF Chair in Children's Rights University of Antwerp (Belgium)
“De-growth and Sustainable Development: Rethinking Human Rights Law and Poverty Alleviation”
- 10:30 a.m. – 12:10 p.m.: Panel 1: “**Legal Pluralism and Effective Governance for Development in Africa**”
Chair: Prof. Johan D. van der Vyver, Emory University (USA)
- “The African Union Agenda 2063 and the Imperative of Democratic Governance”
Prof. Osy Ezechukwunyer Nwebo, Imo State University (Nigeria)
- “Unpacking and Addressing Legal Pluralism in Commonwealth Africa: Towards Enhancing Theoretical Methods of Rule of Law Reform for Holistic Development”
Ms. Elizabeth Bakibinga-Gaswaga, Legal Adviser, Commonwealth Secretariat (London)
- “Demand for Law in the African Private Sector: Some Evidence from Tanzania”
Prof. David Finnegan, Western Michigan University (USA)
- “A Living Customary Law of Commercial Contracting: Some Law-Related Hypotheses”
Dr. Andrew Hutchison, University of Cape Town, and Mr. Nkanyiso Sibanda, University of the Western Cape (South Africa)
- “Access to Justice and Development for Rural Women in Sub-Saharan Africa”
Dr. Adenike Aiyedun (Deputy Director), Access to Justice (Nigeria)
- “OHADA and the Making of Transnational Commercial Law in Africa”
Dr. Jonathan Bashi Rudahindwa, SOAS, University of London (UK)

12:10 p.m. – 12:30 p.m.: Q&A Session

12:30 p.m. – 2:00 p.m.: Lunch (Speakers and Invited Guests)

2:00 p.m. – 3:40 p.m.: Panel 2: “**Law and Industrial Promotion**”
Chair: Prof. Salvatore Mancuso, University of Cape Town

“Law and Development: Lessons from South Korea”
Prof. Y.S. Lee, The Law and Development Institute

“Has It Reinvented Iron Law? South Africa’s Social Industrialisation, Not Iron Industrialisation”
Assistant Prof. TK Pooe, North-West University (South Africa)

“Does Inter-Agency Cooperation in Competition Enforcement Deter Industrial Promotion?”
Mr. Elton Jangale, PFI Partnerships (Malawi)

“Law-Finance-Growth Nexus in the Context of Africa”
Dr. Flora Huang, University of Essex (UK) and Dr. Horace Yeung, University of Leicester (UK)

“Are East African Countries Contravening WTO Rules by Pursuing Industrial Promotion?”
Mr. George Owuor, Procter & Gamble (Kenya)

“Inclusive Industrialization: An Assessment of Different Legal and Policy Tools that Stimulate the Participation of Small Businesses in Sub-Saharan Africa’s Industrialization”
Ms. Colette Marie Anne van der Ven, Sidley Austin LLP (Geneva Office)

3:40 p.m. – 4:00 p.m.: Q&A Session

4:00 p.m. – 4:20 p.m.: Coffee Break

4:20 p.m. – 6:00 p.m.: Panel 3: “**Intellectual Property Rights for Development**”
Chair: Prof. Stéphanie de Moerloose, University Austral (Argentina)

“Intellectual Property Rights and Development in Africa: Hindrance or Promotion?”
Prof. Yassine Dourhani, University of Cadi Ayyad (Morocco)

“Infringement as Unfair Competition: A Blueprint for Global Governance?”
Associate Prof. Sean Pager, Michigan State University (USA)

“The Creative Industry and South African Intellectual Property Law”
Prof. Caroline Ncube, University of Cape Town

“New Directions in Access to Medical Technologies and Innovation: Cautionary Notes for Africa”

Dr. Susan Isiko Strba, University of the Witwatersrand (South Africa)

“Enforcing Intellectual Property Rights in Nigerian Courts”

Ms. Nkem Itanyi, University of Nigeria (Nigeria)

“Protection of Geographical Indications in Tanzania – Achievements, Challenges and Solutions”

Mr. Essau Abraham Sengo, The College of Business Education (Tanzania)

6:00 p.m. – 6:20 p.m.: Q&A Session

6:20 p.m. – 6:30 p.m.: Photo Session, First Day Closing

7:00 p.m. – 9:00 p.m.: Conference Dinner (Speakers and Invited Guests)

Day 2: September 8, 2017

9:00 a.m. – 10:25 a.m.: Panel 4: “**Poverty and Sustainable Development**”

Chair: Prof. Y.S. Lee, The Law and Development Institute

“The World Bank’s New Safeguards and the SDGs: Support or Rupture?”

