



UNIVERSITY OF CAPE TOWN
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

FACULTY OF LAW
LAW
ANNUAL
2023



UCT LAW VISION 2030



Our vision is to lead in building legal knowledge and capabilities to realise a sustainably just and equal society.

Our mission is to attract intellectually curious students and research partners interested in Africa-informed knowledge and a unique, diverse and socially engaged scholarly community shaping the future.

We seek to be distinctive by offering:

- teaching and learning that is critical, innovative, participatory, research- and skills-based, and grounded in both theory and practice;
- an intellectual space that connects and enables a diverse community of students, scholars, and alumni to pioneer Africa-informed research and advocacy that understands and solves legal and social problems;
- a people-centred, agile, and effective administration to support a vibrant scholarly community and workplace;
- a culture of re-imagining and expanding our legal academic impact to foster collaborative, proactive and responsive societal engagement.

To realise our mission and vision, we need to build and improve the following capabilities and systems:

- the capability to curate, host and provide access to Africa's largest and most diverse legal information collection;
- a system that stimulates and sustains specialised, integrated research clusters and expertise, networks and partnerships;
- a faculty culture that is caring, inclusive, connected and supportive of staff and students, and that values both academic freedom and responsibility through transparency, accountability and equity;
- an engaged network of alumni, donors, funders and other partners that supports a flourishing intellectual community;
- a community of teaching and learning practice that co-creates high-quality innovative, research-informed, skills-based participatory learning and critical thinking;
- a continually improving staff culture that creates a dynamic work environment that is people-centred and able to constantly evolve in line with technological changes and provide streamlined effective administrative systems;
- infrastructure and financial resources to enable the achievement of the Faculty's core functions.


To measure achievement of the strategy and its impact, we will, annually:

- consider a pipeline of successfully implemented improvement projects;
- administer a student survey of the Integrative Assessment Moot;
- review alumni participation in faculty events, alumni feedback and external funding;
- consider the scholarly and community expert interactions of academic staff.

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MESSAGE FROM THE DEAN PROFESSOR DANWOOD CHIRWA

Our UCT Law Faculty Vision is to lead in building legal knowledge and capabilities to realise a sustainably just and equal society. As we reflect on the milestones and challenges that have shaped our work during 2023, I recognise that the year was a testament to resilience, innovation, and the commitment of our whole Faculty community – staff and students – at UCT Law. As I look back over the highs and lows of 2023 and cast my gaze ahead, it's evident that our collective efforts have served to strengthen the pillars of legal education – and have also moved us measurably towards greater academic excellence and social impact.

In 2023, against the backdrop of ever-changing legal landscapes both domestically and globally,

we at UCT Law stood firmly for insightful and leading-edge legal scholarship and advocacy. The Faculty's academic staff showed dedication in their research contributions, providing invaluable insights into pressing legal issues, supervising an encouraging number of PhD students to completion, and continuing to teach excellence across all our courses at LLB and postgraduate levels. Our administrative staff gave of their best, and initiated a new staff forum in support of improving academic administration. Academic and administrative staff commitment to academic excellence serves to enrich our intellectual discourse and to foster a culture for which UCT Law is best known – that of critical thinking and social responsibility among our students.



We are immensely proud of the achievements of our students during 2023, along with their overall enthusiasm throughout the year. Our highly engaged and active student body exhibited commendable dedication in their pursuit of academic achievement, socially responsive extracurricular activities, and community outreach initiatives. Notably, our student Moot Society secured victories and accolades in prestigious competitions, thereby upholding our Faculty's long tradition of achieving recognition in advocacy and legal reasoning. The Faculty's hosting of our annual Kate O'Regan Intervarsity Moot Competition provided an encouraging opportunity to showcase and recognise young courtroom talent.

In line with the Faculty's commitment to advancing alternative dispute resolution mechanisms, the establishment in 2023 of the new Arbitration and Dispute Resolution Unit marked a significant milestone. This initiative underscores our proactive approach to bridging the gap between academia and professional practice by contributing to the environment, knowledge and skills required by academics, practitioners and students in diverse legal settings.

A highlight for the Faculty in 2023 was the opportunity to recognise and acknowledge the invaluable contributions of Justice Pius Langa, Victoria Mxenge, and Bram Fischer through the naming of venues in the Kramer Law building after these legal luminaries. This naming initiative reflects our enduring commitment to honouring South Africa's rich legal heritage and fostering a culture of inclusivity and diversity within our academic community.

I was delighted with the refurbishment project of the Faculty Common Room and the Dean's Committee Room. These well-used facilities now provide staff with fully-equipped spaces for meetings, seminars, workshops, discussions, relaxation, social events and more, ensuring opportunities for collegial exchange of various types. The significantly improved facilities not only elevate the general Faculty experience but serve to foster a sense of belonging, camaraderie and inclusion among colleagues, further enriching our academic community.

Looking ahead, we are poised to build upon the successes of the past year and continue to forge new directions in legal education and practice. The progress made in the Faculty's Curriculum Change initiative signifies our commitment to adapting to evolving legal landscapes and equipping our students with the skills and knowledge necessary to navigate complex legal challenges with confidence and integrity.

As we embrace the opportunities and challenges that lie ahead, I am pleased to reaffirm our commitment to excellence, innovation, and social justice. Together, as a vibrant academic community, we will continue to push the boundaries of legal scholarship, advocacy, and social impact, ensuring that the UCT Law Faculty remains at the forefront of legal education and practice for generations to come.

OUR FACULTY COMMUNITY IN 2023

Through scholarship, research, teaching and engagement with a wide range of communities beyond the University, the UCT Law Faculty community shapes law and policy in several environments from contracts to taxation, intellectual property, mining, children's rights, privacy rights, the environment and much more.

Our students find numerous opportunities to participate in a wide range of research projects and find guidance and leadership in areas of specific interest. Together our staff and students pursue new paths, many intersecting with other disciplines, and contribute to influencing legislation and policy in South Africa, on the continent and internationally.



HEADS OF DEPARTMENT AND FACULTY DIRECTORS APPOINTED IN 2023



Professor Jaco Barnard-Naude
(Private Law):
Director for Research



Professor Fatima Khan
(Public Law):
Director for Internationalisation



Professor Francois du Toit:
Head of Department,
Private Law



Assoc Professor Cathy Powell:
Head of Department,
Public Law



Professor Michelle Louw:
Head of Department,
Commercial Law



NEW APPOINTMENTS



Cronin, Benjamin

is a lecturer in the Department of Commercial Law. He holds a BSocSci: Economics and Law, an LLB: Commercial Law and an LLM from UCT. Prior to joining UCT Mr Cronin was a State Law

Advisor and an Advocate of the High Court of South Africa. His expertise and research interests include public finance and taxation.



De Villiers, Cecile

(Dr) is a lecturer in the Department of Commercial Law. She holds a PhD from Stellenbosch University and is an admitted attorney. She lectures in Labour Law and her research interests and

expertise include the regulation of educator misconduct through the Employment of Educators Act and its impact on the delivery of quality basic education. Dr De Villiers is a proponent of clear regulation in legislation and has presented at international conferences on gender-based violence in public schools, misconduct in the public service and the benefits of digital arbitration.



du Toit, Francois

(Professor) joined UCT Law in January 2023 as Professor and Head of the Department of Private Law. Professor du Toit holds LLM and LLD degrees from Stellenbosch University. He embarked on his full-time academic

career when he joined UWC as a lecturer in 1995. He was promoted to Senior Professor at UWC in 2018. Professor du Toit currently holds a NRF B1 research rating in succession and trust law. He has published more than fifty articles in domestic and international law journals, has authored several monographs on South African trust law, and has contributed chapters to numerous books. He has been awarded the UWC Academic Excellence Award as well as the UWC Law Faculty's Best Researcher award. Prof du Toit's research is frequently cited by South African High Courts, the Supreme Court of Appeal and, most recently, by the Constitutional Court in *King v De Jager* and *Wilkinson v Crawford*.



Francke, Rene has been appointed Administrator in the Department of Public Law.



Murcott, Melanie Jean (Associate Professor) is an Associate Professor in the Institute for Marine and Environmental Law, Department of Public Law. She holds an LLB (with distinction) from UCT, an LLM: Constitutional and

Administrative Law (with distinction) from the University of Pretoria and an LLD: Constitutional Law from North-West University. Prior to embarking on her academic journey she practised as an attorney and lectured at the University of Pretoria where she also served as Chair of the Transformation Committee for the Faculty of Law and was presented with the UP Exceptional Young Researcher Award. Her interdisciplinary research interests grapple with the interconnected nature of social, environmental, climate, and interspecies justice. Associate Professor Murcott is the author of *Transformative Environmental Constitutionalism* (Brill, 2022), a significant monograph which develops a novel approach to the adjudication of disputes concerning environmental protection, and has contributed widely to journals, edited volumes and textbooks. She is currently a member of the editorial board of *Environmental Policy and Law*.



Nunlall-Hiralal, Reema is a senior lecturer in the Centre of Criminology, Department of Public Law. She holds an MA in Criminology & Forensic Studies from the University of KwaZulu-Natal. She is pursuing a PhD in

Criminology at the University of Pretoria, with a focus on a consultative approach towards a sexual harassment policy framework for higher education institutions in South Africa. Prior to joining UCT Ms Nunlall-Hiralal lectured at the University of Pretoria, the University of KwaZulu-Natal and the Durban University of Technology. Currently she lectures in *Victims and Victimology* at the postgraduate level and convenes *Crime and Deviance in South African Cities* at the undergraduate level. Her research interests and expertise include gender-based violence, sexual harassment, cyber-violence, and crime prevention. She has served as a sub-editor for several South African journals, was a scientific committee member to the 3rd International Conference on Future of Women in 2020 and is a member of the editorial board of *Acta Criminologica: African Journal of Criminology and Victimology*.



Ncamani, Zikhona was appointed Senior Finance Officer in the Faculty Finance Unit. She holds a BTech: Cost & Management Accounting from CPUT and a PGDip: Management Practice from UCT. Prior to joining the Faculty Ms Ncamani

gained experience at Syntell, Old Mutual Wealth, the National Association of Child Care Workers and UCT's central finance office.



Ramantsima, Katlego joined the LARC team as lead researcher. She was previously a researcher with PLAAS at UWC and with MARTISA at University of Witwatersrand.



FAREWELLS



Dee Smythe (Professor) bid the Faculty farewell as a Professor in Public Law but, currently based in Portugal, remains an Honorary Professor.



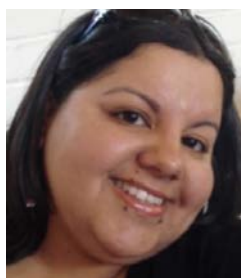
Doris Mwambala, former Administrator in the Department of Public Law, retired in December 2023 after many years of service to the Faculty.



Kathy Idensohn (Associate Professor) has been appointed as the new Director of Legal Services at UCT, after many years in the Faculty, serving since 2018 as Deputy Dean: Undergraduate.



Kelly Phelps, formerly a senior lecturer in Public Law, now practices as an independent criminal justice consultant working with research organisations, legal teams, and local and international media organisations.



Lameez Mota, formerly Undergraduate Manager in the Faculty Office, departed UCT to take up the position of Manager: Finance and Operations at PLAAS, University of Western Cape.



Monica Mpangele retired after several years of service, the most recent being as the Properties & Services staff member on Level 3 in the Kramer Building.



Ramabina Mahapa, a researcher with LARC for the past five years, has taken up a position with a consulting company.



Sheryl Ronnie, formerly an administrator in Commercial Law, is now in the Dean's Office in the Faculty of Commerce at UCT.



FACULTY RESEARCH RATINGS

National Research Foundation ratings are allocated according to a researcher's recent output and the impact that this research is deemed to have, as assessed by international peer reviewers. A-rated researchers are international leaders in their field with global recognition for the innovation and quality of their outputs.

Faculty of Law: National Research Foundation rated scholars (2023)

Surname	First Name	Title	Department	Rating 2023
Amien	Waheeda	Professor	Public Law	C2
Barnard-Naude	Jaco	Professor	Public Law	B2
Bennett	Tom	Emeritus Professor	Public Law	B2
Chirwa	Danwood	Professor	Public Law	B3
Corder	Hugh	Emeritus Professor	Public Law	B2
Darch	Colin	Dr	Public Law	C1
De Vos	Pierre	Professor	Public Law	C1
Du Toit	Francois	Professor	Private Law	B1
Fagan	Anton	Professor	Private Law	B3
Glazewski	Jan	Emeritus Professor	Public Law	C1
Hutchison	Andrew	Professor	Commercial Law	C2
Louw	Michelle	Professor	Commercial Law	B2
Mostert	Hanri	Professor	Private Law	B2
Murcott	Melanie	Associate Professor	Public Law	Y1
Ncube	Caroline	Professor	Commercial Law	B2
Ordor	Ada	Professor	Commercial Law	C2
Price	Alistair	Adj. Associate Professor	Private Law	P
Salazar	Philippe-Joseph	Distinguished Professor	Private Law	A1
Scott	Helen	Professor	Private Law	B2
Van Zyl Smit	Dirk	Emeritus Professor	Public Law	A2
Woolaver	Hannah	Associate Professor	Public Law	Y1

FACULTY ACHIEVEMENTS



Adams, Faadhil (Dr), Senior Lecturer in the Department of Commercial Law was awarded an LLD from the University of Johannesburg. Thesis title: *Choice of non-State law in international commercial contracts*.



Ally, Nurina was elected to:
 ☉ Administrative Justice Association of South Africa (Chair: Teachers of Administrative Law Subcommittee; Member of the Executive Committee)

- ☉ Open Secrets (Board member)
- ☉ Real Reform for ECD (Member: Legal Subcommittee).



Amien, Waheeda (Professor)
 ☉ Awarded the *Enabling Grant Seeker Excellence Award*
 ☉ Associate Editor for the *Journal of Legal Pluralism and Critical Social Analysis*
 ☉ Member of the Editorial

Boards of:

- ▶ *South Asia Research* (SAGE Journals)
- ▶ *International Journal of Law and Society* (Science Publishing Group)
- ▶ *Mediation, Theory and Practice* (Equinox UK)
- ☉ Member of:
 - ▶ The Executive Body of the *Commission on Legal Pluralism*
 - ▶ The Steering Committee of the *International Network of Scholars Researching Unofficial Marriages*
 - ▶ General member of the *Law and Society Association* (USA)
 - ▶ General member of the *Onati Research Committee on Sociology of Law* (Spain).



Benjamin, Mbekezeli, researcher and spokesperson on judicial matters in the Democratic Governance and Rights Unit, was named one of the M&G's 200 *Young South Africans* for 2023 in the Justice category.



Cupido, Robin was promoted to Senior Lecturer in the Department of Private Law.



du Toit, Francois (Professor)

- ☉ Appointed Professor and Head of Department: Private Law, UCT
- ☉ Awarded a B1 researcher rating by the National Research Foundation (NRF)
- ☉ Member of the editorial boards of:
 - ▶ *Journal of Contemporary Roman-Dutch Law* (South Africa)
 - ▶ *Coimbra Journal for Legal Studies* (Portugal)
 - ▶ *Journal of Civil Law Studies* (USA)



Hattingh, Johann (Professor)

was elected:

- ☉ Chief Editor: *Bulletin for International Taxation* (indexed in Scopus etc.)
- ▶ Editorial Board Member: *International Tax Law Reports*, LexisNexis UK
- ▶ Member of the *Permanent Scientific Committee: International Fiscal Association*
- ▶ Member of the *International Tax Committee: International Law Association*
- ▶ Member of the Executive Committee: *International Fiscal Association South Africa*
- ▶ Member of the External Technical Committee: *IBFD Centre for Studies in African Taxation*.

**Hubschle, Annette (Dr)**

☉ Awarded a R50,000 planning grant from Helping UCT Grant Seekers (HUGS)

☉ Member of:

► *Small Islands Security*

Governance Group

► *IUCN Succulent Plant Illegal Trade Task Force*

► Western Cape Premier Alan Winde's *Eminent Persons Advisory Panel* for addressing gangsterism in the Western Cape.

**Louw, Michelle (Professor)**

☉ Member of:

► *International Academy of Commercial and Consumer Law*

► Specialist Committee of the *NRF Rating System (Law)* (2023-2026)

► South African Department of Science and Innovation adjudication panel for *South African Women in Science Awards (SAWiSA)*. (2023-2025)



Mesthrie, Sapna graduated with an LL.M in Public Law (with distinction) from UCT in March.

**Mosaka, Tshepo (Dr)**, Senior Lecturer (Public Law)

☉ Selected to participate in the *Future Professors Programme* managed by the University of Johannesburg on behalf of the Department of Higher Education and Training.

☉ Awarded the UCT Law Faculty Research Award for his paper titled *A Decolonial Legal Method*, SALJ (2021).

**Moshikaro, Khomotso (Dr)**

☉ Awarded PhD from Trinity College, Cambridge for his thesis titled *The Moral and Legal Foundations of Fair Labelling in Criminal Law*

☉ Promoted to Senior Lecturer

in the Department of Private Law

☉ Awarded a Fellowship in Criminal Law and Evidence at the Edinburgh Law School, University of Edinburgh

☉ Awarded a Visiting Professorship at the Institute for International Law of Peace and Armed Conflict (IFHV) at Ruhr-Universität Bochum funded by the Deutscher Akademischer Austauschdienst

**Murcott, Melanie (Associate Professor)**

☉ Elected Chairperson of the *Environmental Law Association of South Africa (ELA)*

☉ Elected project co-lead for a *Climate Litigation in the Global*

South project of the *Global Network for the Study of Human Rights and the Environment*

☉ Launched *Dios GlobalMinds Project "SDG Governance"* with Dr Matteo Fermeglia Hasselt University, Belgium, in June 2023

☉ Awarded £10,000 by the World Universities Network Research Development Fund in support of *Climate Litigation and Vulnerabilities: Global South Perspectives (Routledge)*

**Ncube, Caroline (Professor)**

and **Jacqui Yeats (Professor)** were profiled by the *Society for Law Teachers of South Africa* as two of the inspiring women academics who have made a significant contribution to legal academia in South Africa and beyond.

