

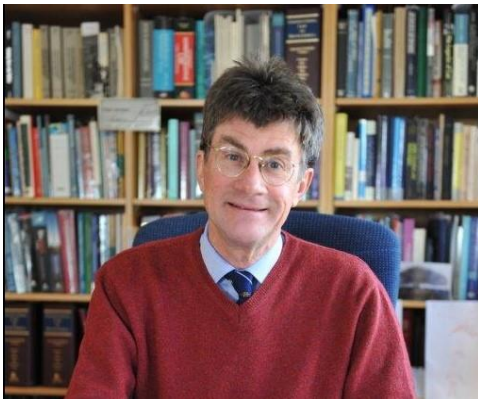


UNIVERSITY OF CAPE TOWN
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

Activities
Updates
News
DECEMBER 2018

Faculty of Law

DEAN'S DESK



Professor Mamokgethi Phakeng, leading the institution as Vice Chancellor since July 2018, has heralded in a new UCT era – which has provided the Faculty with opportunities to develop ways in which we can give effect and meaning to sustainable excellence through transformation in the Law Faculty. The University community was able to celebrate Professor Phakeng's appointment and installation as Vice Chancellor at a special Robing Ceremony on Thursday 13th December – presided over by UCT Chancellor Graca Machel.

welcoming a new cohort of eager first years in 2019.

We have been able to keep in touch with our alumni during 2018 in various ways – with events in Cape Town, Johannesburg, London, Sydney and Melbourne, and with our regular Faculty newsletter. We were disappointed at having to cancel our annual Reunion dinner due to a very limited response but were very pleased to welcome many of you to listen to Professor Dale Hutchison's final talk as a UCT Law professor on Friday 7th December.

Dear Alumni, Faculty Friends and Staff

It seems extraordinary that we have reached the end of 2018. It has been a hugely eventful year, particularly for me as I took over the reigns once again in the capacity of Acting Dean of the UCT Faculty of Law.

The process of recruiting a new Dean to take the Faculty forward is being finalized, and we look forward to announcing the new Dean early in 2019 welcoming new leadership to the Faculty. We will keep you posted!

The outgoing Dean, Professor Penelope Andrews, has been appointed to New York Law School, and elected as President of the Law and Society Association. I wish her well.



It was a wonderful celebration, which also included UCT's Golden Graduates – a cohort of UCT Alumni who graduated from UCT 50 or more years ago. Amongst these were Law Alums Roger MacFarlane and Advocate David Kawalsky.

The UCT community has been very pleased to be able to complete the 2018 academic year without disruption, and results have been finalised. Many of our students have achieved great things this year, and we are looking forward to

During 2019 we will be undertaking surveys and other projects with our alumni so that we are better able to understand what kind of events and offers our UCT Law Alumni would value, and to identify ways in which we are able to serve the professional needs of our alumni.

So stay in touch (see the last page for the many ways to do this), let us know where you are and what you are busy with, and what you would like from us – and we look forward to seeing you all in 2019. Wishing you happy holidays and a good end-of-year break!

Yours in Law,

Hugh Corder

Acting Dean | Faculty of Law

CONTENTS

1. Dean's Desk
2. Faculty Alumni Stories
3. Promoting postgraduate study
4. Profiling student activity & achievement
5. Staff Moves - arrivals and departures
6. Promoting Excellence
7. Making law accessible
8. Faculty - Out & About
9. Profiling our Research Units
10. Professional Development
11. News bytes



FACULTY ALUMNI FOCUS

The Law Faculty Endowment Fund

Thanks to our fantastic alumni, the UCT Law Faculty's Endowment Fund - established in 2008 under the banner of Law150 in recognition of 150 years of the UCT Law Faculty – **has grown to about R40million.**

With significant contributions from the Faculty's professional development unit Law@Work, we have since 2010 been able to award scholarships to undergraduate and postgraduate UCT

Law students for more than 210 “years of study” or more than 135 individual students. These are the **Excellence in Law Scholarships** (previously called Law150 or Endowment scholarships).

Under the able guidance of the Endowment Fund's **Advisory Board**, comprising Faculty members and esteemed Alumni, this Fund will stand the Faculty in good stead for decades to ensure that we can continue providing financial support to students who have demonstrated academic ability but who would not otherwise have the means to complete a law degree.

