

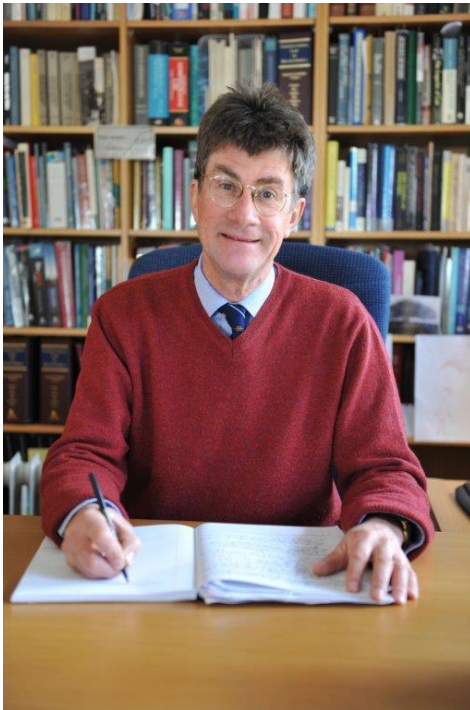


UNIVERSITY OF CAPE TOWN
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

Activities
Updates
News
SEPTEMBER 2018

Faculty of Law

DEAN'S GREETING



Dear Alumni, Faculty
Friends and Staff

You will hopefully all have received my Acting Dean's Faculty update, sent in mid-July by email to keep you posted on matters in the Faculty of Law. I greet you all again and am pleased to introduce the August 2018 Faculty Newsletter, packed with good news, staff and student achievements, details

on recent publications, and updates from our Alumni across the globe.

Firstly, though, I would like to give a warm welcome to Professor Phakeng in her new position as UCT Vice-Chancellor since 1st July 2018.

Secondly, I would like to share with you both my own and the Faculty's grief at the death of Professor Bongani Mayosi, our esteemed colleague and Dean of the Faculty of Health Sciences. The circumstances of his death have been deeply shocking to the campus community – and I would like to use this platform to express again our sincere condolences to Professor Mayosi's family. His sister, Ncumisa, was a lecturer here about 15 years ago, so there is also a family connection.

We are well into the 2nd semester of 2018, and we have much to focus on – working on our commitments made to the Council on Higher Education through the recent accreditation process; and giving energy to tackling the recommendations made to the Faculty in the recent mid-July UCT Executive report. Work continues unabated – with Faculty staff responsible for a number of new publications, and with our students achieving great things both on campus and on student exchange and summer school programmes.

We are always so pleased to hear from our alumni, and I appeal to you to keep us posted on what you are busy with. It is more important than ever that the Faculty hear from you – about your stories, your career paths, your areas of practice, and your concerns or thoughts about UCT Law, legal education and developing curricula that will equip our students for an ever-evolving world of legal practice.

In July, UCT Law hosted the Society of Law Teachers of Southern Africa's 2018 conference – packed with thought-provoking papers and discussion about change in legal education, and around what a decolonial education in law might comprise in the South African context.

Mostly, we are looking forward to welcoming our Alumni to our **ANNUAL REUNION on 7th & 8th December 2018**. If you haven't already diarised, please do Save The Date – we are really keen to have you with us for this Alumni event!

Yours in Law,

Hugh Corder

Acting Dean | Faculty of Law

SAVE THESE DATES!

7th - 8th December 2018

Annual Law Alumni Reunion

We are really looking forward to welcoming our Alumni to the Faculty over the *second weekend in December*. This is a gathering in particular of those celebrating their 60th reunion (Class of 1958); 50th reunion (Class of 1968); 40th reunion (Class of 1978); 30th reunion (Class of 1988); and 20th reunion (Class of 1998) – **but it's for all our alumni in other years as well!** So please do diarise and join us in celebrating UCT Law, each other, and our respective successes in taking what we learned here at the Faculty and implementing it towards positively impacting the law and its practice in South Africa and elsewhere!



SAVE THE DATE: Book Launch in London

For London-based alums, the **Queen Mary University of London's** Centre for Research on Law, Equality and Diversity (LEAD) is hosting a special seminar to launch *'International Courts and the African Woman Judge'*, edited by Josephine Jarpa Dawuni and Hon. Akua Kuenyehia, and published by Routledge.

Date: 7 September 2018 |

Venue: Room 313. Law Building, Queen Mary University of London, Mile End Road, London E1 4NS

Time: 2-4pm

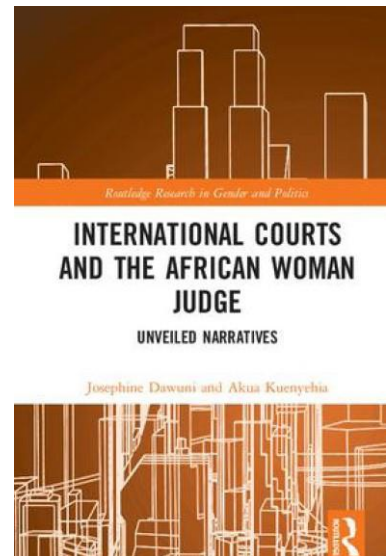
The Faculty's **DGRU** staff member, **Tabeth Masengu** (due back from a year in Ghent), will speak at the launch!

About the event | What do we know about African women judges? Who are these women and what explains their trajectory to international courts and top domestic courts? What contributions are they making to the courts and global justice? A sequel to *Bauer and Dawuni's pioneering study on Gender and the Judiciary in Africa* (Routledge, 2016), *International Courts and the African Woman Judge* examines questions on gender diversity, representative benches, and international courts by focusing on women judges from the continent of Africa. Using legal narratives and in-depth exploration of seven women judges, the book debunks existing misconceived notions of the individual and personal agency of the African woman. The panel will explore important questions about how the politics of judicial appointments, gender, geographic location, class, and professional capital combine to shape the lives of women judges who sit on international and domestic courts. The discussion will address the often misunderstood, overlooked and underrated contributions of African

women to the global discourse on feminism, global justice, international courts and international organizations.

Speakers include: **Dr Josephine Jarpa Dawuni**; **Judge Florence Ndepele Mwachande Mumba**; **Judge Elsie Nwanwuri Thompson**; **Judge Reine Alapini Gansou**; and **Tabeth Masengu**

Register via eventbrite: <https://qmul-african-women.eventbrite.co.uk>



SAVE THE DATE: Panel Discussion

Privacy vs Security - Where does the balance lie?

Given the explosive revelations made by Edward Snowden, there is greater public awareness of government surveillance and, consequently, calls for more transparency and accountability. The UCT Law Faculty is hosting a panel on this issue.

Date: Weds 3rd October 2018

Venue: Kramer Building, LT 3

Time: 17h30

The panel includes **Sir Adrian Fulford**, Investigatory Powers Commissioner in the UK; **Advocate Pansy Tlakula**, South African Information Regulator; **Professor Jane Duncan**, University of

Johannesburg; and **Peter Carter QC**, whose practice is primarily criminal law. This panel of distinguished experts will provide insights into the UK system or surveillance and the criticisms of the legislation and also the South African experience. The event will be moderated by **Justice Dennis Davis**.