**Paterson, Alexander (Professor)**

☉ Appointed Chair of the Board of the *Biodiversity Law Center*

☉ Appointed to the *South African National Botanical Institute's OECM Task Team*

☉ Appointed to the *WWF-IUCN World Commission on Protected Areas OECM Guidelines Review Team*

☉ Appointed to assist in drafting new sections on law by the International Union for the Conservation of Nature (IUCNs) for their revised global guidelines on *Recognising and Reporting Other Effective Area-Based Conservation Measures*.



Powell, Cathy (Associate Professor) has been a guest on many radio and television programmes where she has shared her expertise on and insights into International Law, including the SABC's *Unfiltered*

Live on the topic of the United Nations Security Council and the implications of the Veto Power of its five permanent members on efforts to maintain global peace and stability.



Ramalekana, Nomfundo (Dr) undertook a three-week residency at the *Dickson Poon School of Law* at Kings College, London.



Shearing, Clifford (Professor)
 ◎ Member of the Western Cape Government's (WCG) *Eminent Persons Advisory Panel on Tackling Gangsterism* for 2024
 ◎ Member of the Research Council of the *Commission of Inquiry into the 2022 Public Order Emergency*, conducted by Justice Paul Rouleau. Quebec, Canada, 2023

◎ Chairperson, *Western Cape Provincial Safety Advisory Committee* February 2021-February 2024

◎ Visiting Professorial Fellow, University of New South Wales, *Faculty of Law and Justice*, 2015-2025

◎ Adjunct Professor, *School of Criminology and Criminal Justice*, Griffith University, 2022-2024

◎ Associate, *African Climate & Development Initiative (ACDI)*, University of Cape Town

◎ Chair of the *International Advisory Board, Vulnerabilities and Policing Futures Research Centre*, funded by the Economic and Social Research Council (ESRC) of the UK and jointly led by the Universities of York and Leeds, 2023

◎ Member of *Scientific Advisory Committee, NSCR* (Institute for the Study of Crime and Law Enforcement), Amsterdam, Netherlands.



Stoop, Helena (Dr) chaired the *UCT Law Faculty Orientation Team* which received a 2023 Excellence Award from UCT's Centre for Orientation for "best orientation planning" and "for having registered the highest number of first year students in a single day".



van Zyl Smit, Dirk (Emeritus Professor)

◎ Appointed scientific expert on the recommendation regarding promotion of the mental health and the management of mental

disorders of prisoners and probationers to the Council of Europe

◎ Served as advisor to the Government of Moldova on the release of life sentenced prisoners.



PUBLICATIONS

BOOKS

Abe, O. 2023. *Implementing Business and Human Rights Norms in Africa: Law of Policy Interventions*. Routledge.

Amadi, V. 2023. *Trade, Migration and Law: Free Movement of persons in the Southern African Development Community*. Routledge.

Chirwa, DM & Ncube, CB. 2023. *The Internet, Development, Human Rights and the Law in Africa*. Routledge.

du Toit, F, Smith, BS & van der Linde, A. 2023. *Fundamentals of South African Trust Law* 2nd ed. LexisNexis.

Hofmeyr, G & Paleker, M. 2023. *The Law of Succession*. Juta.

Khan, F & Schreier, T. 2023. *Refugee Law in South Africa*. 2nd ed. Juta.

Lutchman, S & Osman, F. 2023. *Rights on the Margins: Celebrating the work of Chuma Himonga*. Acta Juridica, Juta.

Mafora, D. 2023. *Capture in the Court: In Defence of Judges and the Constitution*. NB Publishers.

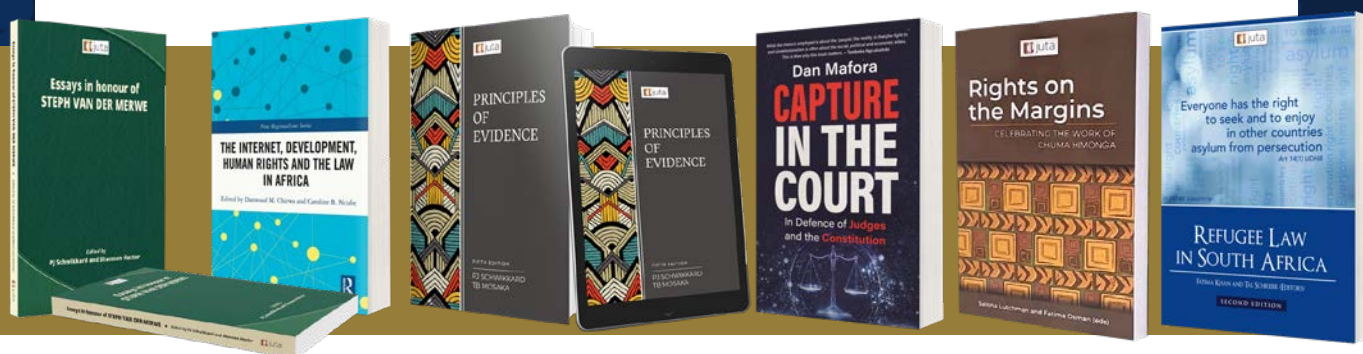
Monye, O. 2023. *Digital Financial Inclusion and Regulation*. Routledge.

Ncube, C. 2023. *Intellectual Property Law in Africa: Harmonising Administration and Policy*. 2nd ed. Routledge.

Schwikkard, PJ & Hectors, SV, (eds). 2023. *Essays in Honour of Steph Van der Merwe*. Unisa Enterprise.

Schwikkard, PJ & Mosaka, TB. 2023. *Principles of Evidence*, 5th edition. Juta.

van Zyl Smit, D, Appleton, C & Gao, V, (eds). 2023. *Life Imprisonment in Asia*. Palgrave Macmillan.



Hofmeyr, G & Paleker, M. 2023. *The Law of Succession in South Africa*. 3rd Edition. Juta.

The new edition of *The Law of Succession in South Africa* is the leading book on the subject. The title was first published in 1980 by the former Chief Justice of South Africa, MM Corbett and his co-authors Ellison Kahn, HR Hahlo and Gys Hofmeyr and was subsequently revised by the authors in 2001 (second edition).

Twenty-two years later, the third edition (2023) builds on the work of the original authors, who not only systematised the study of the law of succession but commented extensively on every aspect of the law. True to its original form, the new edition by Adv Gys Hofmeyr SC and Professor Mohamed Paleker with retired Judge of Appeal Ian Farlam (who revised the

technical chapter on Conflict of Laws) builds on the original text and comments extensively on developments that have occurred in the intervening period. Adv Hofmeyr SC and Prof Paleker considered many of the pre-existing principles of the law and looked at them through the lens of transformative constitutionalism. Paleker says this was necessary because “we have just assumed that the old laws apply without interrogating whether they are constitutionally sound. A classic example is the so-called “Jewish race and faith clause” or the condition against remarriage. Both are acceptable in Roman-Dutch law and considered to conform to public policy, but the question is: *are these black-letter rules/principles acceptable today?* Due to legislative reforms and judicial interventions, many aspects had

BOOK LAUNCH
DATE: 13TH APRIL, 2023
17:00 (GMT+1)

Centre for Comparative Law in Africa
Presents

Dr Taphakwen Mwanza
Digital financial inclusion and regulatory systems: the various considerations for achieving an effective regulatory strategy to improve financial access and usage in Nigeria and beyond. The book covers digital financial services, the use of and impact of regulatory sandboxes, industry financial services providers and challenges, and the impact of digital financial inclusion on the financial industry.

Dr Victor Anand
Trade Migration and Law: explores how law and policy makers within the SADC regional structure might reform the legal and regulatory frameworks to best capitalise the benefits of the movement of people.

Dr Dyaniso Allen
Implementing Business Human Rights Norms in Africa: discusses the critical considerations between business human rights and the implementation of socially responsible norms, in developing countries with particular reference to Africa.

For more information email: events.com@uct.ac.za Click the Zoom icon to register.

Routledge
Taylor & Francis Group

Cordially invite to you the Book Launch of
Human Rights and Populism
By Jolyon Ford

Guest of Honor
Advocate Tembeka Ngcukaitobi

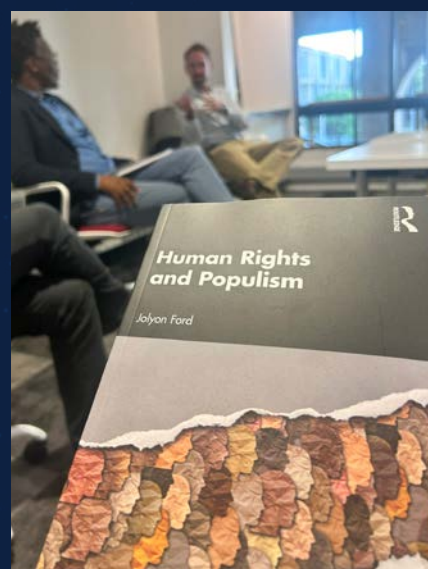
Tuesday, December 5, 2023 | 5:30 PM
Venue: UCT, Law Faculty, Common Room
www.routledge.com

Book Launch
Serving with Integrity, Commitment & Excellence

Join the conversation
Author Sharon Jephta,
National Commissioner of the SAPS
& Emeritus Prof Elrena van der Spuy

About Sharon Jephta
Retired Lieutenant General Jephta has 38 years of policing experience. She has served as Station Commander, Cluster Commander, Deputy Area Commissioner & Deputy Provincial Commissioner. Jephta won the Gold Medal for Service Excellence (2018). Jephta tells her story as a senior SAPS officer in her book entitled *Serving with Integrity, Commitment & Excellence*.

Thursday - 6 July 2023 - 18h00-19h30
Lecture Theatre 3 - Level 2 - Kramer Law Building - UCT
Register to attend: <https://forms.gle/3Q7DvosZH6FVHW6y5>



EPISTEMIC JUSTICE AND THE POSTCOLONIAL UNIVERSITY
Edited by Amrita Pande, Ruchi Chaturvedi and Shari Daya

WHEN: Monday 23 October 2023, 16:00-18:30
WHERE: Centre for African Studies Gallery, Oppenheimer Building, UCT
RSVP: mchmuc001@myuct.ac.za

This book addresses urgent current debates on decolonisation by offering reimagined teaching and learning interventions for obtaining greater epistemic justice in the contemporary postcolonial university. At a time when debates on decolonisation have gained urgency in academic, civic and public spaces, this interdisciplinary collection by authors based at the University of Cape Town, South Africa, serves as a valuable archive documenting and reflecting on a turbulent period in South African higher education.

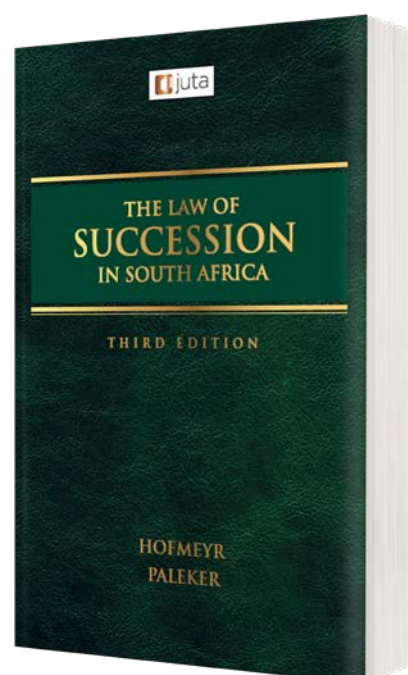
Professor Harsha Kathard will chair the conversation with editors and contributors. List of contributors: Nomusa Makhubu, Rike Sitan, Athambile Masola, Shone Kessi, Hal Cooper, Kofi Benson, Kenneth Gwender, Jameelah Omar, Longshu Ntsebeza, Kealeboga Ramani, Segileth Azari, Ari Sitan.

For more info about this book, go to www.witspress.co.za

to be revised entirely. A case in point is the law relating to intestate succession."

About his experience working on this third edition, Professor Paleker writes: 'It was a great honour to work with Adv Gys Hofmeyr SC on this project. Gys completed this book at the age of 91 with astounding academic rigour. Although we took responsibility for our chapters, we interrogated each chapter together and debated everything. Working with Gys was an incredible experience; I consider him my mentor and friend. We endured many challenges, including Covid and computer problems, and somehow we prevailed.'

Published in 2023, a recent review is available on [Sabinet](#).





CHAPTERS IN BOOKS

- Blaustein, J, Mutongwizo, T & Shearing, C. 2023. Going Nodal: Multi-sited Policing Ethnography in Fleming, J & Charman, S. (eds). 2023. *Handbook of Police Ethnography*. Routledge.
- Chirwa, DM & Ncube, CB. 2023. The Internet, Development and Human Rights in Africa: Introduction 1-22 in Chirwa, DM & Ncube, CB. 2023. *The Internet, Development and Human Rights in Africa*. Routledge
- Chirwa, DM & Ncube, CB. 2023. The Internet, Development and Human Rights in Africa: Reflections and Insights, 217-227 in Chirwa, DM & Ncube, CB. 2023. *The Internet, Development, Human Rights and the Law in Africa*. Routledge
- Chirwa, DM & Oriakhogba, DO. 2023. Access to the internet as a human right, 23-52 in Chirwa, DM & Ncube, CB. 2023. *The Internet, Development, Human Rights and the Law in Africa*. Routledge
- Cordner, G & Shearing, C. 2023. Darrel Stephens: An American Police Leader with Vision in Das, D & Verma, A. (eds). *Police Leaders as Thinkers*. Springer.
- Cupido, R. 2023. The internet and dispute resolution in Chirwa, D & Ncube, CB (eds). 2023. *The Internet, Development, Human Rights and the law in Africa*. Routledge.
- Hattingh, J. 2023. Dangerous Transplantation: Importing Big Government Into Article 3(2) of the 2017 OECD Model Tax Convention, in G. Maisto, (ed). 2023. *Dispute Resolution under Tax Treaties and Beyond*. IBFD, Amsterdam.
- Hattingh, J. 2023. Decades of Parallels: South Africa's Efforts During the First Half of the Twentieth Century to Avoid Double Taxation and the Impact of Model Solutions by the League of Nations in P. Harris and D. de Cogan, (eds). 2023. *Studies in the History of Tax Law*, 11, 381-411. Hart, Oxford.
- Hattingh, J. 2023. Mining and Petroleum Royalties in P.J. Badenhorst and H. Mostert, (eds). 2023. *Mineral and Petroleum Law of South Africa*. Juta, Cape Town. (looseleaf).
- Hlomani, H & Ncube, C.B. 2023. 'Data Regulation in Africa: Free Flow of Data, Open Data Regimes and Cybersecurity' in B. Ndemo et al. (eds). 2023. *Data Governance and Policy in Africa, Information Technology and Global Governance* (2023). Palgrave Macmillan, Camden.
- Kinnes, I. 2023. Excavating Irene: State contributions to violence, terror and human abuse in Watson, J & Nzewi, O, (eds). 2023. *Striving for Social Equity*. Karavan Press.
- Kraemer-Mbula, E, de Beer, J, Ncube, CB, et al 2023. Collaborative Innovation and