The Faculty is hugely proud of this achievement and would like to express our deep appreciation and gratitude to the **Advisory Board** members for their guidance and oversight, and to those who have supported this important fund. **Advisory Board** members include:

ALUMNI Advisory Board members

1. Adv Geoff Budlender (LLB 1975)
2. Mr Chevan Daniels (LLB 2003)
3. Mr Brendan Hughes (LLB 1997)
4. Ms Belinda Mapongwana (LLB 2000)
5. Adv Tembeleni Mayosi (LLB 2008)
6. Justice Catherine O'Regan (LLB 1980)
7. Adv Michelle O'Sullivan (LLB 1992)
8. Mr Kwadwo Owusu (LLB 2015)
9. Mr Etienne Swanepoel (LLB 1986)
10. Mr David Thompson (LLB 1984)
11. Mr Randall van Voore (LLB 1992)

FACULTY Advisory Board members

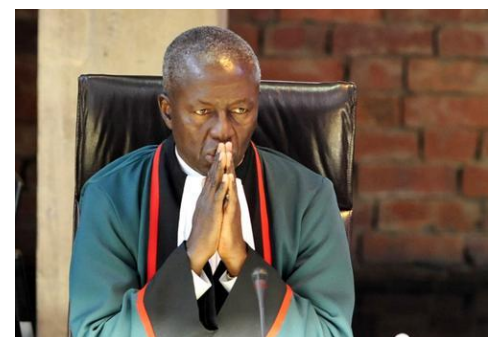
12. Professor Hugh Corder
13. Professor Anton Fagan
14. Associate Professor Tracy Gutuza
15. Professor Rochelle le Roux
16. Judge Belinda van Heerden (ex-staff)
17. Mrs Irena Wasserfall

Law Alumni Funding Excellence Together

The Faculty Endowment Fund, thanks to the generosity of our supporters, has ensured a solid funding foundation from which the Faculty can support excellence amongst its students while ensuring a more diverse and representative student cohort.

As indicated above, our alumni donors and other friends have ensured that over the last eight years the Faculty has been able to support more than 135 students at LLB, LLM and PhD levels.

In addition to our **Excellence in Law** Endowment Fund, we have had very generous support from alumni and friends for the **Dikgang Moseneke Fellowship Fund**, including an extraordinary contribution from Justice Moseneke himself. We are now recruiting for the second cohort of Fellows, for 2019 – providing an opportunity for two postgraduates from UCT Law and two postgraduates from University of Venda's Law School to participate in training initiatives, law conferences and internships for judges at one of the High Courts. This Fellowship is designed to contribute to transformation in the South African legal profession, and is particularly pertinent to transformation of the bar, where access to and training of advocates remains largely the purview of white South African law graduates.



Former Deputy Chief Justice Dikgang Moseneke

Further information on the Fellowships, and details about application, can be found at

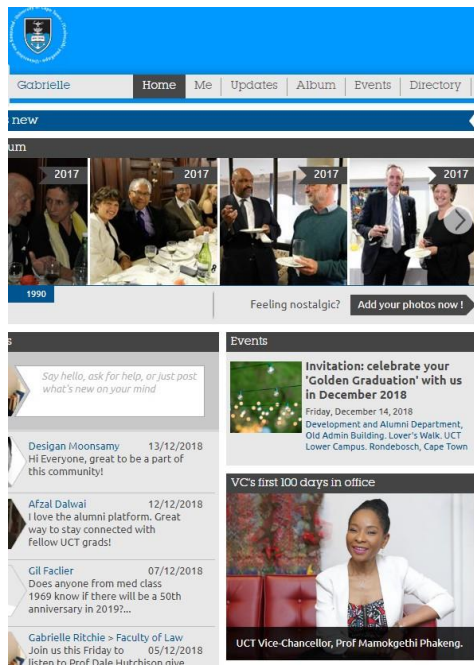
<http://www.law.uct.ac.za/news/dikgan-g-moseneke-fellowships-2019>

- **Staying in Touch**

HAVE YOU JOINED UCT ALUMNI CONNECT? It's a kind of facebook for Alumni groups. Join up now on

<https://uctalumniconnect.com/>

and get in touch with the **400 other Law alumni who have already signed on**. It's a great way to keep posted on what is happening in the Law Faculty, and to keep in touch with each other – without us filling your inbox with too much email!



- **Alumni Stories**

Lindsey Dimond (LLB 2016), one of our younger alumni, has been awarded her LLM with Distinction from Queen Mary University of London for her dissertation titled *Allocating ownership of intellectual property rights in AI (artificial intelligence) generated works and inventions*. We congratulate

Lindsey on this fantastic achievement and look forward to hearing about Lindsey's future successes.

Nolundi Luwya (LLB 2011) has been appointed as the new Director of the *Land and Accountability Research Centre (LARC)*. Nolundi, a UCT Law alumnus, will take up her position from the beginning of January 2019. Congratulations!

- **Promoting Postgraduate Study**

The Faculty's December Graduation took place on 13th December 2018 at 18h00. What a proud moment for the Faculty – to see so many Law students awarded their degrees at LLB, PGDip, LLM and PhD levels!

This graduation saw the conferral of the following:

1. Three PhDs
2. 79 LLMs, and
3. Four PGDips

We list our PhD graduates below.

Mohamed Paleker, Associate Professor and Head of Department for Private Law at UCT, for his PhD thesis titled *The re-engineering of South African small claims courts*.