RSVP to gaby.ritchie@uct.ac.za for catering purposes. PLEASE JOIN US!

SAVE THE DATE: The Ben Beinart Memorial Lecture 2018

The Faculty is delighted to announce that **Justice Malcolm Wallis**, Justice of the Supreme Court of Appeal, is the distinguished speaker delivering this year's *Ben Beinart Memorial Lecture*.



Date: Tuesday 16th October 2018
Venue: Oliver Tambo Moot Court | 5th Floor | Kramer Building
Time: 17h30

This Memorial Lecture is held in honour of Professor Ben Beinart, who held the WP Schreiner Professor of Law at UCT from 1950 to 1974. The annual lecture is generously sponsored by

WEBBER WENTZEL

in alliance with > **Linklaters**

RSVP to gaby.ritchie@uct.ac.za for catering purposes. EVERYONE WELCOME!

SAVE THE DATE: The Bennie Rabinowitz Lecture 2018

This year's Bennie Rabinowitz Lecture will be delivered by Judge Mahomed Navsa of the Supreme Court of Appeal. Hosted by the Department of Private Law, this year's lecture will focus on *The Doctrine of the Separation of Powers – Navigating between Judicial Timidity and Overreach*. Please join us!



Date: Thurs 11th October 2018
Venue: Oliver Tambo Moot Court | 5th Floor | Kramer Building
Time: 17h30

RSVP to gaby.ritchie@uct.ac.za for catering purposes. PLEASE JOIN US!

SAVE THESE DATES - Australia Alums!



Weds 24th October in Sydney
Tues 30th October in Melbourne

Prof Corder comes to town! Details of time, venue etc will be shared in due course – we would be so glad to see you at one of these events!

SAVE THE DATE: Professor Jan Glazewski, Environmental Law - Valedictory Lecture

Professor Jan Glazewski will be leaving the Faculty at the end of 2018. To mark this moment in his long career, Jan will deliver his Valedictory Lecture in November.



Jan has contributed significantly to the development of Environmental Law in South Africa, and the ensuring the inclusion of environmental rights in both the South African and Namibian constitutions.

Join us in bidding Professor Glazewski a celebratory farewell!

Date: 15th November 2018
Venue: Oliver Tambo Moot Court | 5th Floor | Kramer Building
Time: 17h30



PROFILING ALUMNI - NEWS FROM AROUND THE WORLD

One way to keep all our alumni updated on Faculty news, and on the whereabouts and successes of classmates, is through this newsletter. Another way is through UCT Alumni Connect – an online site specially for UCT Alumni. It is easy to join – using your Facebook or LinkedIn credentials – and puts you in touch with everything UCT Law!

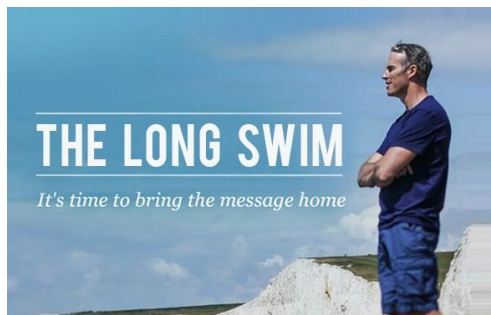
Join up now on

<https://uctalumniconnect.com/>

We have recently heard from a number of alumni. We are excited to share their news – read on!

• Alumni Stories

Undoubtedly, the most high-profile Alumnus achievement this year goes to **Lewis Pugh (LLB 1994; LLM 1996)**. Pugh has just completed #TheLongSwim – a 530km swim from Cornwall at the west point of the English Channel all the way to Dover in the East. The first time this has ever been achieved, Pugh battled physical and mental exhaustion along with storms, rough seas and injury to complete this epic mission to advocate for the protection of our oceans.



Pugh completed this incredible distance in under 50 days, to fight for the declaration of at least 30% of our oceans as protected by 2030. To find out more about Pugh's ongoing campaign, go to

<http://lewispugh.com/the-long-swim/>

Elkanah Babatunde (LLM 2017) has been awarded a one-year Yale Fox Fellowship to pursue his PhD at Yale, looking at *the African position on climate change law and how this affected the juris-generative process of the Paris Agreement on Climate Change*.



Elkanah completed his LLM in Human Rights, with a focus on how international law is increasingly becoming a tool for addressing national problems. This connected with his concern about the exploration of crude oil in Nigeria (his home country) and gas-flaring by most of the oil exploration companies - and why the government did not seem to be doing anything to address the situation.

This catalysed Elkanah's interest in understanding how international law has sought to address local problems that have global impacts. This is especially because the effect of such emissions result in climate change across the globe irrespective of where it originates from.

On choosing UCT Law as the home for his LLM programme, Elkanah comments that "UCT Law has a wide range of scholars who are experts in their field and is a truly international institution. I

therefore wanted to become a part of that learning environment".

On the opportunities provided by the Yale Fox Fellowship, Elkanah is particularly looking forward to input into his work from other global scholars in the field of international and environmental governance.

Faye Bozalek (LLB 2015) was appointed to clerk at the Constitutional Court from July this year.

Rebecca Gore (prospective LLB 2018) will be clerking for Deputy Chief Justice Zondo from July 2019.

Christian Gradel (LLM 1990) is based in Switzerland, and is involved in the setting up of a new fund for investment in all types of renewable infrastructure projects worldwide. To date, Gradel's fund has invested in Germany, France and Finland, and may be looking to the South African market in the future, particularly in wind onshore and photovoltaic projects.

Catherine Maclay (LLB 2002) was based in the UK for some years and has just completed her CILEx Level 6 Higher Diploma in Law. Ms Mclay has now back to Johannesburg in July 2018 to join an established law firm - and is pleased to share that she has been added to the *LSNP Immigration, Nationality and Refugee Committee* and is also a member of the Gauteng Branch of the Black Lawyers Association.

Shingira Masanzu (LLB 2008; PGDip 2010), president of the Law Students' Council in 2008, left South Africa after completing her LLB to work at Davis Polk & Wardle in New York for a couple of years – before then undertaking an LLM in International Law at New York University. Now working in Structured Finance and Guarantees at the World Bank in Washington DC, Shingi is based in

Johannesburg for the forthcoming period.



The Faculty hopes to welcome her at the Faculty in a visiting capacity to share her expertise in international law and international financial institutions, amongst other areas.

Kevin Minofu (LLB 2014) has been awarded his LLM from Columbia Law School as a James Kent Scholar (the equivalent of a *magna cum laude* qualification). Mr Mpofu won a public interest and government fellowship from Columbia and will be staying on in New York until the end of 2018 to work at Independent International Legal Advocates, a new NGO which looks to assist developing countries with international law advisory services.