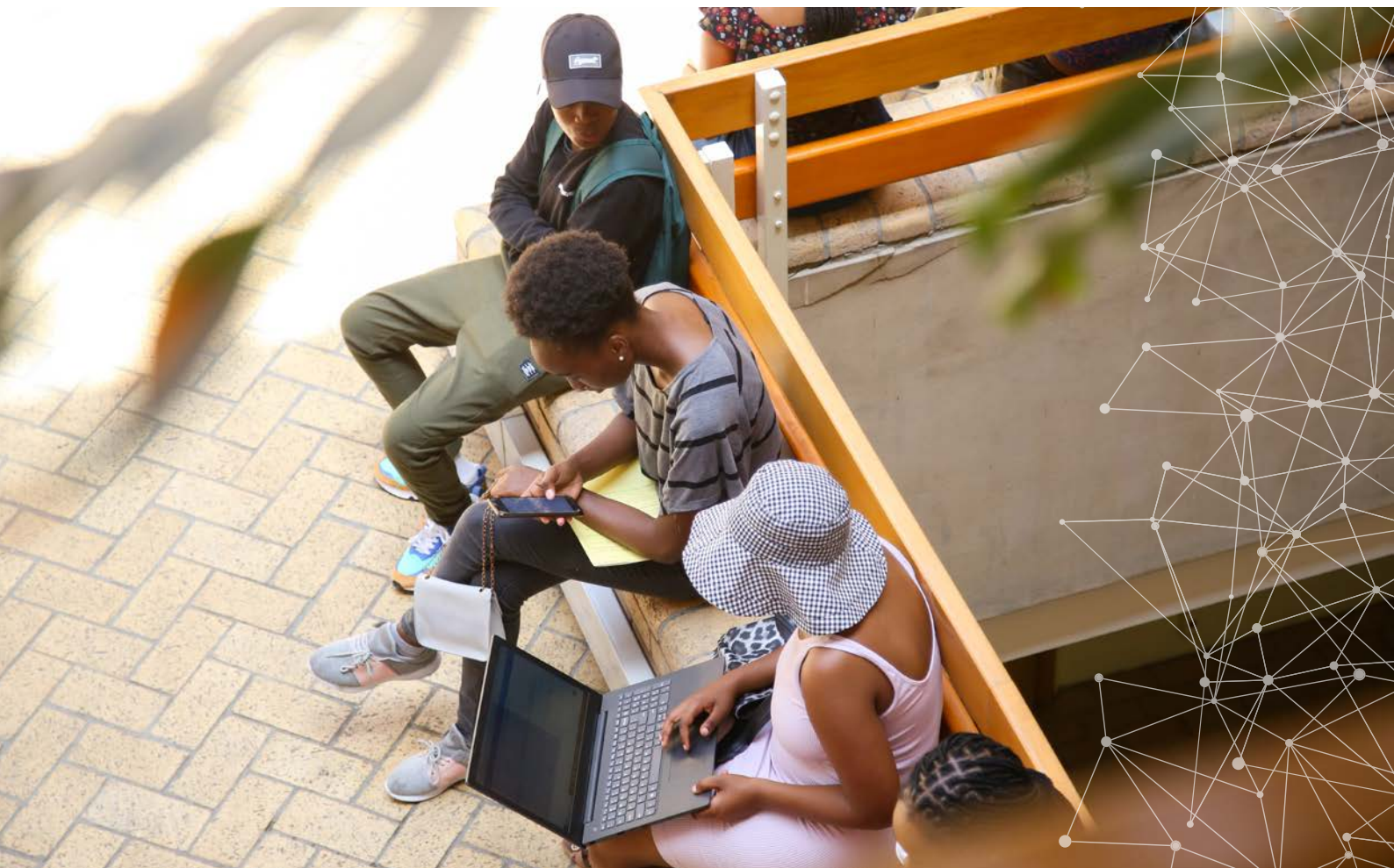
- Networked Entrepreneurship in Africa in Olugbenga Adesida, Geci Karuri-Sebina, João Resende-Santos & Mammo Muchie (eds). 2023. *Innovation Ecosystems in Africa: solving the problems that we have*. Amalion, Dakar, Senegal.
- Maphiri, M. 2023. Using the shared value business model to bridge the gap in South Africa's energy crisis: an analysis of the shared value business model as a corporate governance strategy used to ameliorate the failure of Eskom in Idowu, S. O & Zu, L. (eds). 2023. *The Elgar Companion to Corporate Social Responsibility and the Sustainable Development Goals*. Elgar Companions to the Sustainable Development Goals series.
- Magau, PT & Mathiba G. 2023. Combatting Financial Exclusion of Low-income Earners through Financial Education in South Africa in Chitimira HT & Warikandwa TV (eds.). 2023. *Promoting and Prioritising Financial Inclusion in Southern Africa: A Contemporary Law and Economics Perspective*. Juta.
- Miller, K, Hattingh, PJ & West, C. 2023. South Africa: Is the Power to Adjust Profits Inextricably Linked to the Determination of a Transfer Price Adjustment? in Kemmeren, E et al. (eds). 2023. *Tax Treaty Case Law around the Globe 2022*. IBFD, Amsterdam.
- Mkhwanazi, L & Collier, D. 2023. Technological Disruption in Labour & Employment Law: South Africa in De Vos, M, Anderson, GU & Verhulp, E, (eds). 2023. *The Cambridge Handbook of Technological Disruptions in Labour & Employment Law*. Cambridge University Press.
- Ncube, CB. 2023. The Internet, Freedom of Expression and Intellectual Property in Chirwa, D and Ncube CB. (eds). 2023. *The Internet, Development, Human Rights and the Law in Africa*. Routledge, United Kingdom.
- Ncube, CB and Phiri, TR. 2023. Afro-centric law and technology discourse in Bartosz Brożek, Olia Kanevskaia, & Przemysław Pałka. (eds). 2023. *Research Handbook on Law and Technology*. Edward Elgar, United Kingdom.
- Ordor, AO, Amodu, N & Amadi, V. 2023. Legal Pluralism and Commerce in *The Cambridge Handbook of Comparative Law*, Siems, M & Po Jen Yap (eds). Cambridge University Press, United Kingdom.
- Salazar, P-J. 2023. Contributor to *L'Art de bien parler*. Livre de Poche. France.

ARTICLES IN JOURNALS

- Ahmed, I. 2023. Equality, Exclusion and Belonging: Reflections on *King and Wilkinson*, 119-219. *Constitutional Court Review* 13.
- Ally, N & Murcott, M. 2023. Beyond Labels: Executive action and the duty to consult, 93-122. *Law, Democracy and Development*.
- Ally, N, Ozah, K & Peacock, TN. 2023. Renewal and Reform: Special Issue on 'Realising the Rights of Children to Quality Early Childhood Development in South Africa, 163-166. *South African Journal on Human Rights* 38 (3-4).
- Ally, N. 2023. Clearing the red tape – Towards a Balanced Regulatory Framework for Early Childhood Development, 1-29. *Potchefstroom Electronic Law Journal* 26.
- Amien, W. 2023. Freedom of religion and places of worship during Covid-19. *South African Journal on Human Rights* 39 (1), 52-73.
- Chirwa, DM, Clark, H, Habibi, R et al. 2023. The Principles and Guidelines on Human Rights and Public Health Emergencies. *UN Human Rights Office*.
- Chirwa, DM, Gostin, LO, Clark, H et al. 2023. The WHO's 75th anniversary: WHO at a pivotal moment in history. *BMJ Global Health* 8 (4).



- Chirwa, DM. 2023. Foreword: Chuma Himonga as an African Socio-Legal Scholar, Mentor and Teacher, xiii-xvi. *Acta Juridica* 1.
- Davis, D, Le Roux, M & Smythe, D. 2023. What Future for Constitutional Democracy in South Africa? *VRÜ Verfassung und Recht in Übersee* 55.4 478-487.
- du Toit, F, Smith, BS & van Vuren, L. 2023. "Beneficial owner" and "beneficial ownership" in South African trust law: troublesome aspects of the General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act 22 of 2022, 387-405. 2023(3) *Journal of South African Law* (3).
- Dupont, B, Shearing, C, Leukfeldt, ER, & Bernier, M. 2023. The Tensions of Cyber-Resilience: From Sensemaking to Practice. *Computers and Security*. 132 (September), 1-17.
- Eakin, H, Hamann, R, Ziervogel, G & Shearing, C. 2023. Shocks to critical provisioning systems and governance innovation: Emergent responses to COVID-19 and drought in Cape Town, South Africa. *NPI Urban Sustainability*.
- Frantz, G & Cupido, R. 2023. Sex and gender in unfair discrimination cases: an analysis of King N.O. and Others v De Jager and Others [2021] ZACC 4; 2021 (5) BCLR 449 (CC); 2021 (4) SA 1 (CC)' (2023). *Constitutional Court Review*, 171-198.
- Hattingh, J. 2023. Treaty Interpretation, in *Global Tax Treaty Commentaries*. IBFD Online.
- Herd, N, and Murcott, M. 2023. The Uncertain Constitutional Duty to Internally Investigate and Remedy State Impropriety, 27. *Stellenbosch Law Review* 34(1).
- Holley, C, Kennedy, A & Shearing, C. 2023. Power, conflict, and energy law: learning from unconventional natural gas, non-state actors, industry, and government. *Texas Journal of Oil, Gas, & Energy Law*. 18(1), 1-34.
- Kazim, T. (with input from N Ally). 2023. Early Childhood Development and the State's duty to Provide Basic Nutrition to Young Children in South Africa. *Report for the Real Reform for ECD Campaign*.
- Kelly-Louw, M & Chuah, J. (eds). 2023. Financial Hardship and Inclusion in Law – An International and Comparative Perspective. *Journal of International and Comparative Law*. Special Edition.
- Kelly-Louw, M. 2023. An interpretation of a "compliant demand" for a demand guarantee gone wrong: *Uitspan Colliery (Pty) Ltd v Lombard Insurance Company Ltd* (24814/2020) [2022] ZAGPJHC 389 (25 May 2022). *Journal of Contemporary Roman-Dutch Law* 86, 261-273.
- Kelly-Louw, M. 2023. Recent developments regarding administration orders. *De Serie Legenda: Developments in Commercial Law Volume IV: Insolvency Law* (LexisNexis,) 23-42.





Kelly-Louw, M. 2023. South African micro-, small- and medium-sized enterprises (MSMES): Challenges in accessing microcredit and the need for microcredit legislation. *Journal of International and Comparative Law* 10 (2), 167-188.

Le Roux, R, & Godfrey, S. 2023. Workplaces and Bargaining Units: They Co-exist in Practice, But Can They Co-exist in Law? *ILJ* 44 2110.

Le Roux, R. 2023. Compliance with a fair procedure? Rescued from another dimension to the LRA: Reflecting on *Solidarity on behalf of Members v Barloworld Equipment Southern Africa & others* (2023) 43 *ILJ* 1757 (CC). *ILJ* 44 1444.

Mathiba G. 2023. The Incorporation of the FPIC Principle in South African Policy on Mining-Induced Displacements: Bottlenecks and Opportunities. *International Journal on Minority and Group Rights* 30(4) .

Mathiba G. 2023. Compulsory Acquisition of Property for Urban Densification in South Africa: An Answer to the Chronic Housing Backlog? *International Journal of Urban and Regional Research*.

Murcott, M, Tigre, M & Zimmermann, Z. 2023. Transnational Insights for Climate Litigation at the European Court of Human Rights: A South-North Perspective in Pursuit of Climate Justice, 299. *World Comparative Law* 56(2).

Murcott, M. 2023. Minding the Gap: The Constitutional Court's Jurisprudence Concerning the Environmental Right, 147. *Constitutional Court Review* 13.

Ncube, CB and Samtani, S. 2023. Copyright, Disability Rights, and the Constitution: *Blind SA v Minister for Trade, Industry and Competition*. *Constitutional Court Review* 13.

Ncube, CB. 2023. Moving from Mirages to Miracles: Intellectual Property, Human Rights and the Global Partnership for Sustainable Development. *GRUR International* (72) 7, 629-630.

CITATIONS AND QUOTES OF RESEARCH BY SOUTH AFRICAN COURTS

The court referred to and quoted from unpublished LLD (see Kelly-Louw, M. 2008. *Selective Legal Aspects of Bank Demand Guarantees* (unpublished LLD, University of South Africa) in *Nedbank Limited v Xanita (Pty) Limited* (885/2019) [2023] ZAWCHC 144 (12 June 2023) in paras 19-20.

The court in *Williams v Shackleton Credit Management (Pty) Ltd* (10771/2020) [2023] ZAWCHC 279 (10 November 2023) cited Kelly-Louw's research (see Govender, S and Kelly-Louw, M (2018) 21 *PELJ*) par 38 fn 15.



REVIEWS

Cupido, R. 2023. Review of *Contract Law in Zambia 2nd edition* by Sangwani, PN & Chungu, C. South African Law Journal, 140, 234-238.

Murcott, M. 2023. Expert reviewer of Animal Law Reform South Africa report, *Laying Down the Facts: Animal Welfare Standards of the Companies Providing your Favourite Foods*.

OPINIONS & MEDIA

Ally, Nurina. Op-ed. 'Constitutional Court – crisis on the horizon due to recent critical record-keeping inconsistencies', Daily Maverick, 1 February 2023.

Benjamin, Mbekezeli. Op-ed. 'We are woefully short of judges', GroundUp, 7 August 2023.

Benjamin, Mbekezeli. Op-ed. 'What happens now to "drunk" Judge Nkola Motata?', GroundUp, 14 August 2023.

February, Oxtoby, Benjamin et al. Op-ed. 'The Judicial Service Commission's failings threaten judicial accountability and independence', GroundUp, 13 October 2023.

Corder, Hugh. Op-ed. 'Dedicated SA judges, prosecutors and legal counsel should be celebrated in a time of litigious lunacy', Daily Maverick, 15 September 2023.

Corder, Hugh. Op-ed. 'Impeachment of Judges Hlophe and Motata will strengthen SA's constitutional democracy', Daily Maverick, 8 November 2023.

Barnard-Naude, Jaco. Discussion on Love, Marriage and Divorce with Jeremy Maggs, South African Hot Topics. 3 May 2023.

De Vos, Pierre. Blog. *Constitutionally Speaking*.

Hlomani, H and Ncube, CB. Data Regulation in Africa: Free Flow of Data, OpenData Regimes and Cyber Security, AERC Working Paper, 2023.

Kohn, Lauren. Academic blogpost. 'Commissions of Inquiry as Part of Just Institutional Approach in pursuit of integrity and accountability – A South African Perspective.

Kohn, Lauren. Interviewed by Muhammed Hussain of News24 on Zondo's remarks on Parliament's recalcitrance in implementing the erstwhile Commission of Inquiry's recommendations, and Parliament's call for a meeting with the Chief Justice. See Op-ed *In-Depth: Parliament's response to Zondo's state capture comments "silly" and a "grave violation"*. (28 June 2023).

Kohn, Lauren. Op-ed. 'State capture in South Africa: time to think differently about redress and recovering the stolen loot', The Conversation, 8 February 2023.

Powell, Cathy. Interview with John Maytham on his radio show *Afternoon Drive* on the rules governing presidential pardons. 18 July 2023.

Powell, Cathy. Interview with NewzroomAfrika on the DA's intention to take President Ramaphosa to court re the docking of the Lady R in Simonstown. 5 June 2023.

Powell, Cathy. Interview NewzroomAfrika on Putin's arrival on South African shores. May 2023.

Powell, Cathy. Interview with Gadija Davids (Radio 786) on the law and boycotting rates payments. 7 September 2023.

Powell, Cathy. NewzroomAfrika on President Zuma's challenge to the invalidation of his private prosecution of his successor, President Cyril Ramaphosa. September 2023.

CONFERENCES, SYMPOSIA & SEMINARS

Adams, Faadhil & Cupido, Robin. *African Principles on the Law applicable to international commercial contracts*. International Commercial Contracts Conference, University of Johannesburg, Johannesburg. June 2023.

Ahmed, Ibtisaam. *The Role of Female Legal Practitioners in Access to Justice*. Global South Network International Conference on Law, Society and Academia in the Global South, Ilorin, Nigeria. September 2023.

Ally, Nurina & Moshikaro, Khomotso. *Can we be scholar activists?* Centre for Law and Society, UCT, Cape Town. 29 September 2023.

Ally, Nurina & Moul, Kelley. *Research presentation on school-to-prison pathways, UCT School of Education*. May 2023.

Ally, Nurina. *Challenges facing the Constitutional Court of South Africa*. University of Wisconsin Law Faculty. 21 September 2023.

Ally, Nurina. *Workshop on resistance to authoritarianism across various countries*. Global Legal Studies Centre at the University of Wisconsin, Madison. 22 & 23 September 2023.

Ally, Nurina. *Remedies in socio-economic rights litigation*, Section27 and Cliffe Dekker Hofmeyr. December 2023.

Ally, Nurina. Participant. *Skills-building and social impact beyond the classroom*. Regional Teaching and Learning Conference, 7 September 2023.

Amien, Waheeda. Alternative dispute resolution in South African religious family laws, Third Annual Alternative Dispute Resolution Colloquium, North West University, online. 11 October 2023.

Amien, Waheeda. *Religious marriages in the South African Law Reform Commission's Discussion Paper 160*, Project 100E on the Review of Aspects of Matrimonial Property Law". South African Law Reform Commission, online. 17 November 2023 & 4 December 2023.

Amien, Waheeda. *The common law doctrine of religious entanglement and its implications for human rights in South Africa*. Law & Society Association Conference, Puerto Rico. online. June 2023.

Amien, Waheeda. *The role of judges in adjudicating Muslim family law in common law countries: An exploration of judicial decisions in South Africa, India, and Canada*. Constitutional Court Review Conference, Women's Prison, Constitution Hill, Johannesburg. 7-8 December 2023.

Chirwa, Dan & Khan, Fatima. Participants. Law Schools Global League Conference. London, UK. July 2023.

Corder, H. *The role of the courts in holding up the Constitution*. FW de Klerk Foundation Annual Conference, Cape Town. February 2023.



Cronin, Ben. *Can National Treasury dictate future spending? Unpacking the Constitutional Court's view*. Constitutional Court Review Conference. December 2023.

Cronin, Ben. Submission on the Eskom Debt Relief Bill of 2023, Parliamentary Standing Committee on Finance and the Select Committee. April 2023.

Cronin, Ben. Submission on the Fiscal Framework for 2023, Parliamentary Standing Committee on Finance and the Select Committee on Finance. February 2023.

Cupido, Robin. Guest speaker. ODR, Trust and E-commerce in Africa, online. 28 September 2023.

De Vos, Pierre & Powell, Cathy. Panel members. *The application of the sub judice rule in Parliament*. NCOP Members' Training. South African Parliament, Cape Town. February 2023.

du Toit, Francois. *Retrospective on each conference since 2010*. Succession and Trust Law Conference, Nelson Mandela University. 2023.

du Toit, Francois. *The folly of statutory cut-and-paste: a perspective from the law of trusts*. UCT Faculty of Law Wednesday Seminar Series. 2023.

du Toit, Francois. *A thematic approach to research: a scholarly journey in law*. IEE Varsity College's Research Indaba. 2023

du Toit, Francois. Participant. Ius Commune Conference, Onderzoekschool Ius Commune, in Maastricht, The Netherlands. 11 & 12 May 2023.

Hattingh, Johann. Organiser & presenter. *Implementation, Interpretation, and Impact of the Multilateral Instrument (MLI) to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting*. Annual UCT Tax Unit & IBFD Public Seminar, Cape Town. 16 February 2023.

Hattingh, Johann. Panel chair. *Tax Treaty Interpretation in light of the Vienna Convention on the Law of Treaties*. International Fiscal Association, 75th Annual Congress, Dialogue;, Cancun. 26 October 2023.

Hattingh, Johann. Panel member. *Pillar Two Global Minimum Taxation and Africa Tax Incentive Regimes: Opportunities and Challenges*. Department of Taxation Conference on Distributive Tax Justice in the Global Economy. University of Pretoria. 2-3 August 2023.

Hattingh, Johann. Organiser & conference co-chair. *Designing tax systems in a cashless, platform-based and technology driven African society*. UvA-UCT International Tax Conference, Cape Town. 12 April 2023.

Hattingh, Johann. Panel chair. *Trends in International Taxation: An African Perspective*. 8th IBFD Africa Tax Symposium, Arusha Tanzania. 24-26 May 2023.

Hubschle, Annette. *From pandemic to climate crisis: Lessons or resilient responses*. Geography 2050: The changing map of risks, hazards and finance, American Geographical Society, New York, USA. 16 November 2023.