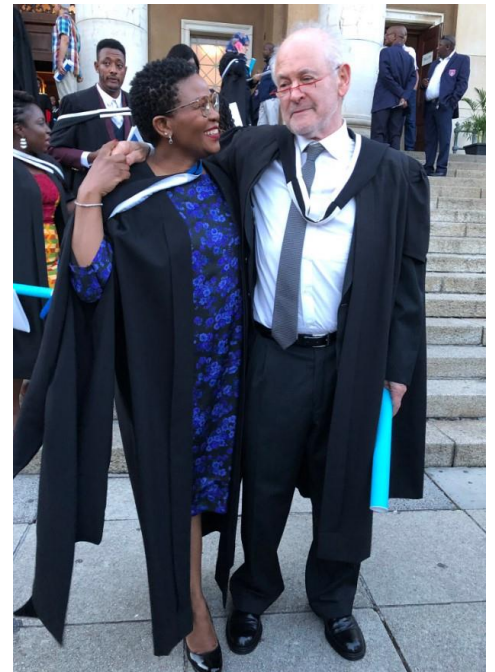
Grainee Sharon Perkins, for her PhD thesis titled *Danger and death: organisational and occupational police responses to the murder of police officials: a study in the Western Cape province, South Africa (2002-2014)*.

Olubunmi Ayodele Afinowi, for her PhD thesis titled *An outline and critical assessment of the role of planning laws in the regulatory framework of climate-change adaptation in South Africa and Nigeria*.

Amongst our LLM graduates, we have one truly extraordinary story.

Raymond Sorrel Suttner (LLM 2018)

Many of you may have read about Professor Raymond Sorrel Suttner – anti-apartheid activist, academic and author – who was finally awarded his LLM 49 years after writing his dissertation. Suttner's dissertation focused on, and quoted, Jack Simon – then a banned person under apartheid – and was refused for examination.



Professor Raymond Suttner, LLM graduate – 49 years after writing his LLM dissertation – with partner Nomboniso Gasa, Adjunct Professor in the Law Faculty

49 years later, Professor Dee Smythe, having heard the story of Suttner's LLM dissertation, proposed to the Faculty that it be submitted for examination. Professor Suttner was awarded his LLM in Public Law on 13 December 2018, having written it in 1969.

The Faculty congratulates Professor Suttner on this timeless work, and on the final achievement of his LLM.

• Profiling Student Action & Activity

The Faculty congratulates our incoming **Law Students Council** for 2019. They are:

1. Anela Feleza - LSC Chair
2. Danelle Plaatjies - LSC Deputy Chair External
3. Abrafi Donkor - LSC Deputy Chair Internal
4. Camri Schoultz - LSC Academic Representative
5. Lihle Tshabalala – LSC Secretary General
6. Simbarashe Gomwe - LSC Treasurer
7. Mihle Mleni - LSC Transformation
8. Takura Takavarasha - LSC Student Life
9. Gabriel Rybko - LSC Media & Communications

The incoming **PostGraduate Law Students Council** includes:

1. Tendai Mbanje – Postgraduate LSC Chair
2. Shamila Mpinga – PGLSC Vice-Chair
3. Suzanne Nyehita – PGLSC Academic Rep
4. Innocent Malatji – PGLSC Secretary General

Responsa Meridiana 2018 is now available! This 54-year old annual student Law journal presents, as do all student law journals, promising jurists with a first opportunity to introduce their ideas to the legal world. This year's editors, Rozelle Wentzel (UCT) and Francois Botha (Stellenbosch University) are certain that this year's contributors are no different. The 2018 issue deals with "a wide variety of issues that reflect the current zeitgeist", say the editors – with contributions touching on queer theory, euthanasia, corporate governance and land restitution, amongst other current

topics. This year's *Responsa Meridiana* includes the following articles:

Recent developments in the law of agreed damages in England and the similarity to the South African approach to the law of penalties | *John Goetsch*

The centre cannot hold: the middle-ground approach to voluntary active euthanasia is constitutionally untenable | *Andrew van Wijk & Sarah Donde*

Rejecting the theoretical basis of the Alteration Act: analysing sex and gender binaries through the optic of the first national coalition case and comparative foreign jurisprudence | *Christiaan van Schalkwyk*

Policy, politics and implementation: whether expropriation without compensation is sustainable in light of stated policy caveats | *Richard Griffin*

Lip service to starving artists: the South African formulation of the artists' resale royalty right | *Linda Louise Kenny*

Towards queer equality: challenging the Civil Union Act's exemption from the duty to solemnise a civil partnership or marriage | *Nigel Patel*

Executive share options as part of the remuneration of managers in South African and British law and practice | *Chris van der Meulen*

Expropriation, restitution and the miscarriage of state accountability: a critique of expropriation for restitution purposes through the lens of administrative law | *Rebecca Amy Gore*

Keen to get your hands on a copy? Contact responsa@uct.ac.za to arrange your payment (of R100 per copy) and delivery.

Rebecca Amy Gore (LLB 2018)

In our last newsletter, we shared the news that Rebecca had been accepted to serve as a clerk at the Constitutional Court from July 2019 – July 2020. Subsequently, however, Rebecca was also accepted to intern for the ICC in The Hague. The internship is for the Presidency of the ICC, specifically the legal and enforcement unit, from 24 January – 31 May, following which she will return to begin her Con Court clerkship. Rebecca has expressed her excitement at both opportunities and will keep us posted!