Tebogo Moloko (LLB 2014) will be pursuing an LLM at the University of Pennsylvania (UPenn), taking several courses both in public and private law - and seeks to focus on the right to education.

Joshua Nott (LLB 2016; Rhodes scholar) was awarded a Rhodes Scholarship for two years. Having completed a Masters of Science and African Studies, the dissertation for which focused on the socio-legal issue of: 'Class Apartheid: Inequality and the South African Constitution'. The work detailed the negotiations and construction of the Equality Clause asking specifically why 'class' was

excluded from this clause. Joshua begins his second Masters, in Public Policy, at Oxford in September. As a proud graduate of UCT Law, Joshua believes the education he has received at UCT is on par with that of Oxford.

Nondumiso Phenyane (LLB alum 2015) is taking up a place as a junior lecturer at Stellenbosch University Law School from July 2018.

Camilla Salmon (LLB 2015) will be taking up a position in ICC Chambers for 6 months, beginning in August this year.

Dr Livingstone Sewanyana (PhD 2013) was appointed by the United Nations Human Rights Council as the new *UN Independent Expert on Promoting a Democratic and Equitable International Order* at the 37th session on 23rd March 2018.

As a mandate-holder Dr Sewanyana will assess country human practices on human rights, democracy and development and submit an annual report to the Human Rights Council in Geneva and the United Nations General Assembly in New York.

Daniel Sive (LLB 2016) has been appointed as Justice Theron's clerk at the Constitutional Court for 2019.

Nicole van Zyl (LLB alum 2016) was awarded a Sonke Gender Justice fellowship to UCLA and left UCT at the end of August.

• Promoting Postgraduate Study

The Faculty is keen to increase the profile of its postgraduate programmes by highlighting the fantastic work being driven by academics, postgraduate students, and the Faculty's research units.

FACULTY OF LAW



School for Advanced Legal Studies

for the pursuit of postgraduate studies in Law

- 📍 Home to 35% of UCT Law Faculty students
- 📍 Students from South Africa and elsewhere
- 📍 Access to South Africa's top legal minds
- 📍 Opportunities for participation in tutoring and research
- 📍 Expert academic supervision
- 📍 Fellowship & exchange opportunities

Postgraduate Diploma
(PGDip)

Master of Laws
(LLM)

Professional Masters
(LLM)

Master of Philosophy
(MPhil)

✉ law-studies@uct.ac.za

@UCTLaw

☎ 021 650 3086

🌐 www.sals.uct.ac.za

UCT recently held its first showcase for postgraduate study. The Law Faculty took part with much enthusiasm, to promote what we offer by way of postgraduate options.

Held in the Memorial Hall on 26th July 2018, the expo was attended by more than 1,000 students keen to investigate the possibilities for life after graduation. Clare Richfield, administrator for the School for Advanced Legal Studies (SALS) had this to say:

"Almost 50% of UCT Law Students are postgraduates, including our PhD students – and the PostGraduate Expo provided a great opportunity to share what we offer with undergrads across

the university who are considering their options! SALS was really pleased to be able to showcase our postgraduate PGDip and LLM programmes”.



Clare Richfield (SALS) and Gloria Chikaonda (President, PostGraduate Law Students' Council) at the PG Expo

PhD Graduates

The Faculty is very proud of its four new PhD graduates whose degrees were conferred at this year's 22nd June graduation. These four PhD graduates are:

Omogboyega Oyeniyi Abe was awarded a PhD in Commercial Law, for a thesis which applies the United Nations guiding principles on business and human rights to advance appropriate participatory governance frameworks for the extractive industries in Africa, with particular reference to Nigeria and South Africa.

Chijioke Ifeoma Okorie was awarded a PhD in Commercial Law, for a thesis considering how freemium music models prevent innovative copyright uses, thus adversely affecting the viability of copyright owners and firms, and proposing ways for copyright and competition laws to regulate business models using copyrighted content in advertising.

Justice Alfred Mavedzenge, who works with the Faculty's Democratic Governance & Rights Unit, was awarded a PhD in Public Law for a thesis providing an analysis of how the right of every person to access adequate housing in Zimbabwe might be enforced as a constitutional right,

despite the constitution not explicitly guaranteeing such a right.

Nadeem Salie was awarded a PhD in Public Law for a thesis which shows that were public officials to embrace ubuntu (as communal obligations) in the exercise of their duties, their doing so would help to realise vulnerable people's socio-economic rights and to create a just and caring society.

• Profiling Student Action & Activity

Our students have gone global in their excellent representation of the Faculty, and in making the most of wonderful international and local opportunities. These students include:

Jayson George, who attended the Schola Empirica's Prague Summer Schools Programme in Crime, Law and Psychology, which took place in Prague, Czech Republic from the 1st - 8th July 2018.

Muriel Kasanga, who recently attended the Law Schools Global League (LSGL) Summer School in Madrid, Spain, during July 2018.

Edward Mugerwa-Sekawabe, who attended this year's Law summer school at Koc University, Istanbul, Turkey during July 2018. Mugerwa-Sekawabe is one of two *Dikgang Moseneke Fellows* for 2018.

Priyanka Naidoo, who attended this year's 3-week Law summer school at Koc University, Istanbul, Turkey during July 2018.

Nigel Patel, who attended the Law Schools Global League (LSGL) Summer School in Madrid, Spain, during July 2018. Patel will also be taking up a position at Linklaters UK, following their very successful participation in the Linklaters African Clerkship programme in December 2017.

During the Clerkship Programme, Nigel was placed in the Litigation department and then Mergers & Acquisitions, both for a fortnight – after which the offer of a training contract was made on January 2019. The training includes doing the GDL - essentially a law conversion course – after which Nigel will then pursue an MSc in Law, Business and Management. These will all be completed at the University of London and are fully funded by Linklaters.

Once Nigel has completed the GDL and MSC, a two-year contract with Linklaters begins – which includes four rotations in the firm's different departments, with the opportunity to work in one of Linklaters many offices.

Nigel has expressed excitement at the potential for building on skills developed here at UCT Law, and is excited about the potential for learning and growth in the London commercial environment. Says Nigel: "I have no doubts that it will be challenging, but I definitely think through a positive attitude and hard work that I will be able to meet the challenge!".

We wish Nigel a hugely rewarding time ahead!

Big congratulations to **Natasha Salant** who won first prize in the **Ismail Mahomed Law Reform Essay Competition** for her paper titled *Beyond the (class)room: What education could be in South Africa*. Salant's essay was originally submitted for Professor Pierre de Vos' *Social Justice and the Constitution* seminar in the Faculty's Department of Public Law.

Boitumelo Sediti, who is one of two 2018 *Dikgang Moseneke Fellows* in the Faculty. The Fellowship is a programme set up in honour of former Deputy Chief Justice of the Constitutional Court, Dikgang Moseneke, and is a 12-month programme designed to provide exposure to and experience with the judiciary.