- Hubschle, Annette. *Follow-the-thing methods to study illicit reptile trafficking*. 15th Conference of the Herpetological Association of Africa, Hoedspruit, Limpopo Province. 16-19 January 2023.
- Hubschle, Annette. *How illegal market actors removed blockages from illicit wildlife flows during COVID-19*. Mini-Conference on “Sources of Power in Illegal Markets” at the Society for the Advancement of Socioeconomics (SASE) Conference, Rio de Janeiro. 20-22 July 2023.
- Hubschle, Annette. *Pragmatic conservation: Community responses to wildlife crime*. Colloquium on Environmental Futures, Global Risk Governance Programme, University of Cape Town. 14 June 2023.
- Hubschle, Annette. *Putting political ecology and critical conservation scholarship to work: a dialogue with conservation practitioners*. POLLEN Conference on Political Ecology, Durban, South Africa. 28 June 2023.
- Hubschle, Annette. *Researching the illegal wildlife trade through a green criminological and southern lens*. Joint seminar Utrecht University and Global Risk Governance programme, University of Cape Town. 21 February 2023.
- Hubschle, Annette. *Resilience unveiled: Lessons from the Illegal Wildlife Trade during COVID-19 Lockdowns*. University of Maryland, College Park, USA. 13 November 2023.
- Hubschle, Annette. *Roundtable on Frictions and Flows: Understanding COVID-19 impacts on the wildlife economy*. National Academies of Science, USAID Global Risk Governance programme. 15 May 2023.
- Hubschle, Annette. *Wildlife poisoning trends in southern Africa*. TREPA Indaba, South African Wildlife College, Hoedspruit. 6-10 September 2023.
- Hubschle, Annette. *Women in Law Enforcement against Wildlife Crime*. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), hybrid roundtable discussion. 29 November 2023.
- Hubschle, Annette. *Workshop facilitator on gender and the illegal wildlife trade*. German Agency for International Cooperation. 2023.
- Karth, Vanja. Panel Member. *Sixth Judicial Dialogue. African Court on Human and Peoples’ Rights*. Algiers, Algeria. November 2023.
- Kelley-Louw, Michelle. *President and co-host*. 18th International Association of Consumer Law’s (IACL), Hamburg, Germany. July 2023.
- Kelley-Louw, Michelle & Vession, M. *Comparing mechanisms to curb interest for over-indebted consumers under English and South African law*. 17th International Association of Consumer Law (IACL) Conference, Hamburg. July 2023.
- Kelley-Louw, Michelle. *Demand guarantees and “pay or extend” or “extend or pay” requests*. 21st Biennial Meeting of the International Academy of Commercial and Consumer Law, Bar Ilan University, Tel Aviv. July 2023.
- Kelley-Louw, Michelle. Keynote address. *South African micro- and small-sized enterprises: Challenges in accessing microcredit during and post the Covid-19 pandemic*. 2018 Global





- Forum for Financial Consumers (GFFC), Waseda University in Tokyo, Japan, online. 28 July 2023.
- Kinnes, Irvin. Fifth Annual Conference of The Department of Criminal Justice and Procedure and The Journal of Anti-Corruption Law. 7 September 2023.
- Kohn, Lauren. *Integrity & Accountability Commissions of Inquiry: A South African Perspective*. Institutions for Conflict Resolution (COI) Conference, 2023: Towards just institutional approaches to conflict prevention and resolution. 28 September 2023.
- Kohn, Lauren. *Theorising South Africa's Fourth Branch of State – the Integrity & Accountability Branch – and Anti-corruption Redress*. Centre for European and Comparative Legal Studies, University of Copenhagen. 21 September 2023.
- Kohn, Lauren. Panel member. *Integrity & Accountability Commissions of Inquiry: A South African Perspective*. Institutions for Conflict Resolution (COI) Conference, 2023: Towards just institutional approaches to conflict prevention and resolution. 28 September 2023.
- Kohn, Lauren. Participant. ICON-S FirstGen in Academia Conference, online. 13 December 2023.
- Kohn, Lauren. Presentation to potential doctoral scholars on research and the process of undertaking a PhD by way of publication, Department of Public Law, Leiden University. 6 October 2023.
- Kohn, Lauren. *Accountability & Integrity in South Africa's Constitutional Framework*. University of Padua Law School, online. 23 March 2023.
- Kohn, Lauren. *Growing South Africa's Integrity & Accountability System: National Prosecuting Authority and Anti-Corruption Redress*. ICON-S 2023, online. 5 July 2023.
- Kohn, Lauren. Guest Lecturer. *Accountability and Integrity in South Africa's Constitutional Framework*. University of Padua, Italy, online. 2023
- Kohn, Lauren. Panel member. *Gen Z – Young Voices 2.0*. Women in Law Conference, University of Vienna. 14 September 2023.
- Kohn, Lauren. Participant. African Procurement Law Unit Workshop: Procurement Reform. Online. 27-28 February 2023.
- Kohn, Lauren. Participant. HSRC Colloquium. Post Zondo: The Future of Democracy. Johannesburg. 22 June 2023.
- Kohn, Lauren. Visiting Scholar. *Theorising South Africa's Fourth Branch of State – the Integrity & Accountability Branch – and Anti-corruption Redress*. Sigmund Freud University, Vienna. 18 September 2023.
- Louw, Michelle & Vessio, Monica. *Comparing Mechanisms to Curb Interest for Over-indebted Consumers*. 18th International Association of Consumer Law Conference, Hamburg, Germany. July 2023.
- Mavedzenge, Justice. Roundtable discussion on the Zimbabwe elections. Nelson Mandela School of Public Governance. Durban. August 2023.

Mesthrie, Sapna. *Consumer credit insurance: consumer friendly or unnecessary burden?* International Association of Consumer Law Conference, Hamburg. July 2023.

Murcott, Melanie. Panel member. Pathways Forum #11. From Grassroots to Courtrooms: Litigation as a Vector for Transformations. UNESCO Bridges Coalition and Future Earth. Online December 2023.

Murcott, Melanie. *Building Community to Offer Insights from a Global South perspective*. Taking the Temperature of Environmental Law Scholarship, Journal of Environmental Law Webinar, titled *Oxford University, United Kingdom*. Online April 2023.

Murcott, Melanie. *Climate Litigation in the Global South: Perspectives from South Africa*. In Defense of an Independent Judiciary: A Colloquium on the Rule of Law and Climate Justice, U.S. Embassy (Philippines), Environmental Right Institute, Widener University Delaware Law, and Purple Hearts (Philippines), et al. Online June 2023.

Murcott, Melanie. *Comparative Perspectives on Climate Litigation in Europe and Africa*. University of Cape Town. July 2023.

Murcott, Melanie. *Constitutionalism for a time of planetary crisis*. Faculty of Humanities and the Amsterdam School for Transnational European and Regional Studies, University of Amsterdam, Netherlands. November 2023.

Murcott, Melanie. *The value of substantive climate adjudication in South Africa*. African Futures, European Conference on African Studies, Cologne University, Germany. June 2023.

Murcott, Melanie. *The Philippi Horticultural Area litigation (2020): Linking Water Insecurity to Climate Risk*. Climate Litigation Workshop, Law Schools Global League International, Turin University, Italy. June 2023.

Murcott, Melanie. *Transformative litigation amidst the climate crisis of the Anthropocene*, with Dr Matteo Fermeglia, Hasselt University and Amsterdam University. Hasselt University, Belgium, interdisciplinary course, Globalisation and Sustainable Development. November 2023.

Murcott, Melanie. *Accountability through transformative environmental constitutionalism: Confronting vulnerability to multiple global planetary crises*. Stellenbosch University, LLB elective course on Constitutional Law, offered by Prof. Sandra Liebenberg. August 2023.



Ncube, Caroline. Participant. 41st International Association for the Advancement of Teaching and Research in IP (ATRIP) Congress, hosted by the University of Tokyo. On the 11th The Chair moderated a panel on IP, Ethics, Human Rights and Anti-Discrimination. 9-12 July 2023.

Ncube, Caroline. Chair of panel on IP, Health and Competition Law. 23 Jun 2023.

Ncube, Caroline. *Copyright law and disability*. Webinar. Mandela Institute and the University of Witwatersrand School of Law. 23 November 2023.

Ncube, Caroline. Guest speaker. Discussion on *Innovation and IP management in advancing Agenda 2063 in Africa*. Hosted by the Academy of Science of South Africa (ASSAf) in collaboration with the Lesotho Academy of Science and Technology (LAST), Botswana Academy of Science (BAS) and the University of South Africa (UNISA). 2023.

Ncube, Caroline. Guest speaker. *The Future of Law in the Fourth Industrial Revolution (4IR): Navigating Legal Challenges in a Digital Age*. AGA-Africa and University of Pretoria Synergy Workshop. 27 November 2023.

Ncube, Caroline. Panel Chair. *IP in the Digital Environment*. IP Researchers Europe (IPRE) Conference, hosted by The School of Law of the University of Geneva (UNIGE), in collaboration with WIPO and WTO. 29-30 June 2023.

Ncube, Caroline. Panel. *New Directions in WIPO, AfCFTA and Copyright in Africa: Facilitating science, creativity, and innovation*. Right to Research in Africa Conference, hosted by ReCreate. 23-27 January 2023.

Ncube, Caroline. Roundtable: *Data governance and the Digital Economy in Africa: Where are we now, what are the challenges and where do we go from here?* Hosted by the South African Institute of International Affairs (SAIIA) and Centre for the Study of the Economies of Africa (CSEA). 2023.

Ncube, Caroline. Panelist. *Shaping AI for Just Futures*. International AI + Society Conference. AI + Society Initiative and uOttawa. 19-20 October 2023.

Ncube, Caroline. *TRIPS at 25*. Academic Symposium held at the WTO, where Professor Ncube spoke on panels on *The context: the policy, economic and political dimensions of TRIPS* and *The future: TRIPS at a time of economic, technological and geopolitical flux*. 2023.



Ncube, Caroline. *Contestation and Complexity: IP at the intersection of Climate Change and Human Health*. WHO-WIPO-WTO Trilateral Symposium. Online. 14 November 2023.

Ncube, Caroline. Panelist. Data Governance (II) Inception Workshop hosted by the African Economic Research Consortium (AERC), African International Economic Law Network's (AfIELN) 6th Biennial Conference. 21 - 24 June 2023.

Ncube, Caroline. Discussant on *Developments in IP in Africa*. World Trade Organisation TRIPS Symposium. Geneva, Switzerland. June 2023.

Ncube, Caroline. Executive Committee Member and Panel Chair. *The role of law and IP in regaining humanity in a time of crisis*. TRIP Conference. Japan. July 2023

Ncube, Caroline. Panel member and session chair. African International Economic Law Network Biennial Conference. Accra, Ghana. June 2023.

Ncube, Caroline. Panel member. *AI and Copyright and Regulating AI around the World*. Shaping AI for Just Futures Conference. University of Ottawa, Canada. October 2023.



Ordor, A, Amada, V, Gudo, J, Nyirongo, R & Nagu, Y. Panel. *Regional Integration and Africa's Island Nations: Leveraging the Leniency, Latitude and Limitations of the Law*. International Society of Public Law (ICON-S). Victoria University, New Zealand. July 2023.

Paterson, Alexander. *Realising South Africa's Contribution to the CBD's Global Biodiversity Framework's Area-Based Targets – The Potential Impact of Screening Innovations Linked to Strategic Infrastructure Projects, Zones and Corridors*. International Association of Impact Assessors Conference on Integrated Environmental Management in the Roaring 2020's, Skukuza, Kruger National Park. August 2023.

Paterson, Alexander. Host. *Rights of Nature in Africa*. African Hub of the Global Alliance for the Rights of Nature (GARN) and the Wild Law Institute. Cape Town. 14 July 2023.

Paterson, Alexander. Workshop. *Convention on Biological Diversities Kunming-Montreal*

Global Biodiversity Framework. Department of Forestry, Fisheries and the Environment. Johannesburg. 6-8 June 2023.

Paterson, Alexander. *Other Effective Area-Based Conservation Measures (OECMs) & the Law – Understanding the Links, Opportunities and Constraints*. DFFE and the South African National Botanical Institute at its Inaugural National OECM Bootcamp. Pretoria. November 2023.

Titus, Afton. Seminar presentation. Oxford University Faculty of Law, Oxford, UK. June 2023.

Titus, Afton. *Redefining Global Governance: a tax, trade and investment perspective in the EU and beyond*. The Lorentz Centre, The Netherlands. June 2023.

Tong, Lee-Ann. Lecturer. Stockholm University Law School Summer Programme, Stockholm, Sweden. July 2023.

van Zyl Smit, D & Davis, D. *Legislating for better prisons*. Centre of Criminology, Faculty of Law, UCT. 1 March 2023.



EVENTS HOSTED IN THE FACULTY OF LAW

FACULTY ACADEMIC SEMINARS

Professor Sandra Liebenberg (Stellenbosch



University). *Revisiting the reasonableness review jurisprudence of the Constitutional Court in socio-economic rights cases.* Oliver Tambo Moot Court, Kramer Law Building. 11 May 2023.

Professor Zsa-Zsa Boggenpoel (Stellenbosch



University). *Some reflections on the expropriation without compensation journey: Where are we now?* Oliver Tambo Moot Court, Kramer Law Building. 2 August 2023.

THE “WEDNESDAY SEMINAR”

The “Wednesday Seminar” is a weekly discussion group, open to all, initiated by a number of young Faculty academics in Public

Law and Private Law. Each week a member of staff presents a recent paper or an aspect of work in progress. The format is relatively informal and seeks to stimulate wide ranging discussion and information sharing on research being undertaken in the Faculty.

The following seminars were presented during 2023:

Ally, Nurina (Public Law). *Clearing the red tape – towards a balanced regulatory framework for early childhood development.* 5 April 2023.

Boonzaier, Leo (Private Law). *Common-law avoidance. Recent judgments: Pridwin, Esorfranki and Bravospans.* 23 February 2023.

Cronin, Ben (Commercial Law). *Budgeting for future financial commitments: defaulting debtors and capricious courts.* 3 May 2023.

de Beer, Mitchell (Public Law). *Invalid law or conduct and the counter-majoritarian dilemma.* 18 October 2023.

du Toit, Francois (Private Law). *The folly of statutory cut-and-paste – a perspective from the laws of trusts.* 4 October 2023.

Fagan, Anton (Private Law). *On making, reporting, and repeating defamatory assertions*. 19 April 2023.

Le Roith, Caitlin (Private Law). *The commencement of pr for prescription for personal injury claims: the courts' interpretation of section 12(3)f of the Prescription Act*. 30 August 2023.

Mafora, Dan (Public Law). *Whose Constitutional Jurisdiction is it anyway?: Courts of similar status to the High Court and other tribunals*. 22 February 2023.

Mesthrie, Sapna (Commercial Law). *Rethinking the sexual offences exception to previous consistent statements: An evaluation of sections 58 and 59 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007*. 17 May 2023.

Mosaka, Tshepo (Public Law). *Intention in Criminal Law*. 16 August 2023.

Mosaka, Tshepo (Public Law). *A probative argument of intention*. 13 September 2023.

Naude, Tjakie (Private Law). *The liability for professional sellers for pre-contractual statements*. 8 March 2023.

Osman, Fatima (Private Law). *The implications of the Constitutional Court's judgment in King NO v de Jager [2021] ZACC 4*. 15 March 2023.

Powell, Cathy (Public Law). *International organisations and the international community*. 1 November 2023.

Sono, Nhlanhla (Private Law). *Revisiting the Constitutional Court's application and interpretation of the non-arbitrariness test when deciding property law disputes*. 20 September 2023.

GENERAL SEMINARS, WORKSHOPS & DISCUSSIONS

☉ *Activism and the Law in the Struggle for Social Justice* delivered by Advocate Jason Brickhill at the Yoliswa Dwane Inaugural Public Lecture. Equal Education. Faculty of Law, UCT. 24 February 2023.

☉ *ASILE Annual Conference*. UCT Refugee Rights Unit and The Centre for European Policy Studies, Faculty of Law, UCT. January 2023.

☉ *Banking Lawyers' Alliance of South Africa*. Launch. Faculty of Law, UCT. May 2023.

☉ *Children's right to nutrition: Real Reform for Early Childhood Development* hosted by the Centre for Law and Society, Faculty of Law, UCT. Workshop. Cape Town. June 2023.

☉ *Comparative Perspectives on Climate Litigation*. Environmental Law Association of South Africa and Institute for Marine & Environmental Law. Faculty of Law, UCT. Seminar. 26 July 2023.

☉ *Competing Rights on Land*, Mineral Law in Africa Research Seminar. Faculty of Law, UCT. June 2023.

☉ *Countering the Corrupt: Reform of the Criminal Justice Administration in South Africa*. Accountability Now, Primerio and the Konrad Adenauer Stiftung. Faculty of Law, UCT. Conference. February 2023.

☉ *Developments in international arbitration and Africa's involvement, banking and finance law, and mineral law in Africa*. Stakeholder discussion hosted by UCT's Development & Alumni Department, with Faculty participants including Professors Dan Chirwa, Hanri



Mostert, Michelle Louw and Dr Faadhil Adams. Johannesburg. October 2023.