Rebecca Gore

Reshma Chavda (LLB 2017) was recently awarded first prize for the **Victoria Fisher Memorial Prize** competition for her *Letters to my Sister* research paper from 2017. The top three papers - in this international competition for essays on women and the law - may be published in the Leicester Law School Student Law Review.

Professor Pierre de Vos, Reshma's lecturer for the course for which the essay was originally penned, describes the essay as unusual, written in the form of letters between an older (more conservative) sister in an arranged marriage plagued by emotional and physical abuse and a younger (more

RESPONSA MERIDIANA

presents the **2018** edition

with eight articles written by UCT and US students on

euthanasia, gender re-assignment, land expropriation,
royalty rights and queer equality per the Civil Union Act.

PLEASE SUPPORT US!

R 100 (Faculty members)
R 50 (UCT registered students)

Journals are on sale now.

(distribution on arrangement)

CONTACT: responsa@uct.ac.za Subscriptions welcome

progressive) sister who studies law at UCT. The essay – basically a critique of the law but written almost as a short story - raises questions about the gap between what the law promises in order to protect women and what the law actually delivers. The prize is open to any undergraduate in the world who has not published before.

Bontle Monnya (LLB in progress) was selected to participate in the 2018 cohort of the Harvard Business School Club of the Gulf Cooperation Council's *Crossroads Emerging Leaders Program*, which took place in Dubai from 22nd to 29th September this year. Participants were selected from 1700+ applicants, of whom 100 were shortlisted, with a final selection of 71 students representing 24 countries.



Bontle Monnya, the only woman student from South Africa to be selected for the programme.

The objective of the programme is to provide non-Harvard students the opportunity to be exposed to a Harvard classroom experience, and to career development and higher education counselling through meeting with top professionals in the region. It includes an intensive multidisciplinary curriculum delivered by four distinguished Harvard professors, tackling science, technology, the arts, mathematics, business and leadership disciplines.

Although Bontle was surprised to have attained a place on the programme, her track record speaks for itself. Among her many accolades, Bontle holds the

title of head student at Woosack Residence, is a member of the Golden Key International Honour Society, serves as a law faculty mentor, and participated in the South African Chapter of the International Association of Women Judges as a mentee under magistrate Michelle Adams.

Simbarashe Gomwe (LLB in progress) has been selected as one of the *Klaus-Jürgen Bathe Leadership Scholars* for 2019. This prestigious scholarship recognises excellence and leadership amongst undergraduates, and the Law Faculty is proud to have its students selected for and participating in this scholarship programme.

More information on this scholarship initiative can be found at <http://www.kjbatheleadership.uct.ac.za/>

• Staff Moves - arrivals and departures

STAFF ARRIVALS - We warmly welcome the following staff members:

Theo Roussouw started in the Law Faculty Office on 1st August, taking up the post of Administrative Office (Undergraduate). Theo previously worked in the UCT Faculty of Engineering and the Built Environment, so he is no stranger to undergraduate administration. Theo is pleased to have joined the Faculty, commenting on the friendliness of staff and their willingness to help.

Sameya Esterhuizen joined the Private Law department in the Faculty on 1st August 2018 as Administrative Officer. Sameya comes from the Maths Department and is also no stranger to the rigours of academic administration.

STAFF DEPARTURES - The Faculty is extremely sorry to bid farewell to the following three Law professors, who

will all be retiring from the University at end-December 2018. They are:

• Professor Jan Glazewski



Prof Glazewski's valedictory lecture can be watched at https://www.youtube.com/channel/UC354JDxPuSQBIY_9E4jjjvA

• Professor Dale Hutchison



Prof Hutchison's talk will be available online in January so keep an eye out on www.law.uct.ac.za for the link.

• Professor Alan Rycroft



We wish you all the best!

All our alums would have been taught by one, if not all, of these great

academics. For more information about our three departing colleagues, please go to www.law.uct.ac.za.

The Faculty also shares a big thank you to **Advocate Fatima Essop** who taught Foundations of South African Law while Associate Prof Lesley Greenbaum was on 2nd semester sabbatical; and to **Professor Thandabantu Nhlapo** (retired deputy VC) who taught African Customary Law while Fatima Osman was on 2nd semester sabbatical.

• Promoting Excellence

Associate Professor Alistair Price was recently recognised by the *UCT College of Fellows* that was established by the UCT Council to recognise distinguished academic work by permanent academic staff. Six of UCT's young researchers were celebrated at an October 2018 event for their significant contributions to research in their fields. Associate Professor Alistair Price (Department of Private Law) was one of the six.



The **Global Risk Governance Programme** in the Faculty's Public Law department has shone during 2018. The programme has received two big grants this year, namely:

1. A major European Union grant titled *TRANSFORM - Trafficking transformations: objects as agents in transnational criminal networks* has been awarded to the Law Faculty. Dr. Annette Hubschle will be a Chief

Investigator on the project, together with researchers from the University of Glasgow and Victoria University of Wellington.