Sediti also participated in the Law Schools Global League (LSGL) Summer School in Madrid during July 2018.



Boitumelo Sediti (L) and Edward Mugerwa-Sekawabe (R), the 2018 Dikgang Moseneke Fellows, with Fellowship Programme Advisor Dr Justice Mavedzengwe of the Democratic Governance & Rights Unit.



Local Law publication, *Without Prejudice*, recently shared its Top Student list for 2017. UCT Law students featured in the list include:

Tima Anwana, Marikah Calo, Nicola Harvey, Lara Lindeque, Belinda Msungama, Nyasha Nyatsambo, Olivia Radford, Mirren Sharp, and Keenan Wheeler. Congratulations! The Faculty wishes you continued success going forward!

The Kader Asmal Moot Court Competition trophy was once again brought home by the UCT Team, comprising **Tanya Namases** and **Monhe van der Walt**. After two preliminary rounds and the final, it was announced that UCT had won the competition - for the third year in a row. Advocate Jean Wilke, lecturer and student moot expert, notes that the team did incredibly well in both their written and oral arguments!

Semester abroad students

The Faculty is regularly home to students visiting from elsewhere and completing a semester of their law programme here at UCT.



Three such students have joined us for our second semester, from **Columbia Law School**. With us until November 15th as part of the last year of their three-year J.D. programme are **Angel Nwachukwu, Samanta Simpson,** and **David Manadom**. All three students are going into different aspects of Corporate Law to kickstart their careers, although each has an affinity for public-interest work. Their course choices at the Faculty directly

reflect this public interest- and community-centered focus.

David Manadom shared some thoughts on being in South Africa. He comments that he, Angel and Samanta hope while they are here to gain a greater understanding of the legacy of apartheid and South African culture in general, and are looking forward to developing professional and non-professional connections in South Africa and at UCT.

David notes that in the United States, one's skin color is a central aspect in everyday life, and says that the present historical impact of one's race tends to be ignored in everyday socio-political discourse. Consequently, the political will to properly address racial disparities in the United States is tenuous at best.

David further comments that "*...there are many parallels that can be drawn between South Africa and the United States regarding the history of race-motivated conflict in both countries. A compelling reason to come to SA is to observe how race is addressed in political discourse as well as in everyday life. There is no better place to study this phenomenon than at the University of Cape Town*".

On being in Cape Town, David shares his awe of the mountains and the views – but nevertheless holds underwater shark-tanking as one of his must-do's while here.



- Student Project Spotlight

The Human Upliftment Project: UCT law students focus on social justice



As reported in the May 2018 Faculty newsletter, there is rising energy amongst students in the Kramer Building – to get involved, and use their developing legal knowledge and skills for social good beyond the immediate context of the Kramer Building. In this issue, we highlight the work of the **Human Upliftment Project** (known as HUP), a project initiated by UCT Law students in March 2018.

The programme started at Beacon Hill Secondary School in Mitchell's Plain and Thandokhulu High School in Mowbray. HUP focuses on African Customary Law and the effects of colonialism on this legal system. HUP's Social Justice Education Programme is focused on decolonising the UCT Law curriculum and its main objective is to ensure that the first legal system South African pupils are introduced to is the oldest of its land. To find out more about this student initiative, you can contact the organizers on info@humanupliftment.co.za or check them out on facebook at <https://m.facebook.com/humanupsa>

The 2nd Kate O'Regan Interschool Moot Competition



The **UCT Moot Society** held its second **Kate O'Regan Interschool Moot Competition** in the Oliver Tambo Moot Court (5th Floor, Kramer Building) on Saturday 1st September 2018.

The Faculty warmly congratulates the winning team from Fort Hare University! Excellent work. Well done to all the competing teams – by all accounts the judges grilled competitors and the competition was tough!



The Fort Hare team with Justices Albie Sachs and Kate O'Regan – and the winners' cup!



Members of the UCT Moot Society, with Justices Albie Sachs and Kate O'Regan

Sponsored by AfricaLegal and Werksmans Attorneys, the event started at 9am, with Moot teams from Stellenbosch, University of Western Cape, Varsity College and Fort Hare University. The day was filled with seriously competitive mooting - with Justice Kate O'Regan presiding. The

UCT Moot Society did an excellent job organizing what was a very rewarding day for competitors, law students, Faculty members and friends.



The aim of the competition is to gather law students from a variety of law schools in the Western Cape including UWC, Fort Hare, and Stellenbosch to compete against each other in written heads of argument and oral argument. This competition is particularly exciting because it encourages students to grapple with a legal topic outside of the core syllabus and for this year the topic is based on Competition Law.



The Justice Kate O'Regan Interschool Moot Competition is in line with the overarching purpose of the UCT Moot Society, which is to foster a culture of mooting in Kramer, encourage students to develop and perfect their skills in an inclusive and fun atmosphere.

- Promoting Excellence

Faculty staff – academic and administrative – have launched into the second half of the academic year, and it seems that we are hurtling toward final exams already. In recognition of Women's Month, the achievements of our women colleagues are foregrounded below, followed by news from other staff.

Professor Caroline Ncube, who presented her inaugural lecture in March this year, has been awarded a

prestigious NRF SARChI Research Chair in *Intellectual Property, Innovation and Development*.



The launch of Professor Ncube's Chair (and other SARChI Chairs) was held by the NRF on 6 July 2018. The full story can be found at <https://bit.ly/2wfX3Sj>



The Faculty warmly congratulates Prof Ncube on this great achievement and looks forward to being part of the research endeavour related to the Chair.

Associate Professor Jacqui Yeats received the UCT **Distinguished Teacher Award**, the first time this prestigious recognition has been presented to a Law Faculty lecturer since 2005.

The Distinguished Teacher Award recognises excellent teaching and is the highest accolade awarded to teaching staff at all levels within the university. Through the award, the University of Cape Town acknowledges the primary place of teaching and learning in the university's work. All full-time academic staff, who have taught students at the

institution for at least 3 years, are eligible for this recognition.



The full story on the award and on Associate Prof Yeats' teaching approach can be found [here](#).

Jameelah Omar, lecturer in the Public Law Department, was awarded in May 2018 the first *Kate O'Regan Award for Research*. The award is in honour of distinguished UCT graduate and former Justice of the Constitutional Court, Kate O'Regan, and is granted to a member of the permanent UCT Law academic staff at the Lecturer, Senior Lecturer, Researcher or Senior Researcher level, who wishes to present a paper at a conference in South Africa or internationally, or who wishes to employ a research assistant, or engage in other research activities, and who will submit a paper in a peer-reviewed journal within a year of receiving the award.