- © *Driving Impactful Learning in the Classroom and Beyond*. Regional Teaching & Learning Conference. Faculty of Law, UCT. September 2023.
- © *Ending Statelessness*. Gathering with representatives from SADC governments hosted by the Refugee Rights Unit, Faculty of Law, UCT. October/November 2023.
- © *International Law and Institution in an Era of Populism: The South African Experience*. UCT Law and Australian National University School of Law. Workshop. December 2023.
- © *Land, governance and mining in the Eastern Cape, Chris Hani and Amathole District Municipalities*, hosted by the Land & Accountability Research Centre, Faculty of Law UCT. Amathole District, Eastern Cape. Community workshops. July 2023.
- © *Nothing about us without us: Researching and teaching about the police*. Seminar in honor of emeritus Professor Elrena van der Spuy. The Centre of Criminology, Faculty of Law, UCT. March 2023.
- © *Technology Law: An Ever-shifting Frontier*. Seminar presented by James Freedman (Google) Department of Commercial Law and Intaka Centre for Law & Technology, Faculty of Law, UCT. Seminar. May 2023.
- © *Tenure Reform and Land Tenure Security*. Land & Accountability Research Centre in partnership with the Center on Race, Law and Justice. Symposium, Fordham University. Cape Town. April 2023.
- © *The Anni(misery) of the Land Act of 1913*. LARC Land Symposium. Khayelitsha, Cape Town. June 2023.
- © *Traditional Authority and Public Participation: The Quality of Representative and Participatory Democracy in Rural South Africa*. LARC, Faculty of Law, UCT. Seminar. November 2023.
- © *Olu Akungkugbe Business Law in Africa Fellowship 10th Anniversary Reunion Conference*. Centre for Comparative Law in Africa, Faculty of Law, UCT. 23-27 October 2023.
- © *South African Property Law Teachers Colloquium (SAPLTC)*. Faculty of Law, UCT. 2-3 November 2023.
- © *Regional Teaching & Learning Conference*. Faculty of Law, UWC. 27 September 2023.
- © *Workshop on the Expropriation Bill [B23B - 2020]*. Parliament's Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure. Faculty of Law, UCT. February 2023.
- © *Workshop for Magistrates*. Judicial Officers Association of South Africa and DGRU, Faculty of Law, UCT. September 2023.



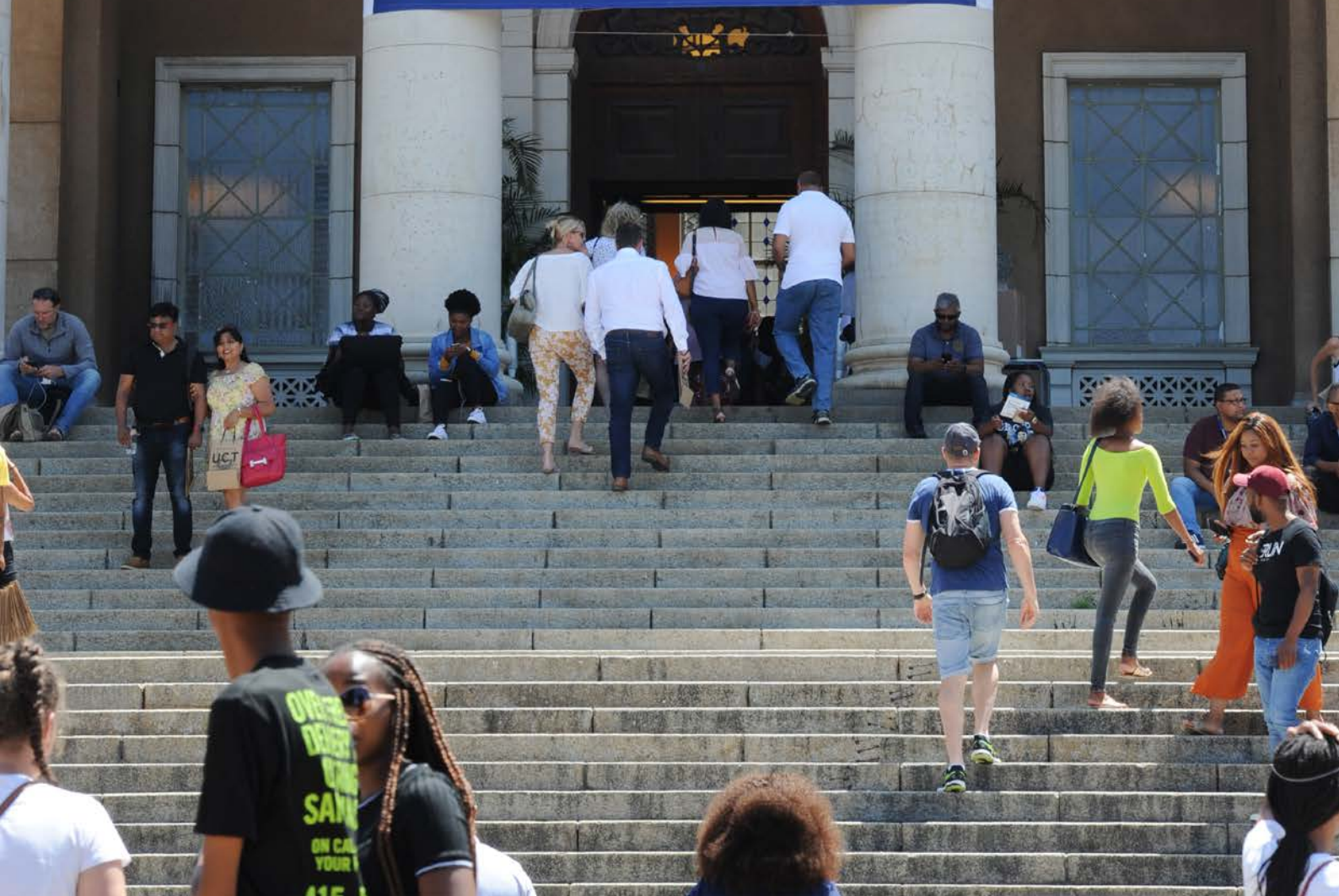
SARAH BAARTMAN HALL



**WELCOME
WELKOM
WAMKELEKILE**

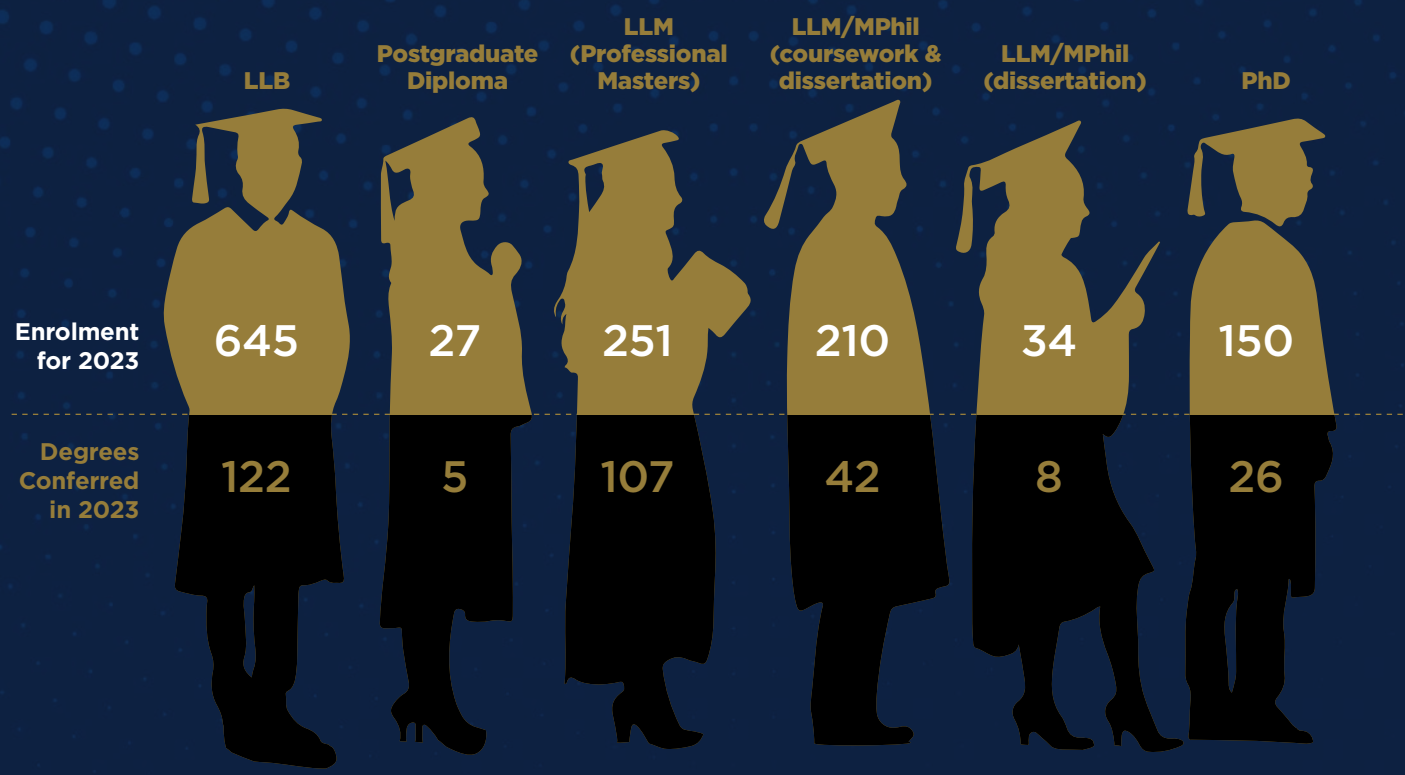


 **UNIVERSITY OF CAPE TOWN**
ITYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD





OUR STUDENT COMMUNITY



PHD GRADUATES AND DISSERTATIONS 2023

Aisha Adam

Thesis Title: *The Limits to Appearance Autonomy in the Workplace: An Assessment of the Law and Recommendations for Reform in South Africa.*

Andrew May

Thesis Title: *In the shadow of the 'Big House': redefining halfway houses within the debate over incarceration.*

Benjamin Pequeno

Thesis Title: *Public Private Partnership contracts in Mozambique and South Africa: managing risks and ensuring sustainability.*

Bongani Moses Sayidini

Thesis Title: *Shale gas and hydraulic fracturing in South Africa: towards a petroleum legal framework that provides for innovative technologies that support energy security of supply and mitigation of climate change.*

Carolina Harbs

Thesis Title: *The protection of traditional cultural expressions – seeking international consensus for a multi-lateral solution.*

Christina Beninger

Thesis Title: *Gender and the rule of law in theory and practice: challenges and prospects for strengthening women's access to justice in gender-based violence cases.*

Ellaine Samson

Thesis Title: *The Cape Town Convention: a controversial policy in aviation.*

Ferdinand Heinrich Hermann Kehrhaan

Thesis Title: *Fire the hired gun: eliminating expert bias in the accusatorial-adversarial civil justice system.*





Gaopalelwe Mathiba

Thesis Title: *Towards a meaningful engagement approach to mining-induced displacements in South Africa: A legal comparative perspective.*

Hendrik Cornelus Schmidt

Thesis Title: *The legal meaning of state custodianship in the context of the Mineral and Petroleum Resources Development Act 28 of 2002.*

Hermanus Johannes Moolman

Thesis Title: *The development of a Bachelor of Laws (LLB) curriculum change management model for South African universities.*

Jameelah Omar

Thesis Title: *Improving participation for rape complainants: a critical engagement with the challenge of South Africa's adversarial criminal justice system.*

Julian Paul Kritzinger

Thesis Title: *Protecting South African companies against cybercrime: a critical analysis of the directors' duty of care in relation to cybersecurity and the use of artificial intelligence to protect companies' online meetings.*

Lineekela Ihuhua

Thesis Title: *Intellectual property law and development in Namibia: harnessing the law on geographical Indications in the realization of Vision 2030.*

Luck Mavhuru

Thesis Title: *A comparative analysis of the regulations governing mobile money services in South Africa and Zimbabwe and their impact on sustainable financial inclusion of the poor and vulnerable people.*

Maame Efua Addadzi-Koom

Thesis Title: *The use of court-connected mediation in domestic violence contexts in Ghana: a call for model screening protocols.*

Mahlatse Maake-Malatji

Thesis Title: *The role of collective bargaining in business sustainability and the future of work: A South African perspective.*

Mikovhe Maphiri

Thesis Title: *Promoting labour relations stability under company law: a critical analysis of internal corporate social responsibility in South Africa.*





Patricia Odong Atim

Thesis Title: *Community based mental health care: a necessity for realising the right to independent living and community inclusion of persons with mental disabilities in Uganda.*

Pawranavilla Rawheath

Thesis Title: *Independent and effective adjudication in the lower courts of South Africa.*

Raisa Nyirongo

Thesis Title: *Navigating compliance challenges in African regional integration.*

Tebogo Lefifi

Thesis Title: *A comparative study of China's foreign direct investment in Africa: regulation, policy, and legal cooperation.*

Thapelo Teele

Thesis Title: *The law's authority to implicitly inscribe the rhetoric of forgiveness through creatures of statute tasked with truth recovery, justice, peace and reconciliation in post-conflict contexts of South Africa and Rwanda.*

Victor Buziba Nzomo

Thesis Title: *Transparent royalties: improving disclosure in collective management of copyright and related rights in Kenya and South Africa.*

William Russell Harding

Thesis Title: *Hydroecological connectivity as a normative framework for aquatic ecosystem regulation: lessons from the USA.*

Yakubu Idisire Nagu

Thesis Title: *Implementing the African Continental Free Trade Agreement (AfCFTA): policies, regulations, laws and institutions required for development.*





YOUNG PHD GRADUATE MAKES HISTORY IN LAW FACULTY

Dr Gaopalelwe Mathiba is the youngest graduate to obtain a PhD in the Faculty of Law in more than a decade. At his graduation in June 2023 he was 26 years old and became the fifth scholar under 27 to obtain a PhD from UCT in the past 10 years. He is currently a senior lecturer in the Faculty of Law with research interests that focus on property law, mining law, human rights law and comparative law.

His thesis, *Towards a meaningful engagement approach to mining-induced displacements in South Africa: A legal comparative perspective*, focused on how to devise best industry practices and policies that protect communities affected by development mega-projects, particularly mining operations. His thesis examines the potential for human rights violations that occur where mining operations are anticipated, often resulting in large-scale displacements and evictions to make way for operations. This is a global occurrence that negatively affects poor and remote indigenous communities disproportionately.

Dr Mathiba obtained his LLB from North-West University in 2018, and in 2019 completed his LLM (with distinction) at the University of the Western Cape. He enrolled for his PhD in Law at the University of Cape Town in 2020.

When asked about the secret of his success, he remarked that there was no short cut. It is what every young person has always been told – be disciplined, study, work hard, manage time effectively, look after your health and prioritise family. He also believes that there is great joy to be found in embarking on a journey of lifelong learning across all aspects, professional and personal, of one's life.



This article was first published by UCT News 13 July 2023. Story: Kamva Somdyala. Photo: Voice Cwenga

POST GRADUATE SEMINAR SERIES

Khoro Makhesha

The private equity industry – an illustration of the private equity fund structures most commonly espoused in the market. March 2023.

Mapeshoane Ramatlapeng

The statutory territory for the Social and Ethics Committee and its economic and social functions with a specific focus on employees. May 2023

Praise Adejimi

Evaluating the impact of child agency and autonomy on parental care and supervision in the context of socio-cultural practices with specific reference to African communitarianism. August 2023

Wandile Zondo

The impact of the constitutional recognition of customary law on the gender composition of traditional leadership structures in KwaZulu-Natal, South Africa. October 2023.

THIRD COHORT OF MACFARLANE SCHOLARS START THEIR PROGRAMME

In 2020 Roger MacFarlane (LLB class of 1968) and his family endowed the Everard and Joan MacFarlane family Leadership Scholarship. To date, 12 LLB students have entered the leadership programme including the third cohort of MacFarlane Leadership Scholars in 2023. These Scholars include:

2021	2022	2023
Jessica Jaftha	Nuraan Armino	Jessica Chuang
Lwazi-Lwandile Simelane	Siphenkosi Hlangu	Ashleigh Maddell
Ebrahim Khan	Peter-Wallace Mathebula	Faith Paulsen
Sabelo Ndlovu	Ashleigh Petersen	



POSTGRADUATE CONFERENCE IN KENYA

A team of eight UCT Law students participated in the Postgraduate Student Conference on *Legal Perspectives on Sustainable Development and Social Inclusion*, held in Kenya from 8-12 December 2023. Student participants included, amongst others, Gati Nyehita, Dima Nchodu, Vuyani Ndzishe and Jenna Maujean.



PETER JAN SMEETS PRIZES RECOGNISE POSTGRADUATE EXCELLENCE

Mr Maarten Smeets and his family established the *Peter Jan Smeets Prizes* at UCT Law, in honour of their brother Peter Jan Smeets who lost his life tragically in Cape Town while studying at UCT. These prizes recognise LLM students who achieve excellence in courses related to trade law, offered by the Faculty's *Centre for Comparative Law in Africa*.

The inaugural prizes were presented to recognise outstanding postgraduate students in specialised legal fields at the Faculty's graduation celebration on 31 March 2023. The prizes honour students with exceptional academic achievement in the following

courses: International Trade Law, Comparative Law and Business in Africa (CLBA), Chinese Law and Investments in Africa (CLIA), and Law & Regional Integration and Development in Africa (LRIDA).

Prior to the Faculty's graduation celebration, Mr Smeets hosted a recognition dinner at the Vineyard Hotel, Newlands, to launch the Peter Jan Smeets Prizes and to honour the inaugural recipients and their academic dedication and their commitment to understanding intricate and ever-changing legal environments.

The prize recipients for academic achievements in 2022 (awarded in March 2023) were:

- © The Peter Jan Smeets Prize for International Trade Law, and the Peter Jan Smeets Prize for Law, Regional Integration and Development were awarded to **Oliver Dyer**.
- © The Peter Jan Smeets Prize for Comparative Business Law in Africa. This award was shared by **Gift Shezi** and **Thabang Dipudi**.
- © The Peter Jan Smeets Prize for Chinese Law & Investments in Africa was awarded to **Retsepile Monatsi**.

The Faculty is deeply appreciative of this generous initiative of Mr Maarten Smeets and family. It is this kind of generous support that ensures that the Faculty is able to recognise both our LLB and postgraduate students for academic excellence.



DGRU JUDGES MATTER ESSAY COMPETITION

Essay competitions play an important role in engaging students and academics on matters outside of direct coursework and research. The Democratic Governance and Rights Unit's *Judges Matter* Essay Competition was established to stimulate critical thinking among future lawyers in academia on issues

facing the judiciary. The prize is awarded annually for the best essay on any issue relating to the judiciary and must address the chosen issue using original, creative thinking, and excellent writing. The 2023 prize was awarded to **Jenna Maujean**, a Master's student and Teaching Assistant in the Faculty.