2. *The Art of Resilience: How security professionals manage the unpredictable* is a Social Sciences and Humanities Research Council of Canada (SSHRC) grant awarded for a period of 4 years to the Universities of Montreal and UCT, Law Faculty. Prof Clifford Shearing is the CI on the project which aims to understand the practices of security professionals through their implementation of the concept of resilience.

In addition, the Global Risk Governance Programme has published *Ending Wildlife Trafficking: Communities as Change Agents* by Annette Hubschle with Clifford Shearing. The report aims to provide a better understanding of why African rural communities participate in wildlife economies, both legal and illegal, and how alternative, community-oriented strategies can help build a more resilient response to organised wildlife crime than has been achieved by the anti-poaching, conservation and management measures implemented thus far to protect rhinos.



The report is available online: <http://globalinitiative.net/ending-wildlife-trafficking/>



Another example of Faculty excellence is the **Democratic and Governance Rights Unit (DGRU)** which has excelled this year in many ways, not least of which is the adoption by the Southern African Chief Justices Forum (SACJF) on 30 October 2018 of what have been called the *Lilongwe Principles & Guidelines* – which were worked on by lead researcher Chris Oxtoby (of the DGRU).

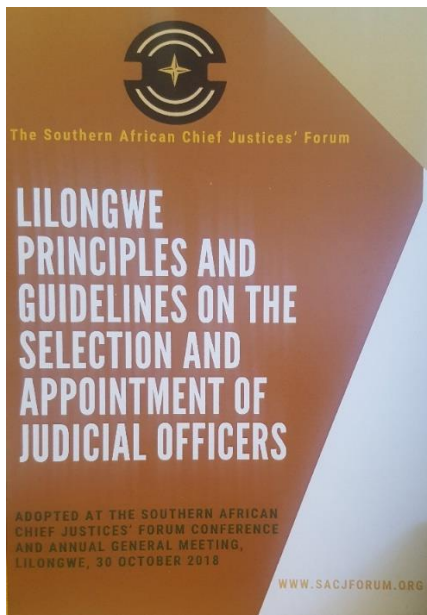
This set of best practice principles and guidelines are based on research into the judicial appointment process in SACJF member jurisdictions. This is the first best practice document based on African experiences and initiated, developed and endorsed by an African organisation.

Whilst many other international best practice instruments exist (including the Cape Town Principles developed under the leadership of Prof Hugh Corder), the *Lilongwe Principles & Guidelines* intersect across different regions. The Lilongwe document is fundamentally based on the experience within the African jurisdictions that have adopted it.

The development of the principles was initiated by the SACJF in light of widespread recognition that the appointment of judges is crucial to ensuring judicial independence. The document was drafted by a working group of three senior judges from SACJF member countries (Chaired by Justice Makarau of the Supreme Court of Zimbabwe, Chief Justice Twomey of Seychelles, and retired Chief Justice Othman of Tanzania) – with the support of the DGRU and the ICJ.

The DGRU's role was to conduct the research that contributed to the development of the principles and guidelines. The DGRU presented the research findings at various stakeholder engagements and supported the working group in drafting and finalising the principles and guidelines.

Along with Chris Oxtoby, Musa Kika (UCT PhD candidate) did a large amount of the fieldwork research and Joelle Barnes (UCT alumnus and now executive legal assistant to the Chief Justice of the Seychelles) made a major contribution to the drafting of the guidelines.



Importantly, the UNODC's Global Judicial Integrity Network has endorsed the principles, demonstrating the importance of the issue of judicial appointments – as well as the credibility of the Lilongwe Principles & Guidelines which provide critical African input on this issue at an international level.

Now adopted by the SACJF, it falls to individual jurisdictions to implement that principles and to monitor this implementation.

For more about the SACJF, go to <https://sacjforum.org/content/about-sacjf>

LARC (Land and Accountability Research Centre)

In 2015, an ambitious albeit very important parliamentary process was initiated by the legislature's Speakers' Forum – ie. to assess how effective post-1994 legislation has been in contributing to the transformation agenda of the developmental state, and the possible unintended consequences of these laws. This undertaking was led by a high-level panel (HLP) of eminent South Africans, headed by former President Kgalema Motlanthe. The panel produced a lengthy 601-page report that has been in the headlines sporadically since its release in November 2017. What is less known, perhaps, is that **four of the 14 panel members were from UCT**, while five other UCT scholars and a PhD student also contributed to expert reports commissioned by the Panel.

A full article on UCT experts' participation in the HLP can be read at <http://www.povertyandinequality.uct.ac.za/news/uct-well-represented-motlanthe-high-level-panel>.