M&G 200 Young South Africans

The list for 2018 includes four UCT Law Alumni. We could not be prouder! Congratulations to Lauren Kohn (also a lecturer in the Faculty); Anjuli Maistry; Wandisa Phama; and Ariane Nevin. For details on who these high-achieving Faculty alums are, go to

<http://ysa.mg.co.za/2018/>

Law Schools Global League (LGSL) Seed Fund Grant - The Faculty is thrilled that the Seed-Fund Winner for the LSGL grant is the project "Corporate Compliance in BRICS countries", worked on by members of our Faculty (**Jacqui Yeats, Sufinnah Singlee, and Tebello Thabane**) in partnerships

with Chinese University of Political Science and Law, FGV Direito SP, Jindal Global University, and the National Research University.

Mariya Badeva-Bright, Co-ordinator of AfricanLII, has been invited to join the UN Semantic Interoperability Framework (UNSIF) Advisory Group, to assist in advising the UNSIF Working Group comprising representatives of 15 UN agencies. The invitation to Ms Badeva-Bright recognises the work of AfricanLII in promoting the adoption of the Akoma Ntoso standard. Read more about AfricanLII [here](#) and the Akoma Ntoso standard [here](#).

Promoting the PASS Programme

The Law Faculty has for some years been running a unique (at UCT) academic support initiative for undergraduates. The *Prelim Year Academic Support System* (PASS) comprises additional teaching time as well as a mentoring component. Conceptualised by **Associate Professor Lesley Greenbaum**, PASS has been running for a few years now, the programme starts with student basics – time management, summarizing content, and effective study skills. With one tutorial per week for participating students, tutors are able to meet with each student at least once a fortnight. The PASS programme is also notable in that it serves to identify early in the year those students that might be at-risk with regard to managing their course work – and then the programme also provides supervised follow-through by providing extra classes, tutorials and mentoring.

Participants are identified through a quick test run amongst prelim-year students at the 6-week mark, and the 30 students with the lowest result in each of three different course tests (Foundations of South African Law;

Constitutional Law; and Property Law) are then enrolled in the PASS programme. 2nd semester selection is based on June results and an additional 90 students are enrolled in the programme. In this way, at least 90 students are supported per semester.

● Profiling New Staff

Mikovhe Maphiri – about whom we shared news in the December 2017 Faculty newsletter – has joined us as a Lecturer and PhD Candidate in the Department of Commercial Law.



Mikovhe Maphiri, new Lecturer in the Department of Commercial Law

Ms Maphiri is an Associate legal coordinator for the Telluride Association and serves as a Member of the Board of Directors of the Telluride Association in Ithaca, New York. She was admitted as an Attorney of the High Court of South Africa in 2017. She holds a Master of Laws (LLM) in Commercial Law from UCT and a Bachelor of Laws (LLB) from the University of Limpopo. Her research interests are on internal corporate governance with special interest in sustainability, Corporate Social Responsibility and Shared value within companies in South Africa.

Her PhD research has attracted platforms for international

collaboration at the Institute of Sustainability and leadership at the University of Cambridge where she worked on climate change, sustainability, shared value, Corporate Social Responsibility(CSR), Business ethics, international relations and development. Mikovhe was also a Grotius research scholar at the University of Michigan in the United States and she was also one of first International Alliance of Research Universities (IARU) scholars to represent the UCT at the University of Cambridge in the United Kingdom.

In pursuit of her career in academia, Mikovhe has received over thirteen national and international prestigious Awards and fellowships since 2015.

Monique Prinsloo, lecturer in the Faculty's Department of Commercial Law, always wanted to be a lawyer. Initially, Monique's interests were in criminal law and family law, but once she started her law studies her particular interests shifted to company law. This isn't the only thing that changed, though. Initially, Monique thought she would work for a big corporate – but after tutoring students as a graduate, she realised that teaching was her passion, with a focus on Company and Corporate Law.



Monique Prinsloo, new Lecturer in the Department of Commercial Law

Following from her LLB studies at University of Western Cape (UWC), Monique completed two LLMs in quick succession – her first LLM in Dispute Resolution at University of Missouri, and her second LLM in Labour Law at University of Western Cape. For this second Masters, Monique focused on pregnancy discrimination in the workplace in South Africa, looking at the protection of pregnant women in south Africa from a labour law perspective.

Monique has had her passion and affinity for teaching affirmed at UWC, University of Missouri and more recently at UCT. Appointed to a full-time lecturer position at UCT in June 2018, Monique is now teaching Business Law I and II, and Company Law.

One of Monique's guiding beliefs is that students are a critical component of the university environment, and she is committed to improving the student experience at UCT Law. She sees learning as a collaborative effort, with a 50/50 responsibility shared between the lecturer and the student. Monique brings energy, enthusiasm, positivity and compassion to the classroom and the learning environment, and believes that the notion of humanity is central to teaching.

Along with her love for teaching law undergraduates, and her specialisation in Labour Law and Dispute Resolution, Monique also has publishing plans. She states: "I am very committed to producing new knowledge and to making a significant contribution to the discipline of law in South Africa.

Faadhil Adams is a lecturer in the Commercial Law Department at the University of Cape Town. Prior to this he lectured the Business Enterprises Law course at the University of Johannesburg to final year LLB

students, for four years. He also regularly taught in the International Commercial Law LLM programme. He completed his BA (Law), LLB and LLM at the University of Johannesburg where he was awarded the prize for the best dissertation in the faculty for 2013.

In 2015 he was awarded a scholarship to undertake research in fields which considered the intersection between company law and private international law – freedom of establishment (free movement of companies) at the Institute for the Harmonization of Private Law (UNIDROIT) in Rome, Italy.

In 2017, he was awarded a scholarship by the Max Planck Institute in Hamburg, Germany to undertake research specifically into commercial Shari'ah law and its possible application as the governing law of an international contract.



Faadhil Adams, new Lecturer in our Commercial Law Department

Faadhil's LLD studies are part of a joint doctoral programme between the University of Johannesburg and the University of Lucerne in Switzerland. This research is in the field of international commercial contracts and

more specifically looks at aspects of non-State law.

The study is undertaken under the auspices of the Research Center for Private International Law in Emerging Countries (RCPILEC) for which Faadhil has been a researcher for the last four years.

Although initially having started as a conflicts researcher primarily researching international trade issues, the time spent lecturing and working in company law has allowed him to develop an interest in both fields.

The Faculty extends its warmest welcome to our new colleagues.

- **Staff Moves**

A number of the Faculty's young lecturing staff are heading off to work on their PhDs and will then return to the Faculty. **Kerswhyn Bassuday** is one such academic, heading to the University of Durham to pursue a PhD degree.

Professor Salvatore Mancuso, of the Centre for Comparative Law in Africa, is leaving the Faculty.

We wish you all the best!

- **A New Look for our Faculty Office**

The Faculty is excited to have upgraded the layout and design of its Faculty Office, providing a refreshed environment for Faculty administration. The space has been redesigned to work better for growing and changing needs into the future.