UCT LAW STUDENTS ATTEND LSGL 2023 ANNUAL SUMMER SCHOOL

Maddie Baldwin (final year LLB) and Kaushin Khan (LLM in Shipping Law) attended the Law Schools Global League (LSGL) Summer School in London, UK which focused on the theme *Transitioning to Net Zero* which highlighted the urgent need for decisive action to curb greenhouse gas emissions if the threat of global warming is to be effectively addressed.

The LSGL Annual Summer School is taught by academics from the LSGL member universities and attended by students from across the world. The four course modules change each year depending on the academics involved. Some historical examples are modules on Climate Change; Justice and Courts; New Trends in International Taxation; Corporate Governance (From Comparative to Global); and Current Challenges in Trade and Investment Law. UCT Professors Danwood Chirwa (Dean) and Fatima Khan (Director: Internationalisation) attended the LSGL annual conference at the *Dickson Poon Law School* at King's College London.

UCT LAW FELLOW TO THE PERMANENT COURT OF ARBITRATION

Following the signing of an MoU between the Permanent Court of Arbitration (PCA) in The Hague and UCT's Faculty of Law, the Department of Commercial Law awarded the 2023/24 PCA-UCT Fellowship to Mary Kamwengo who graduated with an LLM in March 2023. Ms Kamwengo is a Zambian national and senior research advocate at the Zambian Supreme Court.

The PCA-UCT annual fellowship gives recipients an opportunity to gain experience in the operations of the PCA's International Bureau with an emphasis on both the practical and legal aspects of international arbitration. While in The Hague, Fellows work with the PCA's legal staff on legal, policy, and organisational matters arising from the PCA's activities, and hold the title of Assistant Legal Counsel for the period of the 12-month Fellowship.





STUDENT MOOTING IS ALIVE AND WELL AT UCT LAW



INAUGURAL *iNTAKA* CYBERLEX MOOT COURT COMPETITION

The iNtaka Centre for Law & Technology hosted the inaugural iNtaka CyberLex Moot Court Competition which aims to encourage students to engage in meaningful discourse around contemporary issues in law and technology. In 2023 the moot highlighted AI, authorship, inventorship and liability when AI goes awry. The topics sparked insightful arguments and students enthusiastically embraced the opportunity to sharpen their advocacy skills. All participating teams battled valiantly for the top spot, which went to Matthew Straughan and Denzil Mhlongo.

This event was made possible by sponsors Legal Interact, Michalson's BriefCo, the South African Legal Technology Network and UCT Law Faculty. Maureen Nonhlanhla Ndlovu, Caroline B Ncube, Desmond Oriakhogba, and Mariette Van Wyk served as competition judges.



UCT LAW STUDENTS EXCEL AT CHRISTOF HEYNS AFRICAN HUMAN RIGHTS MOOT COMPETITION

Talitha Wayne and Rachel Weisz represented UCT Law at the 32nd *Christof Heyns African Human Rights Moot Competition* held in September 2023 in Kumasi, Ghana. This competition brought together 47 teams from 14 African countries at the Kwame Nkrumah University of Science and Technology, and is the largest gathering of students, academics and judges around the theme of human rights in Africa. Top students from all law faculties in Africa argue a hypothetical human rights case as if they were before the *African Court on Human and Peoples' Rights*. The competition prepares new generations of lawyers to argue cases of alleged human rights violations before this court.

The UCT Law team was awarded *Overall Best Speaker* (Rachel Weisz) and *Third-best Speaker* (Talitha Wayne). The team was coached by Salona Lutchman and Sapna Mesthrie and were accompanied to the competition by Ibtisaam Ahmed.



VIS MOOT 2023

UCT Law and the Moot Society sent a strong team to the *Vis pre-Moot Regional Competition* in Nairobi, Kenya in February. Khanya Dambuza, Daniel Erasmus, Art Wynberg, Haydon Anderson, Jered Shorkend and Ropafadzo Zharare all qualified for the semi-finals. Final year students Art Wynberg and Daniel Erasmus represented UCT at the international commercial arbitration moot in Vienna. The team did not qualify for the elimination rounds but received good feedback following their preliminary rounds. UCT's participation in the competition was facilitated

by Africa in the Moot, and partly sponsored by McCarter & English. MarcAnthony Bonanno from McCarter & English served as the team coach.

The purpose of the Vis Moot is to foster the study of international commercial law and arbitration and provide practical training to students for resolving international business disputes. The business community's marked preference for resolving international commercial disputes by arbitration is the reason this method of dispute resolution was selected as the clinical tool to train law students.





UCT MOOT SOCIETY MOOT 2023

The UCT Moot Society hosted an internal moot on 6 May 2023. This entirely student-led event was enthusiastically supported by both students and staff. Dr Nomfundo Ramalekana drafted the fact set. Preliminary and semi-final round judges were Dr Helena Stoop, Dr Tshepo Mosaka, Nurina Ally, Sapna Mesthrie, Wandile Zondo, Caitlin Le Roth, Cindi Janari and Sheryl Kunaka. The final was presided over by Professor Danwood Chirwa, Emeritus Professor Richard Calland and Sheryl Kunaka.

The winning team of Luyanda Mtembu and Hlumani Ndlovu were strongly challenged by Modiegi Motsoaledi and Matthew Field in the final. Hlumani Ndlovu was also awarded the Best Speaker prize. The event was sponsored by Cliffe Dekker Hofmeyr.



KATE O'REGAN INTERVARSITY MOOT COMPETITION

The *Kate O'Regan Intersvarsity Moot Competition* was hosted by the UCT Law Faculty in collaboration with the Centre for Law & Society and the UCT Moot Society on 26 August 2023. A range of alumni and Faculty friends serves as judges in the early rounds. Justice Albie Sachs, Ashraf Mahomed, Professor Danwood Chirwa, Justice Bess Nkabinde and Justice David Unterhalter served as judges for the semi-final and final rounds. The finals were held in

a packed Moot Court and the UCT team of Hlumani Ndlovu & Matthew Field emerged the victors. Runners up were the team from the University of Johannesburg, Kyle Mouton & Nasiha Jajbhay. Eight South African universities participated in the event which was sponsored by Bowmans.



UCT MOOT TEAM TAKES FIRST PRIZE IN CHILD LAW MOOT COURT COMPETITION

Khanya Dambuza and Jay Krok represented UCT Law at the University of Pretoria's 12th Annual *Child Law Moot Court Competition* in September 2023, and took first prize. The team battled it out against 12 teams who came together to showcase their legal prowess and advocacy skills.

INTERNATIONALISATION AT UCT LAW

TEACHER EXCHANGE PROGRAMME: UNIVERSITY OF STOCKHOLM & UCT

In June the Department of Commercial Law hosted Associate Professor Sideek Mohamed Seyad who is an associate professor of EU Law at the University Stockholm. He is also the Course Director for the EU Banking and Financial Law component of the Master's programme in European Economic Law at the University of Stockholm. His research interests include EU financial law, broad areas of law integration, financial crimes and consumer protection. During his visit he met with UCT academics in banking and finance law, paving the way for future collaborations.

NOTRE DAME LAW SCHOOL DEAN VISITS UCT

The Faculty hosted Marcus G. Cole, the Joseph A. Matson Dean and Professor of Law at Notre Dame Law School, and seven colleagues to explore possibilities for partnership between UCT Law and Notre Dame. Areas under discussion included staff and student exchange, research collaboration, conferences and more. The visit included a full day workshop on 6 November hosted by Professor Chirwa, Dean UCT Law, a tour of Table Mountain, BoKaap and Robben Island and a visit to the Western Cape High Court with Judge Dennis Davis. The visit formed part of the development of a partnership between Notre Dame Law School and UCT with particular interest in topics such as human rights programmes and access to justice provided through law clinics.





NORWEGIAN AMBASSADOR VISITS DGRU

The DGRU and Judges Matter hosted the new Norwegian Ambassador to South Africa, Mr Gjermund Sæther, to discuss issues the State of the Judiciary in South Africa. The Norwegian Embassy supported a DGRU research project which studied the State of the Judiciary in

Malawi, Namibia and South Africa. The research report, available on the [Judges Matter website](#), published in May 2023, also studied the impact of covid-19 on the administration of justice in the three countries.



FACULTY HOSTS CO-DIRECTOR OF CENTER FOR RACIAL AND ECONOMIC JUSTICE

Professor Alina Ball, the founding Director of the Social Enterprise & Economic Empowerment Clinic at University of California San Francisco, visited the Faculty and presented an in-house corporate law clinic that provided a unique blend of transactional lawyering and economic and social justice. Professor Ball is also Co-Director of the Center for Racial and Economic Justice at UCSF Law School, with a particular interest in exploring racism as an organising function of business law and the ways in which it was integral to the creation and maintenance of the Transatlantic Slave Trade and chattel slavery in the United States.



CENTRE FOR COMPARATIVE LAW IN AFRICA (CCLA) HOSTS INTERNATIONAL ACADEMICS

Dr Oyeniyi Abe, Senior Lecturer at the University of Huddersfield, was hosted by the CCLA in May. Dr Abe presented a guest lecture titled *Business and Human Rights in Africa* and attended discussions with doctoral candidates at the CCLA's Writers' Circle.

Professor Won Kidane, Professor of Law and Faculty Director of the International Entrepreneurship Program at Villanova University paid a research visit to the CCLA in September 2023. His areas of expertise include international arbitration and litigation, comparative law, and the legal aspects of China-Africa economic relations. Professor Kidane is collaborating with the CCLA to present a programme on Comparative Business Law to Juris Doctor students from Villanova University.



STUDENT SEMESTER EXCHANGE

Ten semester exchange students were hosted by the Faculty in the second semester of 2023. The students are part of a six-month exchange from Stockholm University, Radboud University, Bucerius University, Humboldt University, Queens University and O.P. Jindal University. The students took various undergraduate and postgraduate courses. In addition, three postgraduate students from Harvard University were hosted by the Faculty as part of the Semester Abroad Programme administered by UCT's International Academic Programme Office (IAPO).





DISTINGUISHED PUBLIC LECTURES

PROFESSOR JACQUI YEATS' INAUGURAL LECTURE ON SHAREHOLDERS, STAKEHOLDERS AND COMPANY LAW REFORM

When Professor Jacqueline Yeats began teaching at the University of Cape Town (UCT) 20 years ago, concepts such as sustainability, corporate social responsibility, ethical corporate culture, stakeholder capitalism, and climate change either did not exist or were not regarded as particularly relevant to company law. Since then, the field has shifted seismically. "These were not considered to be part of mainstream commercial [law] practice, nor of the formal company law curriculum at UCT," said Professor Yeats at her 27 September inaugural lecture. Titled *Value(s), Vices and Voice – how the evolution of modern company law reflects shifting societal values in a changing world*, Professor Yeats' lecture highlighted why these external factors and pressures now present a strategic concern for corporates and their directors. These concepts are central to two courses that the *UCT Distinguished Teacher's Award* recipient teaches in the Faculty.

Inclusive capitalism

Corporate governance experts predict that in South Africa, environmental, social, and

governance (ESG) will become increasingly important in company law as companies and their directors shift towards more stakeholder-inclusive capitalism

Long line of court decisions

Tracking over a century of development in company law, Yeats highlighted some complex issues, particularly the duty of company directors to act in the best interests of the company and how the evolution of this concept has impacted shareholders and other stakeholders.

Sweeping corporate governance reform

In South Africa, the pivotal law governing the duty and standard of conduct expected of directors is regulated by the common law and Section 76 of the Companies Act of 2008. "It compels them to act honestly, in good faith and in a manner that they reasonably believe to be in the best interests of, and for the benefit of, their companies," said Yeats. "But the phrase 'in the interests of the company' is deceptively simple, and understanding and interpreting what it means lies at the heart of what is expected of a director."

Good corporate citizenship

The challenging global social, environmental and economic climate has seen the stakeholder/ shareholder debate intensify in the past decade. In 2019, the United States' (US) Business Roundtable (BR), a non-profit organisation of more than 200 top US chief executive officers (CEOs), took the bull by the horns. They issued a declaration of corporate purpose that apparently turned the traditional shareholder primacy view of corporations on its head, sending ripples around the world. Yeats believes it is no longer possible to sensibly discuss company law without referring to the issue of ESG credentials and frameworks.

Expanding but complex regulations

"ESG regulation is now a complex and rapidly expanding area of compliance in most jurisdictions, including South Africa, as companies have various ESG-related reporting obligations," said Yeats. "And with increasing awareness of ESG issues, companies can expect far greater engagement from other stakeholders

on these issues." But litigation risks loom large for those companies whose ESG reporting is misleading or inaccurate.

Yeats no longer believes that the best approach would be to amend the South African Act to adopt a detailed legislative approach as the UK has done in 172 of the Companies Act of 2006. "If we do decide to amend the South African section, we will need to make sure we get it precisely right or it may make matters worse by inadvertently creating more confusion and reducing the flexibility and discretion in decision making that directors currently have. It will also add another layer of regulation and compliance to the heavy burden companies already carry."

Professor Yeats is the director of the Corporate Law and Governance Unit (CLGU), which she was instrumental in founding in the Faculty of Law's Department of Commercial Law.

Extract from [original article](#) by Helen Swingler, UCT News, 10 October 2023.





THE ANNUAL DR STUART SAUNDERS MEMORIAL LECTURE

This annual memorial lecture series was established in honor of former Vice-Chancellor and Professor of medicine at UCT, Dr Stuart Saunders. The intention of these lectures is to pay tribute to the values that served as the foundation for Dr Saunders' exceptional contribution to medicine and higher education, and his commitment to social justice in South Africa.

On 22 May 2023, Distinguished Professor Philippe-Joseph Salazar, Director of UCT Law's Centre for Rhetoric Studies, delivered the third lecture in this series. His talk was titled *The Nine Circles of Scholarship* and was delivered to a packed auditorium in the Neurosciences Institute Auditorium at Groote Schuur Hospital.

Previous lectures in the series were delivered in 2018 and 2019:

- © *The epidemic of cardiovascular disease in the developing world: global implications.* Professor Bernard Gersh, professor of medicine at the Mayo Clinic College of Medicine and Science, University of Rochester, Minnesota. (2018)
- © *Healthcare and professionalism in the 21st century.* Professor Solomon Benatar, emeritus professor of medicine at the University of Cape Town. (2019)



Distinguished Professor Salazar is an alumnus of Lycée Louis-le-Grand and Ecole Normale Supérieure, Paris. He holds three master's degrees, a doctorate, and a senior doctorate, all from the Sorbonne.

Distinguished Professor Salazar has earned acclaim for extending the reach of rhetoric to topics ranging from nation-building (*An African Athens, Rhetoric and the Shaping of Democracy in South Africa*, 2002) to separatism (*Suprémacistes*, 2021), from political reconciliation (*Amnistier l'Apartheid*, 2004) to religious extremism (*Words are Weapons, Inside ISIS's Rhetoric of Terror*, 2017).

In 2022 international rhetoricians under the editorship of Professor J Barnard-Naudé presented him with a jubilee book, *The Critical Rhetoric of Philippe-Joseph Salazar* (Juta), to celebrate his 40th year at UCT, and in the field of Rhetoric.

A recording of the lecture is available [online](#)



FACULTY NEWS, UPDATES AND MILESTONES



50 YEARS OF THE UCT LAW CLINIC

2023 marks 50 years since the establishment of UCT's first community law clinic in Kensington,

Cape Town. Today this Law Clinic is a formally registered practice servicing communities in Cape Town where access to legal resources and services is severely limited. The Law Clinic is staffed by experienced legal professionals and practising attorneys who litigate in the District, Regional and High Courts on behalf of indigent people. The Law Clinic provides an important training opportunity for students and future lawyers irrespective of which avenue of the law they choose to follow. The Law Clinic is funded primarily by the Legal Practitioners' Fidelity Fund, Legal Aid South Africa, German-South African Lawyers Association, the UCT Law Faculty and UCT Alumni. All services are provided pro bono.

THE UCT LAW REFUGEE RIGHTS CLINIC: SUPREME COURT OF APPEAL



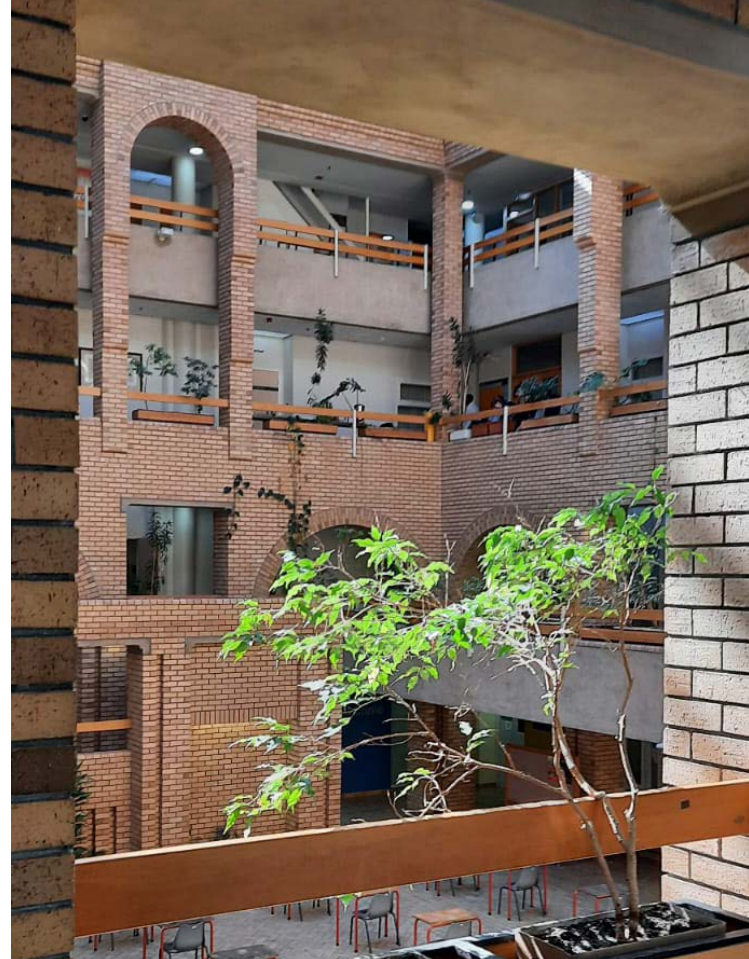
On 7 September 2023 the UCT Law Refugee Rights Unit represented by alumnus Adv David Simonsz (Cape Bar) appeared before the Supreme Court of Appeal in the case of *A.I. & Others v the Director of Asylum Seeker Management and 4 Others*. The main issue in this matter was whether an asylum seeker can make another application for asylum under the Refugees Act of 130 of 1998 after their previous applications were rejected. The RRU argued that an asylum seeker should be entitled to make another claim for asylum where the circumstances in their country or origin had changed, to bring forward further information that would show that they have refugee *sur place* claims. The case appealed the decision of the Western Cape High Court, which held that an asylum seeker has no clear right to resubmit an application for refugee status after it has been refused.