The Faculty's **Mineral Law in Africa (MLiA)** unit has led the way in finding new mechanisms for profiling and promoting our postgraduate programmes, particularly at the LLM level. For those interested in the Law of Mineral and Petroleum Extraction and Use, go to the following link <http://www.mlia.uct.ac.za/llm-law-mineral-and-petroleum-extraction-and-use> for a short video on the Faculty's LLM programme in this area, under the leadership of SARChI Chair in Mineral Law in Africa, **Professor Hanri Mostert**.

Amongst MLIa's publications and articles for 2018 is *Finding ways to keep communities alive after mine closures* published by **The Conversation** – in which a group of UCT scholars representing various disciplines

(including MLIa's Dr. Cheri Young) share some of their preliminary findings as to possible opportunities for mining communities after mine closure. A key focus is on using mining infrastructure for agriculture to diversify local economic activity. The issue of sustaining the livelihoods of mining communities after mine is of great concern. Read the article at <https://theconversation.com/finding-ways-to-keep-communities-alive-after-mine-closures-98505>



• Making law accessible

Academic research on aspects of South African law is not everybody's cup of tea – and seldom makes for light reading. To ensure greater accessibility of the Faculty's academic research work, many Faculty academics and researchers contribute opinions and perspectives in more easily digestible form – either on their own blogs, or on radio through interviews, or on popular media platforms such as The Conversation and the Daily Maverick.

These researchers include, amongst others (with examples of pieces they have written):

- **Jameelah Omar** – writes on processes of *investigation into sexual harassment*: <https://bit.ly/2PxXEWw>
- **Cathy Powell** – talks about the *fitness of our Public Protector to hold office*: <https://bit.ly/2SJkhd7>
- **Kelly Phelps** – writes about a *zero-tolerance approach to racist*

utterances:

<https://bit.ly/2A2dODd>

- **Pierre de Vos** – writes about the processes and procedures of *changing our Constitution*: <https://bit.ly/2LWFPUv>
- **Andrew Hutchison** – writes on how *contracts drawn up as comic books* is an approach being used in South Africa: <https://bit.ly/2C2y4pk>

• Faculty out and about

There is a massive amount of work going on in the Faculty at any given time, with our academics and researchers regularly travelling locally and internationally to share their work and engage with colleagues. We share a few stories below.

Did you know? The Law Faculty's academic staff are not limited in their work to researching and teaching the Law. **Professors Pierre de Vos** and **Jaco Barnard-Naude** recently had published a piece called *Scene of the crime*. A creative non-fiction piece in the form of a play - first performed by de Vos and Barnard-Naude at the remnants of Graaf's Pool in Sea Point – the piece was published in *As You Like It*, an anthology of fiction and non-fiction. This anthology was shortlisted for the *Gerald Kraak Award* on African perspectives on gender, social justice and sexuality.

In addition to the less traditional productivity of some of our colleagues, academics and researchers from across the Faculty have consistently been engaged in specialist research, workshops and conferencing to contribute and stay current with the latest discussions and issues being tackled in all areas of law.

Amongst many other academics, we share a few stories of what Faculty colleagues have been up to:

Professor Dee Smythe contributed to the *Global South Socio-Legal Writing Workshop* for emerging socio-legal writers from the global South in Nairobi during the week of 3rd December 2018.

Associate Professor Waheeda Amien delivered a keynote address titled *Gender-nuanced Integration of Muslim Personal Law in a Secular Legal Framework*, at the 3rd Annual Law and Development Research Network, hosted by the Van Vollenhoven Institute, Leiden University, 19-21 September 2018.



Association Professor Andrew Hutchison is currently engaged in an NRF-funded empirical project aimed at uncovering contracting norms in Khayelitsha stokvels. Data collection took place over the course of about six months in 2018. All research participants were then invited to a final plenary focus group session at the UCT Law Faculty on the afternoon of Saturday 15 September 2018.

17 members of various Khayelitsha stokvels attended the discussion. The serious business was followed by a party, as well as a walking tour of UCT campus. None of the participants had visited UCT before – the mood was convivial and many photos were taken by all.

The study will now proceed to data analysis and the business of writing up the findings. Andrew is working with a collaborator, Dr Nkanyiso Sibanda of

UWC, as well as a research consultant, UCT Commerce graduate Mr Sebastian Daniels, and a Khayelitsha community sponsor, Ms Yethu Mabonela.



Dr Aninka Claassens, outgoing LARC Director, formed part of a panel discussion on the second day of the **Thomson Reuters Foundation Conference**, addressing the issue of *Solid Ground: How to Secure Land & Property Rights* alongside Jeff Hebert, Anne Girardin and Nonette Royo, moderated by Peter Rabley, Venture Partner at Omidyar Network. The Thomson Reuters Foundation's Trust Conference is an annual human rights forum committed to finding real solutions to fight slavery, empower women, and advance human rights worldwide. The annual event convenes 600 delegates from the worlds of activism, civil society, law, government and business in the heart of London for two full days of inspiration, networking, and action.



This year's conference took place from 14 - 15 November 2018 in London, United Kingdom.