When asked how they feel about their newly refurbished and upgraded space, Faculty Office staff shared their excitement and contentment about their new offices. *"It provides a great*

environment in which to deliver excellent Faculty Office services to undergraduate and postgraduate law students," said one staff member.



The new-look Law Faculty Office

- **Promoting Publication - the Faculty Bookshelf**

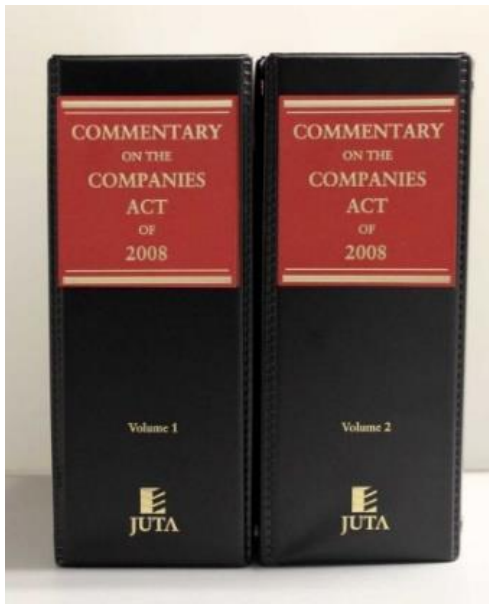
Over the last few months, numerous new books and journals have been published involving Faculty staff. Hot off the press are the following (amongst others):

The all-new **Commentary on the Companies Act of 2008** draws on the academic expertise and practical experience of 13 authors to bring you the most current and comprehensive commentary on the Companies Act, 2008 available today.

Comprising a section-by-section commentary on the Companies Act 71 of 2008, this subscription publication offers a closely argued analysis of every provision in the context of the Act, of its historical development, and of its interpretation by our courts. The style is clear and eminently readable. Abundant references to South African and comparable foreign case and

statute law, as well as legal literature, are contained in the footnotes. Discussions and commentary on these aspects are also included in the body of the text where relevant and instructive.

Commentary on the Companies Act of 2008 replaces the iconic *Blackman: Commentary on the Companies Act*, while retaining parts of the original work that are important for historical reference purposes or that inform and enhance the insights and commentary in this new work.

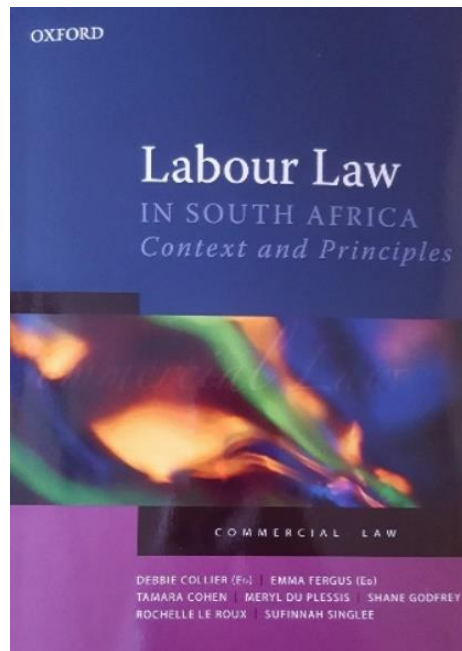


Amongst the many authors are the Faculty's **Jacqui Yeats** and **Richard Bradstreet**.

Text from <https://juta.co.za/products/commentary-on-the-companies-act-of-2008/>

Labour Law in South Africa: Context and Principles has just been published by Oxford University Press. This new publication offers “a clear introduction to the framework of labour law, providing a thorough analysis which spans legal principles relating to individual rights, collective rights, anti-discrimination rights and social security rights”. Faculty lecturers **Dr Debbie Collier** and **Dr Emma Fergus** are the editors, while the authors include a number of other Faculty staff, namely

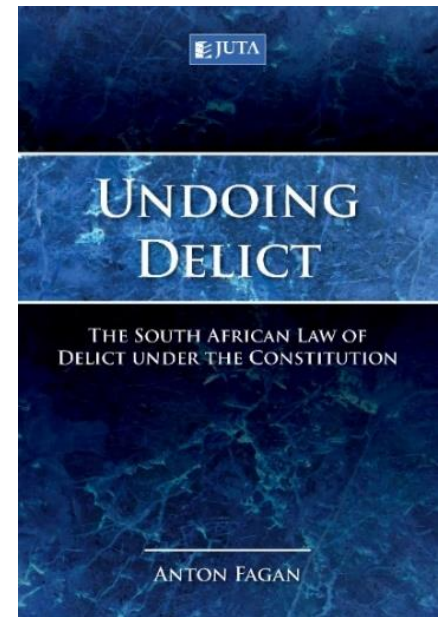
Prof Rochelle Le Roux, Sufinnah Singlee, and Shane Godfrey.



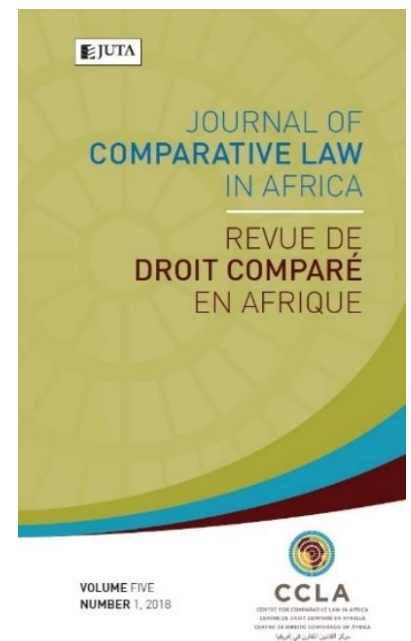
Undoing Delict: The South African Law of Delict under the Constitution includes **Professor Anton Fagan's** ten best previously published articles and essays. They deal with a range of topics, such as wrongfulness, causation, pure economic loss, and defamation. Several of the contributions investigate the impact of the Constitution, or of certain Constitutional Court judgments, on the law of delict or a part thereof. In addition, *Undoing Delict* includes a previously unpublished essay in which Fagan develops a new explanation of what it means for intentional harm-causing conduct to be wrongful.

Many of the views put forward in this book are controversial and their defence against contrary views is at times robust. But the aim throughout is to deepen or advance our understanding of important and interesting, and in some instances puzzling, aspects of the South African law of delict.

text from Juta at <https://juta.co.za/products/undoing-delict/>



The **Centre for Comparative Law in Africa** has recently published Volume 5 Number 1 of 2018 of the *Journal for Comparative Law in Africa* has now been published (JUTA ISSN 2311-6889).



Prof Hanri Mostert and **Ms Anri Heyns** explore the development of mining communities as one of the main features of empowerment in the mining industry in their article *Three Mining Charters and a Draft: How the Politics and Rhetoric of Development in the South African Mining Sector are Keeping Communities in Poverty* (Law and

Development Review | 2018 forthcoming - available at <https://doi.org/10.1515/ldr-2018-0038>). An analysis of the various versions of the Mining Charter shows a certain progression in the approach to the empowerment and development of rural mining communities: There is an increased emphasis on the poverty still faced by these communities, years after the introduction of the first Mining Charter. The question is whether the increased emphasis will mean much for mining communities.