The appellants are two Burundian nationals whose initial applications for asylum were rejected. They argue that they are entitled to lodge a subsequent application and bring forward information that would show that they have refugee *sur place* claims. The appellants argued that the right to *non-refoulement* – an essential protection under international human rights law recognised on numerous occasions by the Supreme Court of Appeal and the Constitutional Court – prevents states from returning someone to their country of origin when there are substantial grounds to believe that this person would be at risk of harm upon their return.



LDGRU INFLUENCING POLICY AND PRACTICE AT SADC

SADC Ministers adopted the National Social Dialogue Institution Model Framework, developed by the Faculty's Labour, Development & Governance Research Unit staff. This model framework seeks to facilitate greater tripartite cooperation on labour market issues and broader socio-economic development matters. The model framework will contribute to the strengthening of dialogue mechanisms involving governments, employers and workers, as well as foster industrial and labour market stability.



NEW NAMES FOR SPACES IN KRAMER BUILDING HONOUR LEGAL GIANTS

Africa Day 2023 had a special meaning for the Faculty and UCT. On this day, 25 May, three spaces in the Kramer Building were given significant new names:

- ☉ *The Victoria Mxenge Seminar Room* – formerly the Criminology Seminar Room
- ☉ *The Bram Fischer Seminar Room* – formerly the Smit Marine Seminar Room
- ☉ *The Pius Langa Quad* – formerly the Kramer Quad.

Interim Vice-chancellor Professor Daya Reddy officially named the spaces. In his address he remarked that the event honoured three South African heroes of law who have helped us to see what it means to be proudly African in terms of how we teach and learn, how we pursue legal scholarship, and how we live. Victoria Mxenge, Bram Fischer and Pius Langa were different from each other in terms of their origins and the paths that they each followed to build their careers in law, but they all devoted their lives to support the struggles of their fellow South Africans to freedom.



Professor Reddy saw them as embodying the central mission statement of UCT's Vision 2030: *to unleash human potential for a fair and just society*. They unleashed their potential in the courtroom and made great personal sacrifices to fulfil their callings. They set examples of courage that UCT's Faculty of Law hopes will be followed by its students, staff and alumni in their practice of the law.

By naming the spaces of the Kramer Building after Mxenge, Fischer and Langa, UCT and the Faculty of Law are keeping their examples top of mind. This is particularly important in a university law faculty where students' minds are shaped around the noble intentions of the discipline of law. UCT's early history as a white, English-language institution makes it even more important that we repurpose our physical spaces to reflect our great legal heritage and those legal legends that sacrificed so much for South Africa.

Professor Reddy ended his address by thanking the family members of Victoria Mxenge, Bram Fischer and Pius Langa, who all joined the naming ceremony and celebrations that

followed, for allowing UCT to honour their loved ones through the naming of the spaces. Families paid a great price for the decisions that these activists made in their careers and by allowing us to connect the names of their loved ones with UCT, the families opened the way for their personal histories to help shape the future of law in South Africa. UCT is honoured by that generosity.

Phumzile Langa-Gumbi, daughter of the late former Chief Justice Pius Langa, shared the family's appreciation: *On behalf of the Langa family, I would like to extend our sincerest gratitude for honouring the late Chief Justice Pius Langa at the Naming of Places ceremony on the 25 May 2023. The fact that the ceremony also recognised Mam Victoria Mxenge and Bram Fischer, both legal giants who have also made an invaluable contribution in the advancement of our justice system, is testimony to the commitment the University of Cape Town has in keeping their legacies alive. It is also important to mention that the significance of the day itself, Africa Day, made the ceremony even more special.*

ENGAGED SCHOLARSHIP AT UCT LAW

Handling of complaints against judges

A group of colleagues, former colleagues and alumni published an article in *GroundUp* on 13 October. Titled *How complaints against judges are handled needs to change*, the article addresses the need for a balanced process in dealing with complaints against judges that enabled accountability while securing judicial independence. Writers Chris Oxtoby and Judith February (Freedom Under Law); Mbekezeli Benjamin (Judges Matter); Joe Mayson (Unite Behind); Luthando Vilakazi (Open Secrets); and Nomfundo Ramalekana and Jenna Maujean (University of Cape Town) listed several suggestions for reform, including:

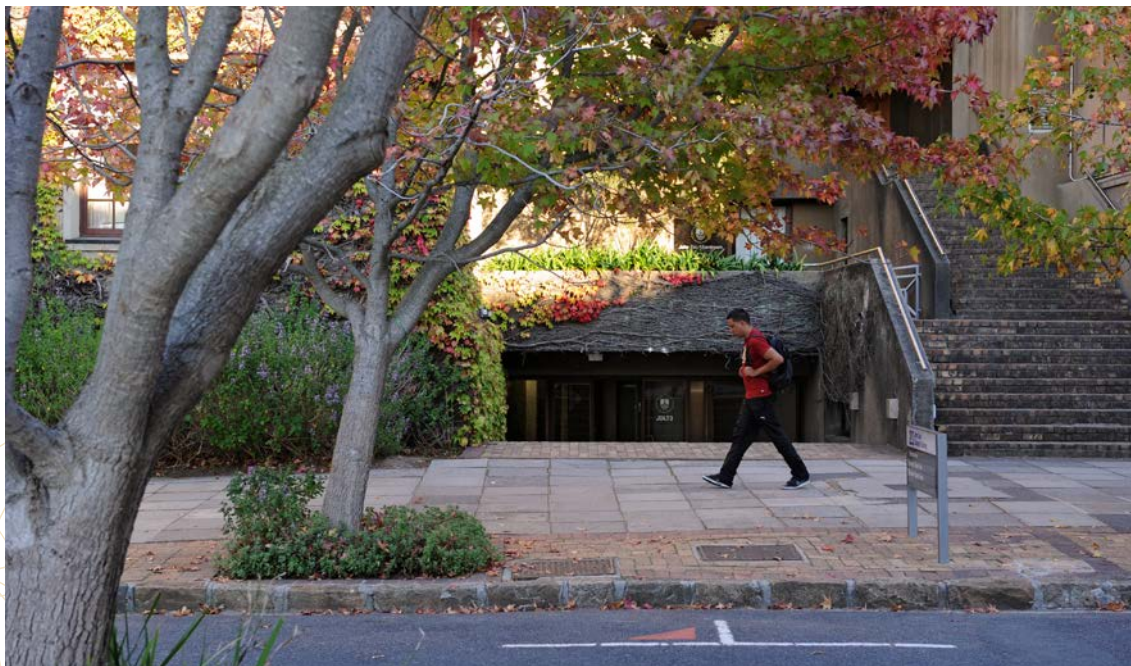
- ① increasing the JSC's capacity to deal with complaints
- ① introducing timelines for the resolution of complaints
- ① providing a greater role for complainants
- ① providing better reporting
- ① introducing a policy of default suspension for judges facing complaints of potentially impeachable conduct; and
- ① establishing a greater role for retired judges, particularly on the JCC

The [full article](#) can be accessed on the GroundUp site.

CONSTITUTIONAL COURT MONITORING TOOL LAUNCHED

On 15th August 2023 the Centre for Law & Society, the iNtaka Centre for Law & Technology and data scientist, Neil du Toit, launched a free interactive platform for tracking Constitutional Court statistics. The data captured offers insight into emerging issues in the Constitutional Court's functioning and jurisprudence and showcases research tools that can be useful for legal researchers and court watchers. The site launched with data for the period 2010 to 2019 but will continue to be updated to include more recent statistics.

The statistics tool is interactive and dynamic, allowing users to select judges, topics or rights as search criteria. Unanimous decisions can also be excluded when assessing trends in authorship and agreement rates. This initiative is based on a research project co-ordinated by Nurina Ally and Leo Boonzaier, both academics in the Faculty, and resonates strongly with one of the key Vision Goals of the Faculty – to re-imagine and expand our legal academic impact.





MAKING LAW AVAILABLE - FREE AND ONLINE - IN AFRICA

AfricanLII and Laws.Africa Director, Mariya Badeva, joined forces with the governments of Ghana, Côte d'Ivoire and Tanzania to provide technical assistance and capacity building to help provide free access to law online.

The law, and its practice, is fundamentally inaccessible for ordinary citizens in many African countries. This new initiative supports the publication of the law in 15 African countries and the entirety of the African Union. Partnering with organs of the African Union to publish their documentation online, this initiative is very useful to those who seek to understand how the African Union impacts on our daily lives. There is a great need for accessing free legal information online in Africa. Law is foundational to our societies, and shapes how we interact with our governments and how we hold governments to account on all levels. When this information is expensive or only available in print, whole sectors of society - especially the most vulnerable - simply cannot afford to realise their rights. Free access to legal information is about democratising access to the law, levelling the playing field and ensuring a more fair and equitable society.

UCT is a pioneer in open access to the law on the African continent. The *Open Law Africa* programme is the only comprehensive programme in Africa that provides a full set of measures to equip African governments with the technology, know-how and programmatic

support to enable publication of the law in a sustainable manner. Through UCT, and with support from project funders, millions of Africans are being supported with free, accurate and up-to-date laws.

Badeva remarked that perhaps the most gratifying aspect of the work is reading the feedback received from ordinary citizens, law students, court personnel, lawyers and the media across the continent. Many of these success stories are documented and can be accessed on the [Open Law Africa community page](#).

When asked how she saw the future of access to legal information online, Badeva replied that she saw a future where Africa leads in legal tech solutions for the legal information domain; where governments can publish the laws timeously and effectively on an open access basis, and where Africans are able to create a thriving legal tech ecosystem that serves the needs of the continent and its development.

Mariya Badeva serves as Director of the AfricanLII programme of the Democratic Governance and Rights Unit at the Department of Public Law at the University of Cape Town (UCT) and is Deputy Director of UCT Law's iNtaka Centre for Law and Technology. *Extract from [original article](#) UCT News 14 September 2023.*

Story: Langa Khanyile. Photo: Je'nine May

UCT LAUNCHES ARBITRATION AND DISPUTE RESOLUTION UNIT

The Faculty of Law is home to the new Arbitration and Dispute Resolution Unit (ADRU) at UCT. At the opening event held on 10 October, Adjunct Professor Lise Boseman and Dr Faadhil Adams, Co-Directors of the ADRU, noted that the unit creates a strong academic centre for research and publication on international dispute resolution in Africa.

The ADRU draws expertise and resources from around the world and across disciplines and is poised to play a significant role in strengthening understanding, teaching and research of international dispute resolution in South Africa and on the continent. The launch of the ADRU included a discussion on careers in collaboration with The School of Oriental and African Studies (SOAS) at London University and a two-day roundtable discussion at the UCT Graduate School of Business Conference Centre.

The ADRU also oversees capacity-building opportunities for UCT graduates and academics through its collaborations with the Permanent Court of Arbitration and the International Council for Commercial Arbitration in The Hague, The Netherlands.

Linked to the ADRU is the *PCA-UCT Fellowship Programme* which offers a candidate from UCT's LLM Programme a Fellowship at the PCA's Headquarters in The Hague for one full year. The 2022-2023 *PCA-UCT Fellowship* was awarded to 2019 LLM graduate Adebowale ("Debo") Aluko (Nigeria), and the 2023-2024 PCA-UCT Fellow is 2018 UCT LLM graduate Mary Kamwengo (Zambia) who took up her Fellowship in September 2023.

Previous recipients are:

- © Susan Kimani (Kenya)
- © Rhona Rwanghezi (Uganda)
- © Kathleen Mpofu (Zimbabwe)

In addition, the PCA and the International Council for Commercial Arbitration (bodies that work together at the Peace Palace) joined forces to offer a joint *PCA-ICCA Fellowship* for 2023-2024. This Fellowship has been awarded to Courtney Kemp, a UCT LLM graduate (2020) who recently completed her articles at Clyde & Co in Johannesburg. Courtney took up her Fellowship at the PCA in September 2023.

More information on the ADRU and its work is available on the [Faculty's website](#)



HUMANITIES BOOK PRIZE AWARDS: THE ACADEMY OF SCIENCE OF SOUTH AFRICA

The *Academy of Science of South Africa* (ASSAf) Humanities Book Prize Awards annually honour the importance and contribution of scholarly texts to humanist knowledge production and intellectual endeavour in South Africa.

Dr Dariusz Dziewanski, Honorary Research Affiliate at the Faculty's Centre of Criminology, shared the award in the Emerging Researcher Category with Dr B Camminga, a Postdoctoral Fellow at the African Centre for Migration & Society at the University of the Witwatersrand.

The reviewers remarked that with his book *Gang Entry and Exit in Cape Town: Getting beyond the streets in Africa's deadliest city*, Dariusz Dziewanski provides a detailed qualitative account of what it is like to join and later disengage from gangs in Cape Town. Through the life histories of twenty-four former gang members, Dziewanski seeks to understand both the structural force and appeal of gangsterism in street culture, but also the real but challenging possibilities of escaping from it. This study combines rigorous academic analysis with acute empathetic understanding and offers an unusual take on the sociological and psychological dynamics of gangsterism in Cape Town.

Dr Dziewanski holds a doctorate from SOAS in London.



SARCHI CHAIR IN INTELLECTUAL PROPERTY, INNOVATION AND DEVELOPMENT RENEWED

UCT's SARCHI Chair in Intellectual Property, Innovation and Development, the only Law Chair in Intellectual Property in the country, has been renewed for a further five years by the National Research Foundation. In addition, the Chair which was graded as a Tier 2 Chair for the first five years has been elevated to Tier one status from 2024. Professor Caroline Ncube who has held the Chair since inception was widely congratulated on her leadership and the high-quality research that is being produced by the Intellectual Property team. Professor Ncube is an NRF-rated researcher (B2) and works

primarily in IP law with a special interest in how IP law and policy can be best calibrated to achieve national socio-economic goals in African states. These considerations centre on the promotion of innovation in prevalent African contexts, such as the informal sector. Her publications to date have considered copyright and patent laws specifically in the light of access imperatives grounded in the constitutional protection of fundamental and socio-economic rights.

Professor Ncube's full list of publications is available [online](#).



OUR FACULTY ALUMNI COMMUNITY

Our alumni continue to energise our Faculty by their involvement and contributions. In 2023 UCT Law alumni have served as:

- adjunct professors and honorary researchers and guest lecturers
- members of the UCT Law Clinic and Faculty Endowment Fund's Advisory Boards
- coaches and judges in our Moot activities
- mentors to our students
- contributors to our research initiatives, both established and new
- advisors and commentators on our LLB curriculum

In addition they have offered job-shadow and vacation opportunities to our students and have generously supported our Faculty Scholarship fundraising activities and the prizes we award in recognition of academic excellence. We are deeply appreciative of the wisdom, energy and support that our alumni bring into the lives of our students.

Unsurprisingly, many of our alumni continue to achieve notable milestones in their careers, making excellent contributions to the field of Law in many corners of the world. Every year, in our Law Annual, we spotlight a few notable achievements amongst our alumni.

ALUMNI-ON-THE-GO

We are always proud to hear of the achievements of our young alumni.

Congratulations to:

- © Linda Masina (LLB Class of 2015) was admitted to the New York State Bar.
- © Cindi Janari (LLB Class of 2021) received a prestigious Oppenheimer Scholarship to pursue a Bachelor of Common Law at the University of Oxford.
- © Justin Winchester (LLB Class of 2021) is a Rhodes Scholar pursuing a DPhil in Law at the University of Oxford.



LEWIS PUGH SWIMS THE HUDSON RIVER (USA)

UCT Law Alumnus (LLB Class of 1992, LLM 1996) and Ocean Advocate, Lewis Pugh, made history in 2023 as the first person to swim the entire Hudson River (USA) unassisted. His epic journey started on August 13 in the Adirondack Mountains and wrapped up on 13 September at Battery Park, Manhattan, New York – a total of 507km over 31 days.

Lewis, who was made *United Nations Patron of the Oceans* in 2013, swam the Hudson to highlight the critical role that rivers play in ensuring a habitable planet. He has consistently used swimming as a vehicle for bringing world attention to ecosystems at risk and through his athleticism and activism, he has drawn attention, *inter alia*, to the melting of the Arctic sea ice, the

melting glaciers in the Himalayas and the impact of a reduced water supply on world prosperity and peace. Lewis is world renowned as a pioneer swimmer and is the first person to complete a long-distance swim in every ocean of the world. He holds the record for the most swims around famous world landmarks.

Lewis has been awarded South Africa's highest accolade, the *Order of Ikhamanga (Gold Class)* for his exceptional sporting triumphs, humanitarian feats and for creating consciousness about the negative effects of global warming.

Visit the [Lewis Pugh Foundation website](#) for more information on Lewis Pugh's epic journeys.



DRINKS WITH THE DEAN

A recurring theme of Professor Chirwa's deanship has been his openness to and enthusiasm for engaging with alumni. Lockdown and all of the attendant consequences resulted in us having to put on hold our plans for instituting a widespread programme of invitations to alumni to participate more actively in the life of the Faculty. However, 2023 finally saw the University and our teaching programmes return to stable levels and we took the opportunity to start these conversations.