Prof. Makane Mbengue, University of Geneva (Switzerland) and Prof. Stephanie de Moerloose, University of Austral (Argentina)

“Macro Aid as Locke’s Spur and Reins: Applying Microcredit’s Group Liability Principle to Foreign Aid”

Assistant Prof. Martin Skladany, Pennsylvania State University (USA)

“Impact of Social Security on South Africa’s Transformative Constitutionalism Agenda”

Dr. Mathias Nyenti and Mr. Sebastien Nguluwe, University of Johannesburg (South Africa)

“Conceptualisation of Social Exclusion in Africa: In Search of an Inclusive Development”

Assistant Prof. Jelena Vidojević, University of Belgrade (Serbia)

“Law as a Tool for Ensuring Contributions of Small Scale Women Farmers to Food Security in Nigeria”

Ms. Jane Ezirigwe, Nigerian Institute of Advanced Legal Studies (Nigeria)

10:25 a.m. – 10:45 a.m.: Q&A Session

10:45 a.m. – 12:10 p.m.: Panel 5: “**Law and Natural Resources**”

Chair: Prof. Paul Zwier, Emory University (USA)

“The Protection and Promotion of a People’s Right to Mineral Resources in Africa: International and Municipal Perspectives”

Prof. Johan D. van der Vyver, Emory University School of Law (USA)

“Law, Development and Local Communities’ Interactions with Extractive Industry Projects in West and Central Africa”

Associate Prof. Ibrionke Odumosu-Ayanu, University of Saskatchewan (Canada)

“The Legal Order in the Development of Africa’s Natural Resources”

Prof. Paul D. Ocheje, University of Windsor (Canada)

“Justifying Water Rights in Nigeria: Fiction or Achievable Panacea?”

Dr. Irekpitan Okukpon and Ms. Ijeoma Anozie, Nigerian Institute of Advanced Legal Studies (Nigeria)

“The Effect of the Politics of Development for Benefit Sharing with Mine Communities in South Africa”

Ms. Anri Heyns, University of South Africa and Mineral Law in Africa, University of Cape Town

12:10 a.m. – 12:30 a.m.: Q&A Session

12:30 p.m. – 2:00 p.m.: Lunch (Speakers and Invited Guests)

2:00 p.m. – 3:40 p.m.: Panel 6: “**Human Rights and Conservation**”

Prof. Wouter Vandenhole, University of Antwerp (Belgium)

“Wildlife Poaching and Rule of Law in Kenya”

Prof. Paul Zwier, Emory University (USA)

“Biodiversity Conservation and Management: Legal Related Aspects of Indigenous Innovations in Central Africa”

Dr. Joelle Nwabueze, Enugu State University of Science and Technology (Nigeria)

“A Regional Framework to Safeguard Human Rights in Kenya upon an Upsurge of Terrorist Attacks”

Dr. Charlie Khamla, Africa Nazarene University Law School (Kenya)

“Towards Gender-Sensitive Development in Africa: An Appraisal of the Role of the African Court and the African Commission in the Protection of Women’s Rights”

Dr. Adebola Olaborede, University of Fort Hare (South Africa)

“Human Rights in Africa: How the Move from the ‘Violations’ Approach to Corporate Criminal Liability Can Sustain Economic Development of the Continent”

Dr. Abiodun Jacob Osuntogun, University of Ibadan (Nigeria)

“Love and Loathing: Distorted Images in the European Mirror”
Assistant Prof. Jason Beckett, American University (Egypt)

3:40 p.m. – 4:00 p.m.: Q&A Session

4:00 p.m. – 4:20 p.m.: Coffee Break

4:20 p.m. – 6:05 p.m.: **Panel 7: Young Scholars’ Panel**
Chair: Associate Prof. Ada Ordor, University of Cape Town

“Intellectual Property Rights and Development”
Mr. Ridwan Lanre Ajetunmobi, Nigerian Institute of Advanced Legal Studies (Nigeria)

“Law, Development and the Possibility of a Resource-Rich Developmental State in Southern Africa”
Ms. Sara Ghebremusse (Ph.D. candidate), York University (Canada)

“The Quest for Sustainable Development Provisions in African Bilateral Investment Treaties: Lessons from China- Tanzania BIT”
Mr. Rujama Robert Chisumo (Ph.D. candidate), Xian Ziaotong University (China)

“Corruption in Public Procurement in Lesotho”
Ms. Thato Toebea (Ph.D. candidate), University of the Western Cape (South Africa)

“The Recent Labour Relations Amendment Act and Legislative Transformation: A critical Analysis and Race-Based Dynamics for Black Economic Sustainability”
Mr. Lefa Ntsoane, University of South Africa (South Africa)

“Law as a Catalyst for Stimulating Investor Sentiments among Low to Middle-Income Individuals in the Development of Infrastructure in Nigeria”
Mr. Augustine Arimoro (Ph.D. candidate), University of Cape Town

“The ‘Duty’ to Respect Human Rights: Achieving Corporate Liability for Human Rights Violations through the Lens of Article 46 (C) of the Malabo Protocol”
Mr. Omogboyega Abe (Ph.D. candidate), University of Cape Town

6:05 p.m. – 6:20 p.m.: Q&A Session

6:20 p.m. – 6:30 p.m.: Closing Statement by Prof. Y.S. Lee

7:00 p.m. – 9:00 p.m.: Conference Dinner (Speakers and Invited Guests)