• 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.

The **Centre for Law and Society (CLS)** is a very important unit in the Faculty, spotlighting a range of socio-economic and social justice issues through discussions, workshops, panel events, book launches and film screenings. The Centre also hosts a series of workshops and gatherings annually, in support of postgraduate researchers – on methods, writing and other challenges. CLS events are not to be missed!

As part of the *Law and Society in Africa Seminar Series*, CLS held a seminar (22nd May) titled *Black Panther & Post-colonial Africa: Are we Wakanda Forever? An interactive round table discussion on re-imagining political dynamics and the role of women in Africa*. The round table discussion invited students and faculty members to look at some of the themes emerging from the movie 'Black Panther' and contribute to a discussion on how the movie may help shape our re-imagining of the socio-political and economic structure of the continent - in

the hopes of building a truly wealthy egalitarian continent.



CLS also hosted the first 2018 With(out) Law Seminar on 23 May on the issue of 'Does the Law Support Activism?' Dalli Weyers (Social Justice Coalition), Mandy Mudarikwa (Legal Resources Centre) and Adv. Bronwyn Pithey (Women's Legal Centre) explored how the law can be used in support of activism, and what challenges that poses. The conversation engaged with several issues including activists resorting to judicial over-reliance and accessing the law in the absence of effective policing.

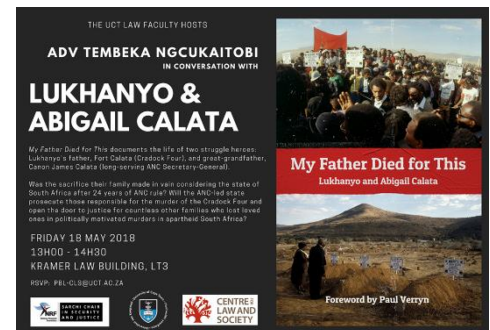
The Centre, in partnership with the Rape Survivor's Justice Campaign, hosted Lisa Vetten (City Wits Institute), Dr Aisling Heath (Gender, Health and Justice Research Unit, UCT) and Karen Hollely (The Child Witness Institute) on 26 April as part of a panel discussion on developing specialised sexual offence court models in South Africa. These panellists presented summaries of their findings from their recent research on the sexual offences courts for an audience in which stakeholders from within the criminal justice system were invited to play an active role.

In addition to this busy schedule of seminar and panel offerings, CLS has also hosted numerous book launches, including:

Access to Justice and Human Security: Cultural Contradiction in Rural South Africa by Sindiso Mnisi Weeks | 10 May. In partnership with the NRF *Chair in Security and Justice* and the *Land and*

Accountability Research Centre, CLS hosted Sindiso Mnisi-Weeks - in conversation with Nomboniso Gasa and Bill Dixon - on what models of access to justice, which consider human insecurity, can look like in rural South Africa.

My Father Died for This, the book which follows Lukhanyo and Abigail Calata as they actively seek justice for the death of his father, Fort Calata (one of the Cradock Four), was launched at the Faculty on 10 May, in collaboration with the NRF *Chair in Security and Justice*. The authors were joined in conversation with Adv. Tembeka Ngcukaitobi to consider the sacrifice of struggle heroes and whether we are able to get justice for them many years after their deaths.



CLS hosted the UCT launch of *Feminism Is* on 3 May, with authors Jen Thorpe and Dela Gwala, who reflected on their varied experiences of and perspectives on what it means to be a South African feminist.

In addition, CLS has continued its Screening Series, with *Noem my Skollie*, followed by a discussion with John W Fredericks, author of *Skollie*, on 13 August. Haji Mohamed Dawjee, author of *Sorry not Sorry: Moving in (White) Spaces as a Black/Brown Woman*, was hosted by CLS for a *Thought Leader* encounter on 8 August - during which Dawjee reflected on her new book and engaged with students about navigating white spaces.

LARC (Land and Accountability Research Centre)



LARC director, Dr Aninka Claassens, has been very busy with land issues having attended the ANC Land Summit and participating in a range of interviews on radio and tv, and being invited to numerous speaking engagements.

LARC is home to three researchers who have been accepted to attend international conferences on research they are currently busy with.

LARC has also commissioned a film called *This Land* for which funding has been received from the Nelson Mandela Foundation and the Bertha Foundation to screen the film at prep workshops where grassroots organisations are preparing for amending of s25 public hearings.

LARC's researchers have also been tracking and monitoring certain bills such as TKLB, Restitution and the amending of s25. These laws are very important and affect the daily lives of the rural citizens that we work with as LARC and thus, their development and progress in parliament is very important. These researchers have been attending most of the related hearings in the various provinces.

LARC researcher Zenande Booi will also be making an oral submission based on our written submission against the amending of s25 in August.

Mineral Law in Africa (MLiA) | Community of Practice: Towards Resilient Futures Workshop - Post-

Mining Transformation through the Fibrous Plant Economy.

On 28 May, Prof Hanri Mostert and Dr Chery-Leigh Young of MLiA, together with Prof Alexander Paterson of UCT's Institute for Marine & Environmental Law, participated in a workshop hosted by the Community of Practice: Towards Resilient Futures. The multi-disciplinary workshop focused on sustainable economic diversification of mining land and infrastructure through the fibrous plant economy. The presentation of Prof Mostert, Dr Young and Prof Paterson was entitled "Mine Land Rehabilitation through Fibrous Plants: Carrots and Sticks in the Law".

• Promoting Participation - local and international

Transformation of the Legal Profession / Decolonisation of Knowledge: Faculty staff not only participated in the 2018 Southern Africa Law Teachers Conference, we actually organised and hosted this year's gathering! With **Associate Professor Tracy Gutuza** leading the conference team, and **Irena Wasserfall** of Law@Work overseeing the preparation and logistics, the Faculty hosted the 3-day gathering from 11th – 13th July.



The Society of Law Teachers of Southern Africa conference offered multiple parallel sessions with varied panels on a wide range of topics. For a look into what papers were offered, go to

<http://www.lawatwork.uct.ac.za/society-law-teachers-southern-africa-conference-2018>

A number of our academic staff – including **Associate Professor Waheeda Amien**, and **Dr Tobias Schonwetter**, are part of the Steering Committee for the organising of the 5th BRICS Legal Forum, which the Law Society of South Africa is hosting in Cape Town 22 – 24 August 2018.

Professor Jan Glazewski spent a portion of his study and research leave in the first semester in Eastern Europe. Among other things he gave seminars in Lviv in the Ukraine comparing the success of constitutional environmental rights in South Africa and Ukraine.

Associate Professor Tracy Gutuza spent 2 weeks in July lecturing at the Law Schools Global League Summer School in Madrid.