LARC researcher, **Zenande Booii**, participated in a panel discussion as part of the Open Book Festival in Cape Town, 5 - 9 September 2018. Along with Musa Gwebani, Crispian Olver and **Jaco Barnard-Naudé**, she discussed whether our laws are hindering implementation at provincial and local level. This session was presented by *Spatial Justice in the Postcolony*.



LARC land researcher, **Nokwanda Sihlali**, recently attended the Department of Rural Development and Land Reform's (DRDLR) "Land is our Heritage" event, held in Johannesburg 19 - 21 September 2018. The commission addressed by Ms Sihlali was chaired by Nomfundo Gobodo, the Chief Land Claims Commissioner. The particular focus of the commission was on land tenure and women.

LARC researcher, **Ramabina Mahapa**, facilitated a panel discussion as part of the Open Book Festival in Cape Town, 5-9 September 2018. Ramabina facilitated a discussion between Tembeka Ngcukaitobi, Mandisa Shandu and Stha Yeni about practical ways forward.

LARC researchers, **Thiyane Duda and Monica de Souza Louw**, presented papers on a panel titled "Law, Distortions and Traditional Authorities in South Africa" at the Biennial Conference of the Commission on Legal Pluralism, held in Ottawa, Canada, from 22-24 August 2018.

• Profiling our Research Units

The Faculty is home to nine research units and two law clinic initiatives. These centres serve to engage locally and internationally around key areas in the theory and practice of law.



Centre for Comparative Law in Africa (CCLA)

On Thursday 29 November 2018 the CCLA and the Lagos Business School co-hosted the 5th anniversary reunion conference event of the Olu Akinkugbe Business Law in Africa Fellowship in Lagos, Nigeria and which coincided with the 90th birthday of Chief Olu Akinkugbe CFR.



Associate Professor Ada Ordor and Professor Hugh Corder at 5th anniversary conference event in Lagos

• Professional Development



The Faculty's professional development unit is focused on providing up-to-the-minute refreshers on a range of practice-related legal topics. The 2019

programme of courses looks as good as ever and includes – amongst many others – short courses on:

- Compliance management
- Copyright
- Legislative drafting
- Medical Negligence
- The Protection of Personal Information Act
- Cybercrime and information security
- Commercial and court-aligned mediation
- Effective legal writing

A number of courses are already offered online for your convenience, and more will be coming online in 2019. <http://www.lawatwork.uct.ac.za/lw/courses> for full information, dates, cost and registration – and **remember that UCT Law alums get a 10% discount!**

• News bytes

Conference January 2019

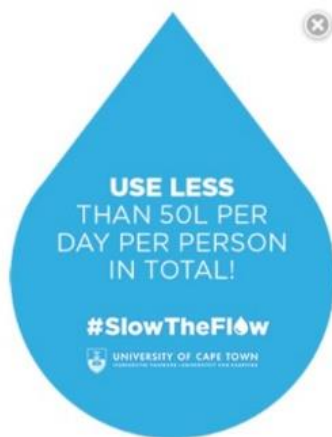
Legalwise Australia is holding a conference at the Faculty from 16 – 18 January 2019. The programme and registrations are available at <http://www.lawatwork.uct.ac.za/legalwise-conference-2019>



Water & the Law School

Cape Town and surrounds breathed a loud sigh of relief when its city council announced a relaxation of water

restrictions down to Level 3 – at a full 105 litres per person per day. This doesn't mean our water troubles are over, and residents are encouraged to be sparing and wary in their use of water. The university continues with its **#SlowTheFlow** campaign to reduce water usage across the campus and to become more fully water-wise in its water management.



Alumni Giving

A **HUGE thank you**, as always, to our donors and alumni supporters. We have been able to do great things this year – as highlighted in our first issue of Funding Focus, which can be read at <http://www.law.uct.ac.za/funding-focus-law-donor-newsletters>



We are not able to do what we do without your support!

For those who are thinking of contributing to ensuring that UCT's

Faculty of Law remains the leading Law School on the continent, and that we continue to provide excellent legal education – resulting in the most prepared law graduates – there are various ways you can do this.

Become a monthly donor, for example – it's an easy way (via direct debit) to make small, regular contributions to the Faculty's **Excellence in Law** campaign. To become a regular donor, use the online donation site at www.uct.ac.za/main/donating-to-uct/methods/online

There are many other ways to contribute to this campaign. For example:

- completing a pledge form (we can mail one to you!)
- using a debit order facility
- or by EFT

or by contacting Cindi De Oliveira in the Development & Alumni Department on cindy.deoliveira@uct.ac.za

A Letter

*The piece below is a contribution from Cecile Sackeyfio, a postgraduate in the Law Faculty. Currently, Cecile is working at the **UCT Refugee Rights Unit**, which has been “home away from home” since July 2017. Cecile shares some thoughts on her experience of being a UCT Law student, in a personal and reflective piece in which she speaks to her younger self.*



“

Since early on, the spark has been in you to see those who are invisible and cannot be heard. You demonstrated it as a child countless times from shaking the man's hand who stood outside of the homeless shelter to helping the new dyslexic student improve her grades and make friends.