27 July 2023: Professor Chirwa met with UCT Law Alumni in London. This gathering was kindly hosted by Davis Polk Wardwell LLP, and was the first official meeting of Law Alumni in London since 2019. Professor Chirwa was delighted that so many attended and also that a significant number of guests were "first timers". He was struck by the warmth of spirit and the pride that alumni shared in their association with UCT Law.

17 August 2023: Professor Chirwa met with UCT Law Alumni in Johannesburg, a gathering generously hosted by Bowmans. Professor Chirwa and some 25 alumni met at the Bowman's offices in Sandton for a lively social occasion that the Dean described as both refreshing and eye-opening.

September 2023: Professor Chirwa travelled to Nigeria, joined by Professor Ada Ordor and Stafford Bomeister (UCT Development & Alumni Department), to meet with donors, alums and members of the UCT community in Lagos and Abuja. An alumni gathering was held in each city with the specific intention of encouraging the establishment of a UCT Alumni Chapter that will assist the University in keeping in contact with alumni living and working in Nigeria. The Dean was delighted by the warm and friendly reception and greatly appreciated the opportunity to meet with graduates from both the Law Faculty and other UCT Faculties.



Prof Chirwa stands with Boitumelo Sediti, Class of 2019 (and inaugural Dikgang Moseneke Fellowship recipient), Lwazi-Lwandile Simelane (inaugural MacFarlane Leadership Scholar) and Sabelo Ndlovu (inaugural MacFarlane Leadership Scholar) at the Alumni gathering in Johannesburg.

CLASS REUNIONS

The LLB class of 1988 celebrated their 35 years since graduation with a reunion dinner on Wednesday 1 November at Barristers Restaurant in Newlands.

Although the Faculty of Law does not have the resources and means to organise Class Reunions, we are more than happy to provide support to the organisation of such events.

If you're keen to get together with your classmates, let us know. We can talk through the options, do the emailing for you, and assist in encouraging participation.



IN MEMORIAM



Judge President Gerald Friedman (LLB Class of 1949)

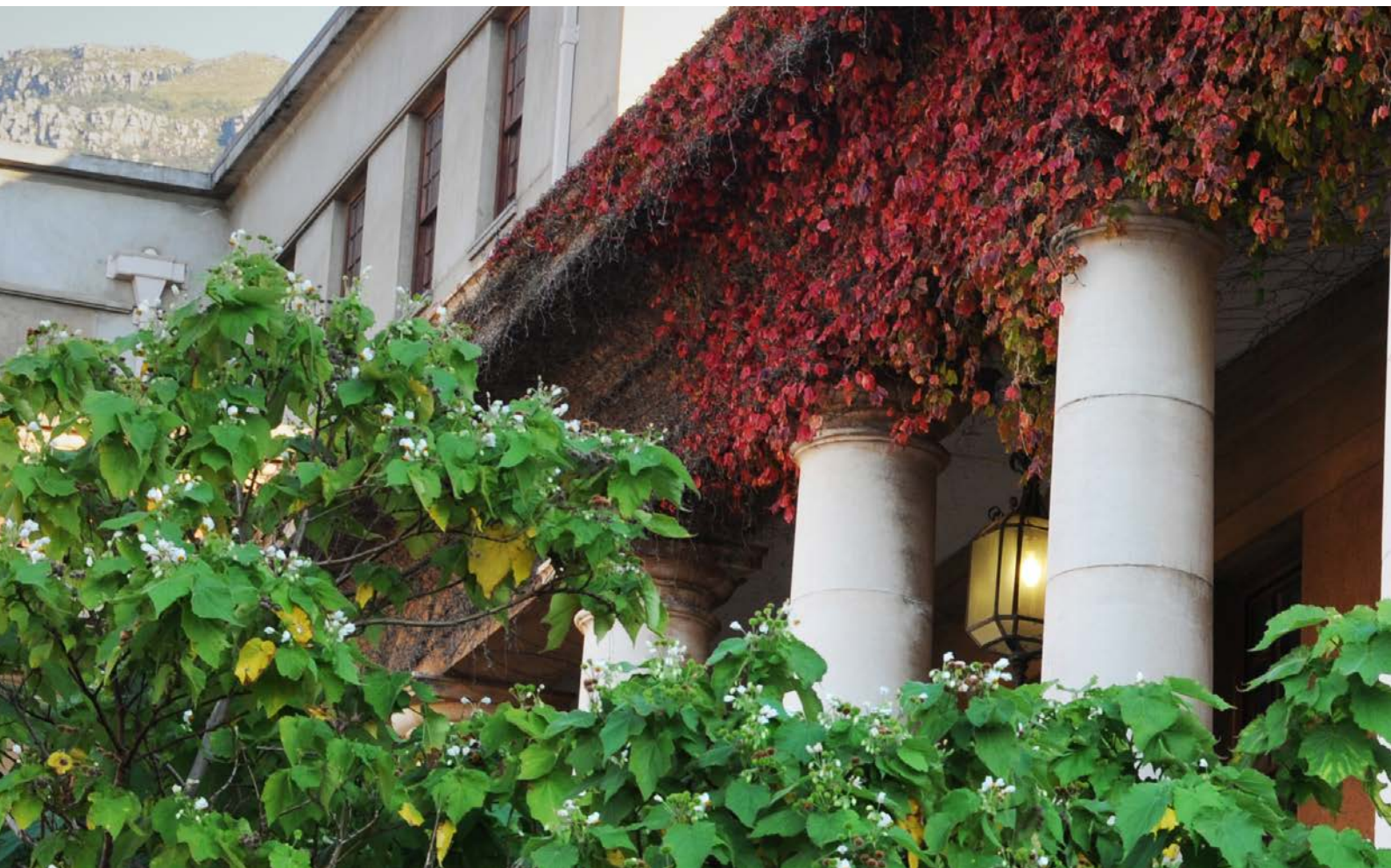
*Tribute written by Jeremy
Gauntlett SC KC*

Former Judge President
Gerald Friedman (LLB
Class of 1949) passed
away peacefully on

11 September at his home in Kommetjie.
He was born at Knysna on 13 September 1928.
His maternal family were refugees from Latvia,
travelling first to Sunderland in the United
Kingdom and then to South Africa. He earned
his law education at the University of Cape
Town. He was admitted to the Cape Bar in 1950
and took silk in 1970. His particular expertise
ranged across commercial practice, shipping
and administrative law. In 1977, he was appointed
a judge at the Cape Provincial Division of the
Supreme Court. He delivered several leading
judgements, notably in shipping and public law.
For example, his dissent in *Omar v Minister of
Law and Order 1986 (3) SA 306 (C)* significantly
shaped the application of *audi alteram partem* in
later years.

In 1990 Friedman was appointed to the Appellate
Division where he served with distinction in
the court led by Chief Justice Michael Corbett.
When the judge presidency of the Cape became
vacant after the tenure of Judge President
Munnik, Friedman was appointed to lead the Cape
Provincial Division of the Supreme Court in 1992.
He served the office with distinction until 1998. He
was known for his leadership through the difficult
years of constitutional transition. During his tenure
he initiated the appointment of the first Cape
female senior advocate (Jeannette Traverso) as
judge, the first academic lawyer (Dennis Davis)
and the first Cape judges of colour.

Friedman was respected as a fine judge, who
never hesitated to take the most difficult and
controversial cases, and also as a superb court
administrator. In retirement Judge President
Friedman accepted appointment to lead the
Financial Services Board. He also served as an
arbitrator, and on the Court of Appeal of Lesotho.
He is survived by his children Glynis, Kathy,
Roger and his grandchildren





**Dr Wallace Mgoqi
(LLB Class of 1984)**

*Extracts from the tribute
delivered by Professor
Gilingwe Mayende,
Deputy Vice-Chancellor:
Operations, Cape
Peninsula University of
Technology*

Dr Wallace Amos Mgoqi passed away on 3 April 2023. He was born on 7 June 1949 at Goodwood in Cape Town. In 1955 his family was forcibly removed to Nyanga Township under the Group Areas Act, and he spent the next eight years living with his ailing grandparents and his mother in a rural and farming area called E-Thwathwa in the Kat River valley near the town of Seymor in the Eastern Cape. He had a somewhat rocky start to his education as he didn't take his schooling seriously and decided to leave school to take on menial jobs in 1965. However, he did eventually return to school in Gugulethu, graduating high school from Healdtown in Fort Beaufort and becoming a student at the University of Fort Hare. He graduated from Unisa with a degree in social science and from the University of Cape Town with an LLB degree in 1984. In 1985 he joined the

Legal Resources Centre (LRC), a public interest law firm under whose auspices he made many achievements as a lawyer.

Dr Mgoqi was admitted as an Attorney of the High Court of South Africa in 1988, receiving three honorary doctoral degrees (from UCT, New York University, and Walter Sisulu University), as well as numerous awards in recognition of his leadership in law and community work. He received the Duma Nokwe Human Rights Ward from the Human Rights Commission in 2004. He was a member of the Council of UCT, Black Lawyers Association (BLA), Desmond Tutu Footprints of Legends Awards and Friends of Disabled and Aged Council, served on the UCT Board of Governors from 1995 to 1998, and was made a life member of the Board in 2001.

Dr Mgoqi had strong interest in contributing to student learning becoming more involved in the life of the Law Faculty. He certainly enjoyed being a judge in Faculty moots.

Dr Mgoqi's contribution to societal justice and the law has been immense. His absence will be palpably missed across the South African legal fraternity.





Mr Benjamin Rabinowitz

*Tribute written by
Professor Hugh Corder,
Emeritus Professor
University of Cape Town*

Benjamin “Bennie”
Rabinowitz passed away
on 9 May at the age of

89. The Faculty of Law has lost a committed and generous friend and contributor, and Cape Town has lost one of its most concerned and philanthropic citizens.

Bennie attended school at SACS in Newlands and completed a BA (Law) at UCT. He was awarded a Rhodes Scholarship and furthered his studies at Oxford where he completed a law degree. On his return to Cape Town, he entered the business world. Although he did not stand for elective office, he was a staunch supporter of the Progressive Party during the 1960s which was not a popular stance amongst the people with whom he socialized and did business. In the mid-1980s when the *Rand Daily Mail* was closed by its owners, Ben stepped forward anonymously and provided much of the funding to start the *Weekly Mail* which would go on to become the *Mail & Guardian* – the newspaper

that carried the fight to the apartheid regime with courage and at great risk.

I came to know Ben in the early 1980s. In the early 2000s, when Judge Dennis Davis and I undertook a fundraising campaign to raise funding for an endowment to mark the 150th anniversary of law teaching at UCT, we asked Ben for his support. He had recently visited Sydney where a friend of his had introduced him to the idea of an annual “Visitorship” such as existed at the University of New South Wales Law School. This idea appealed greatly to Ben and the annual *Rabinowitz Visitorship* was established at UCT Law in 2009. This fund provides the resources to bring a high-profile lawyer from South Africa or abroad to the Faculty for a limited period to teach classes, interact with staff and students, and deliver a public lecture of significance.

In addition to his support for UCT Law, Ben was also a keen supporter of the Cape Philharmonic Orchestra, the Service Dining Rooms, and many other public benefit organisations. He funded the *Sea Point for All* campaign which successfully resisted the development of the Sea Point beachfront which would have restricted access to the beachfront for most people.



Judge Dennis Davis in his eulogy remarked that it was indeed the end of an era, and that Bennie was a true Cape Town icon who had left his mark on almost every aspect of South African society, from newspapers to the orchestra, from cricket to education. Bennie was an extraordinary public-spirited citizen whose life was marked by a deep awareness of the need for social justice and his generous support of organisations that benefitted the public.



Mr Khoro Makhesha (LLB Class of 2019)

Khoro Makhesha was a Law Faculty alumnus, an LLM (Tax Law) student and a teaching assistant in Commercial Law.

A memorial event was held in the Faculty on 30 May to pay tribute to

Khoro who was described as a deeply caring son, brother and friend who will be remembered with love, and in particular for his penchant for colourful socks.

Professor Chirwa (Dean) remembered Khoro in the warmest terms, along with more than 100

staff and students and the Makhesha family who attended in person and the more than 140 who joined online.



Associate Professor Aifheli Enos Tshivhase (PhD, 2012)

Associate Professor Tshivhase passed away unexpectedly at his home. He was a PhD graduate of the faculty and lectured in Public Law from 2004 to 2012. He went on

to lecture at the University of Johannesburg but returned to UCT as a senior lecturer in Public Law in 2014. He was at the University of KwaZulu-Natal at the time of his passing.

Professor Chirwa remarked that many will remember Aifheli as a humble and kind man who took teaching very seriously. His enduring legacy in the Faculty is the postgraduate course on Regional Integration in Africa which he introduced. He also championed research into military justice, the topic of his doctoral thesis, which was supervised by Professor Hugh Corder, and had published several articles on the subject. Professor Tshivhase is survived by his three daughters.

FACULTY FUNDRAISING

EXCELLENCE IN LAW CAMPAIGN

The Faculty relies on our community of Law alumni and friends for support for our students. In addition to our regular annual award of LLB and Postgraduate *Excellence in Law* Scholarships, we have over the last seven years – and with the generous support of our alumni and friends – established a number of new annual scholarships and a number of new postgraduate prizes for academic excellence.

These new scholarships include the Dikgang Moseneke Postgraduate Fellowship, the Everard and Joan MacFarlane Family Leadership Scholarship, the Alexander Burman Memorial Scholarship, the Beric Croome Postgraduate Tax Law Scholarship, the Sir Frank Berman Scholarship, the Faculty of Law Postgraduate Scholarship in Marine & Environmental Law, and the KAS-iNtaka Scholarship for Postgraduate Law & Technology. New achievement prizes include, amongst others, the PJ Smeets Prizes for Postgraduate Studies, and the Hare & Bradfield Prizes in Shipping Law.

Donor income into the scholarship fund and other funds for 2023 is reflected below.

Donations	Individuals	356 238,00
	The Mauerberger Foundation Fund	200 000,00
Faculty Profit	Law@work	1 000 000,00
Investment Return	Interest distribution	3 375 630,00
	Capital profit distribution	95 838,00
TOTAL		R5 027 706,00



PJ Smeets Prize for Postgraduate Studies	Maarten Smeets in memory of his brother, Peter Jan Smeets who studied at UCT Law	R36 186,00
KAS-iNtaka Scholarship for Postgraduate Law & Technology	Konrad Adenauer Stiftung	Approx. R200 000,00
Faculty Postgraduate Scholarships in Marine & Environmental Law	Anonymous	R270 000,00
Faculty Postgraduate Prizes in Marine & Environmental Law	Anonymous	R30 000,00
The John Hare and Graham Bradfield Prizes in Shipping Law	Dr Echefu Ukattah, UCT Law Alum	R20 000,00
TOTAL		R556 186,00

EXCELLENCE IN LAW SCHOLARSHIPS

The Faculty holds the following scholarships funds derived from the Investment Fund's annual interest revenue distribution:

- Excellence in Law LLB Scholarships (R60 000 per scholar per annum)
- Excellence in Law LLM Scholarships (R60 000 per scholar per annum)
- Excellence in Law PhD Scholarships (R90 000 per scholar per annum)
- The Alexander Burman Memorial PhD Scholarship (R100 000 per annum)

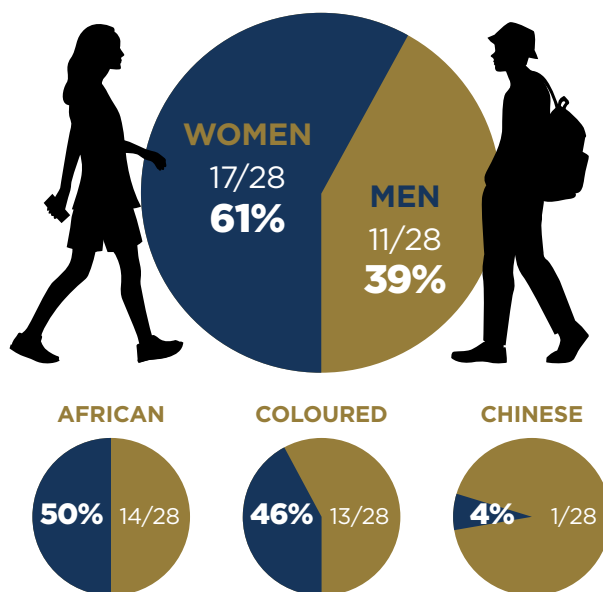
For 2023, the Faculty supported 28 LLB scholarship – including six MacFarlane Leadership Scholars, four GOB-funded scholars, and 18 Excellence in Law Scholars.

During this period, the Faculty's Endowment 2 supported R1 140 000 in postgraduate LLM, MPhil and PhD students, including the Alexander Burman Memorial Scholarship.

UNDERGRADUATE “EXCELLENCE IN LAW” SCHOLARSHIPS

The Excellence in Law Scholarship remains at a maximum of R60 000 per annum for fees. The MacFarlane Leadership Scholarship for 2023 was R83 750 per scholarship.

The following stats apply to the Faculty's LLB awards:



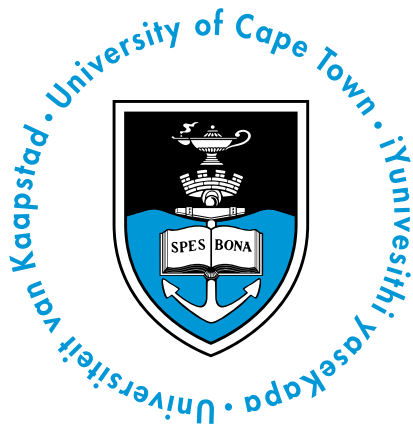
In keeping with the history of the Faculty's donor-funded LLB Scholarships, the focus of the Undergraduate Scholarships Committee is on supporting students without the financial means to complete their Law degree. Currently, this means that we focus on graduate LLB students who are no longer supported by the National Student Financial Assistance Scheme.



THANK YOU

The Faculty remains deeply appreciative of the many kinds of support provided by our Alumni community to the Faculty in pursuit of maintaining our standards of excellence, recognising academic achievement, and supporting Law students who would otherwise not have the means to pursue and complete their qualifications.





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