Ms Salona Lutchman spent 2 weeks at Koc University in Istanbul, Turkey, lecturing to their Law Faculty's Summer School.

Associate Professor Johann Hattingh and Commerce Faculty Adjunct Professor Faizel Ismail, participate annually as experts of the trade (Ismail) and taxation (Hattingh) streams of a UN workshop under the theme *Building Africa's Negotiating Capacity for Improved Terms of Engagement with the Rest of the World*. It has become an iconic project for the UN in Africa, and the Faculty is very proud of our involvement in this initiative through the work of Associate Prof Hattingh.



Further information on the workshop can be found at

<https://www.uneca.org/stories/building-africa%E2%80%99s-capacity-international-economic-negotiations>

and at

<https://www.uneca.org/stories/gabon-praises-eca%E2%80%99s-skills-enhancement-programme-member-states>

Law at the Crossroads | A number of Faculty academics attended this year's *Law and Society Association* meeting, which has just taken place (7 - 10 June 2018) in Toronto, Canada. UCT Law academics presented papers in 12 different sessions, sharing research, knowledge and perspectives on areas related to the conference theme "Law at the Crossroads".



UCT Law presenters included:

Prof Penelope Andrews, who chaired an Author Meets Reader session on Sindiso Mnisi Weeks' book *Access to Justice and Human Security: Cultural Contradictions in Rural South Africa*

Ruchi Chatuverdi, who presented a paper titled *A View from the Gallows: Ken Saro-Wiwa, and the Contest for Jurisdictions and Justice*

Pierre de Vos, who presented a paper titled *The right to equality versus the right to religious freedom: A new*

frontier opens in the LGBTIQ rights struggle in South Africa

Melanie Judge, adjunct associate professor in the UCT Law Faculty, presents as Author on an Author Meets Reader panel on her book *Blackwashing Homophobia: Violence and the Politics of Sexuality, Gender and Race*

Omowamiwa Kolawole, who presented a paper titled *Beyond justiciability: applying communitarianism in right to health litigation in Sub Saharan Africa*

Nolundi Luwaya, who served as Reader on an Author Meets Reader panel on Melanie Judge's book *Blackwashing Homophobia: Violence and the Politics of Sexuality, Gender and Race*; and who also presented a paper titled *Rural Women's Land Rights: making claims at the crossroads*

Tabeth Masengu, who chaired a session on Gender and Careers in the Legal Academy

Kelley Moul, who chaired a session on Gender in African Law & Society; and who presented a paper titled *The 'Tools' of Reshaping the Law on on Child Marriage in Southern Africa: Reflecting on Law Reform, Campaigns, Policy Windows and Intractable Problems*



Jameelah Omar, Nolundi Luwaya, Kelley Moul and Dee Smythe present a panel of papers on *Between law and society in contemporary South Africa* at the Law and Society Association Conference in Toronto, June 2018

Ruth Nekura, who presented a paper titled *Due diligence and violence*

against women; of travelling laws and the unacknowledged feminist jurisprudence of the African Commission on Human and Peoples' Rights

Jameelah Omar, who presented a paper titled *Understanding Protest in Constitutional South Africa*

Prof Dee Smythe, who chaired a session on *Lawyering, Cause Lawyering and Legal Campaigning in Southern Africa*; served as Reader on the Author Meets Reader session on Sindiso Mnisi Weeks' book *Access to Justice and Human Security: Cultural Contradictions in Rural South Africa*; and presented a paper titled *To find quarrel in a straw: everyday indignities and the policing of incivility in South Africa*

Afton Titus, who presented a paper titled *The East African Community at a Crossroads: The Use of a General Anti-Avoidance Rule to Prevent Base Erosion and Profit-Shifting as the EAC Seeks Deeper Regional Integration – A Comparison of the GAARs in Canada, South Africa and the European Union*.

[Full information on the conference and the programme is available here.](#)

Associate Professor Waheeda Amien played a role on the Organising Committee for the Legal Pluralism Conference of the International Commission on Legal Pluralism, hosted in Ottawa, Canada 22-24 August 2018. A/Prof Amien also taught on the course preceding this conference (17-20 August). Currently, A/Prof Amien is also guest editing an international journal *Religions*.



In the May 2018 Faculty newsletter, we shared the story of the **UCT Law**

Faculty's Law@Work Unit - home to one of the best legal professional development training initiatives in South Africa.

There are a number of courses scheduled during the second part of 2018, so if you would like to be notified of future courses, please send your name and email address to Donnaleen Coue on don.coue@uct.ac.za. The full scope of courses offered can be accessed at:

<http://www.lawatwork.uct.ac.za/lw/courses>. **For Alumni, Law@Work offers a 10% discount on course fees** as a concession to our graduates.

Law@Work has also been part of the newly-launched **Constitutional Court Fantasy League**. What is that about, you might be asking?

LexFutures, a legal data analytics provider started by UCT Law alumnus **Brendan Hughes (LLB 1997)**, has launched a Constitutional Court Fantasy Prediction League.

The competition aims to promote awareness of constitutional law in South Africa by awarding points to entrants who successfully predict how the Court will rule on upcoming cases and by awarding prizes to the winners of four different league divisions for students, academics, law practitioners and the general public.

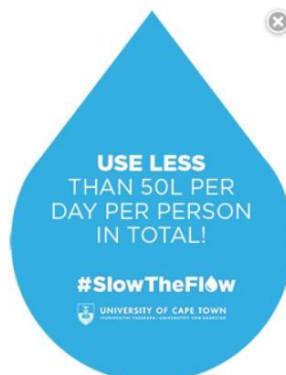
The 2018 league opened for entry on Freedom Day this year on the **LexFutures.com** website. Entry is free and open to anyone. Prizes consisting of cash awards and sponsored vouchers from UCT Law@Work and Juta Law will be awarded to the winners in December. Adam Stead, a director of LexFutures' legal technology parent company, Infology, says that the Constitutional Court is regularly asked to answer difficult legal questions and

that the fantasy league competition is a way of promoting greater awareness of how the Court functions to meet its important responsibility.

"Over the coming months, the Constitutional Court will be tasked with answering questions covering land rights, the boundary between free speech and hate speech and the application of the Wills Act to surviving spouses of polygamous unions. Often there are no easy answers to the types of questions. Law is usually taught through case histories, but by challenging students to predict the way in which the Court is going to rule on upcoming cases, we hope to further stimulate and promote their interest and understanding of constitutional law. And for academics and practitioners, the prediction league offers a fun way of challenging your colleagues to some healthy professional competition." For more details, and to enter, go to <https://lexfutures.com/fantasy-league-home>

WATER & THE LAW SCHOOL

The strong message of **50litres per person per day** still holds. Here in Cape Town, and at UCT, we wait to hear what difference the winter rains will finally make to the level of restricted use we are currently implementing.



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 **Growing a Lawyer** 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