If I would impart anything to you—a few words to act as a tether—when you feel emotionally and mentally unregulated, I would say: *authenticity wins every time*. Four simple words, the likes of which you have become acquainted with early on, will deconstruct throughout your twenties, and live as you navigate your thirties. Yet, I know that the gravity of this phrase will continue to reveal itself as the years will pass. Accordingly, your engagement with “authenticity” will nuance as well.

Half first-generation immigrant of a Ghanaian father and born of a mother from the most racist state in the confederacy, South Carolina, in all your communities (school, neighbourhood, extracurricular), you are the only hint of hue in a ceaseless ripple of cascading White clouds but, somehow, you do not think about race much. You are aware of the term tokenism; however, in the context of your world, there is no room for it. You are Cecile, meticulous, but you never colour within the lines and for most of your life that will be good enough, in fact, more than good enough.

However, breaking the habit of seeking validation and applause from those who do not look like you is a fated journey that every Black person in America has to roam. Because what you are too young to understand is that the truth that seeps from this acclaim reeks of your ancestors' blood and tears, that which was bled and

shed, respectively, for you to achieve what you have. You will be made to feel that because you accomplished something in your life, all is recompensed, but the truth is that the United States has not veered off its trajectory of racially commodifying Black bodies through violent means. Because you will be authentic in: trauma, illness, anger, abandonment, insecurity, strength, and enthusiasm you will have succeeded at your sprints but brace yourself for the marathon in order to grow and flourish into the fully-actualised person you were, one who saw humanness when other passers-by disregarded it twenty-seven years ago.

You will discover that there are many ways to dismantle the fabrications of race and the respective monsters they have created. Cecile, just as you have always coloured out of the lines, you will feel pulled to learn from other cultures, communities, and nations who have transitioned from past conflict in an effort to move their societies forward. As you find your way through what will seem like a labyrinth, remember you are remarkable: deep-voiced, aggressive, expressive, passionate, simple yet perplexing, and willing to live aloud (feeling, not just walking and breathing).

In your thirties, you will be led to UCT to break free of the shackles of colonisation and will be disturbed and challenged by what awaits you. There is nothing that I could offer that will adequately prepare you to traverse the Kramer Law Building, for what you will anticipate is transformation, what you will expect is a feeling of unbridled enthusiasm for equality and a rejection of discrimination, and what you will experience will be all too familiar.

Your success in the Law Faculty will be hinged on a political game plan and

your commitment to your academic pursuits. You will find yourself marginalised from a space for cultivating intellect that will only be accessible by some. The complexities of your character will be painted over by a broad brush, but please take comfort in knowing that all of your failures and triumphs have prepared you to have the inner resolve to hold on to your remarkable features so that they will not be whitewashed. Accordingly, you will create ways to be authentic to yourself while toeing the line and complying with unspoken guidelines for transparency in an effort to prevent unfettered acts of aggression. Along the way, you will truly grapple with racial trauma and will be shaken by the silent cries of others' pains of erasure.

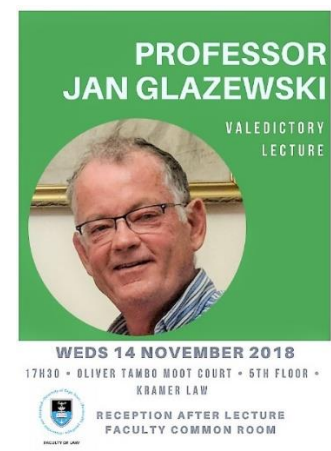
Because you are relentless, you will escape the box that you will be forced into and uncover the gold beneath the ash of the Law Faculty. You will challenge yourself in unfamiliar areas of law and will soak up the intellectual depth and personal experiences of your colleagues. You will begin to take down bricks of the wall you have spent your lifetime securing around you because you will not be able to endure the process alone. You will be fortunate enough to have people bear witness to your greatness on the days when you will not be able to see it or acknowledge it. Inspiring professors will become mentors and employers, and they will utilise their time and energy to cultivate your desire to challenge and be challenged. Additionally, academic support staff will become a surrogate family.

You will graduate but not unscathed, and still, in spite of your cries from the battlefield, you will regard UCT as the single greatest gift you will have ever received. You will double-down on your stance on the right to education, first taken in your master's thesis. You will then become preoccupied with expanding on your research,

particularly given what you will have survived and because you will want to prevent others from having similar experiences.

Cecile, you have to know that it is because of the obstacles that you will graduate UCT never more prepared and qualified to undertake such an endeavour. You, my dear one, will forever be outward looking and annoyed by injustice and will cling to the hope that, in 2019 and beyond, transformation for UCT will not be in name only.

We ALWAYS have more news than we can fit in, so if you feel something was missed, please let us know by contacting Gaby Ritchie on gaby.ritchie@uct.ac.za



Poster from Prof Glazewski's valedictory lecture



Justice Mohamed Navsa delivered the Rabinowitz Lecture 2018 on 11 October this year