



GRADUATION CEREMONY

Faculty of Law

23 March 2022

Qualifications conferred on
23 March 2022.

The Faculty of Law
graduation walk of celebration took
place on 31 March 2022.

FACULTY OF LAW

Dean: Professor D Chirwa

DOCTOR OF PHILOSOPHY

Pein, Rebecca-Lee
Thesis Title: *The 'formalisation
dilemma' of artisanal and small-scale
mining: an analysis with reference to the
Democratic Republic of the Congo*

Rebecca Pein holds an LLB degree
from UCT. She worked as a legal
researcher for the South African
Research Chair: Mineral Law in Africa.
In 2020 she completed her articles
at ENSAfrica whilst simultaneously
undertaking her doctoral studies at UCT.

Rebecca Pein's dissertation
contributes to the discussion around the
impact and dynamics of the informal
Artisanal and Small-scale Mining sector
in sub-Saharan Africa. It depicts the
issues experienced by a country wanting
to formalise its ASM sector, by focusing
on the case-study of the Democratic
Republic of Congo, a country that has
attempted to bring its ASM sector
into the formal domain by introducing
regulating laws. This case study exposes
the tension which exists between the
widespread perception that the ASM
sector needs to be formalised if problems
created by it are to be addressed; and
the on-the-ground reality of the needs of
the players in this sector. The challenge
of wanting to formalise a sector that
appears incapable of and/or unwilling
of formalisation, is what the dissertation
terms the 'formalisation dilemma'.
It argues that a blanket approach to
ASM-formalisation will not work
without addressing underlying issues of
institutional failure. Various solutions to
the so-called 'formalisation dilemma' are
offered.

*Supervisor: Professor H Mostert
(Private Law)*

Singoei, Abraham Korir
Thesis Title: *The impact of government
decentralisation on the development and
implementation of benefit-sharing laws
in Kenya's extractive sector*

Abraham Korir Sing'Oei is a member
of the Kenyan bar, holding an LLB
from the University of Nairobi, Kenya,
and an LLM from the University of
Minnesota, USA. He currently serves
as a legal and constitutional advisor in
the Kenyan government. Previously, he
practiced law in Kenya, as well as in
the African regional courts. His practice
focused on international law, human
rights law, and advocacy for minorities
and marginalised communities.

Abraham Korir Sing'Oei's
thesis focuses on the relationship
between decentralised governance
and the allocation of benefits from
extractive development. He argues
that legal frameworks favouring more
equitable distribution of benefits of
multiple stakeholders are more likely to
emerge in contexts where democratic
decentralisation is rigorously monitored
and implemented. When subnational
units maximise their political and
institutional leverage, contestation with
the national government and powerful
corporate elites over natural resource
benefits can lead to more equitable
benefit sharing in favour of host
communities. The thesis compares the
state of benefit-sharing in pre-devolution
Kenya (colonial period until 2010) and
examines benefit-sharing policy making
and implementation in two resource-
rich sub-national regions of Kenya.
Key law and institutional reforms are
recommended to enhance community
participation in extractives governance
as a necessary measure to counteract the
resource-curse.

*Supervisor: Professor H Mostert
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- Chancellor's circle: formerly R250 000+, now R500 000+;
- Vice-Chancellor's Circle: formerly R100 000 – R250 000, now R250 000 – R500 000;
- Dean's circle: formerly R60 000 – R100 000, now R100 000 – R250 000;
- Friends of UCT: formerly <R60,000, now <R100,000.

Please note that these changes only affect donations received after 1 January 2015. All donors who were members of particular circles prior to January 2015, will continue to be recognised in their original circles, until the rolling five-year giving period has elapsed.

We apologize for any omissions or errors. If you would like to query your donations totals, circle membership, or any other matter related to your gifts to UCT, please email giving@uct.ac.za.

A full list of UCT donors is also available at www.uct.ac.za/main/donating-to-uct/donor-recognition.

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*Welcome, Wamkelekile, Welkom – today is not the end of your relationship with the university but the beginning of a new phase in your continuing relationship with UCT, one that you share with the UCT community of over 100 000 alumni.
Diverse as this community is, the shared experiences of a critical academic ethos and a spectacular campus make for a strong network that has a wide footprint, not only in South Africa, but across the continent and the globe.*

We set a great store by our links with our alumni, and indeed the links alumni have with each other. We promise that we will be in touch, and ask you in turn to let us know not only your current contact details but also, from time to time, something of your lives and where you are in your careers.

*Updates can be done on the web – <http://www.uct.ac.za/dad/alumni/update/>
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whether to a public lecture, a leadership forum, your class reunion,
or just an informal call!*
