Faculty Fortnight | 16 April 2024 View in web browser

the Law Faculty’s internal newsletter to keep you posted on things you might have missed and events, publications and initiatives to look out for.

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FACULTY VISION | MARCH REMINDER

A key area of work in achieving our Faculty Vision is...

building a system that stimulates and sustains specialised, integrated research clusters and expertise, networks and parternships.

The Faculty's Vision 2030 statement is available on our website
as a pdf for easy download.

FACULTY NEWS

UCT Law – 165 years of legal education

16 April 1859 - 16 April 2024

It was 165 years ago, on 16 April 1859,
that the first formal law lecture was
delivered. The ground had already been
prepared the previous year, with Act 12 of
1858. The early years of law education in
Cape Town (and South Africa) were
documented most eloquently by Professor
Denis Cowen and Professor Danie Visser
in their history of the UCT Law Faculty,
titled A History, 1858 - 2004. Lectures
were delivered in the Master's Meeting
Room in the old Supreme Court at the top
of Adderley Street until 1896, after which
the College Council made determined -
and it would seem largely successful -
efforts to ensure that lectures be
delivered in the College Buildings on
Government Avenue. The year 1916
heralded the beginning of a new chapter
in the story of South African legal
education, when provision was made for
the creation of the Universities of
Stellenbosch and Cape Town. The Cape
Town Act specifically provided that the old
South African College should become a
University, thereby maintaining continuity
with our early history.

A new Doctor!

It's never too late to share the good
news! Robin Cupido, Senior Lecturer in
Private Law, received confirmation some
weeks ago that she qualifies to receive
her doctorate at the September 2024
Graduation. Robin's thesis was on ‘The
feasibility of implementing online dispute
resolution as a distinct method of dispute
resolution on the African continent’. Robin's
supervisors were Prof Caroline Ncube
and Prof Alan Rycroft.

New National Research Foundation Ratings in the Faculty

The Faculty is very pleased to share all of our new National Research Foundation Researcher Ratings this year. Congratulations to our colleagues!

New Y1 Ratings

Associate Professor Fatima Osman
Associate Professor Afton Titus
Dr Leo Boonzaier

New B1 Ratings

Professor Hanri Mostert
Professor Jaco Barnard-Naude

Research Leadership Programme - Faculty Participants

Two colleagues have been selected for participation in the 2024/5 UCT Research Leadership Programme. Congratulations to Associate Prof Jameelah Omar, and to Associate Prof Melanie Murcott. The RLP is focused on providing research support to mid-career women academics, known as UCT’s academic “missing middle”. Spread across UCT’s faculties, the RLP aims to grow those women scholars who will lead the university’s research in the future. This programme is a significant investment in ensuring that young women researchers are able to access the tools they need to become top researchers.

These two colleagues join a strong tradition of Faculty participants in this programme, with Prof Waheeda Amien having been selected for the inaugural cohort in 2022, and Assoc Prof Fatima Osman and Assoc Prof Afton Titus were selected for the 2023 cohort. Well done!

Images:
Left - Assoc Prof Jameelah Omar
Above - Assoc Prof Melanie Murcott

Faculty Office Update - Faculty Manager

The Dean announced in Faculty Board
on 10 April that Patricia Phillips has
been appointed as Faculty Manager
(Acting) for a 12-month term.

Patricia, who is usually responsible for
the administration of Postgraduate
Studies overall, has served as Faculty
Manager (Acting) on a number of
occasions. The Faculty looks forward to
supporting Patricia as she steers the
academic administration of UCT’s Law
qualifications into 2025.

Law Faculty PASS Forum - first meeting

The Faculty's new PASS Forum will have its first official meeting on Friday 19 April from 12h00 - 13h00 in the Faculty Common Room. PASS staffers - see you there!

LECTURES, CONFERENCES & SEMINARS

Faculty Calendar - SAVE THE DATES
24 April | Faculty Seminar with Prof Karin van Marle

24 April | MoU Signing Ceremony with Notre Dame Law School

25 – 26 April | Business & Human Rights Conference

30 April | The annual Ben Beinart Memorial Lecture with Professor Mindy Chen-Wishart

1 - 3 May | The Right to Privacy in Private Law - Conference in the Moot Court

4 May | UCT Open Day

7 May | Prof Mohamed Paleker’s Inaugural Lecture

8 - 9 May | Law Careers Expo - Pius Langa Quad

15 May | Last day of Semester 1 Lectures

AI & Law Conference
3 - 5 July 2024
* REGISTER NOW *

Registration for this conference closes
end April 2024. Don't miss the
window! Register HERE and use the
code UCTStaffStudent. Click on the
green box saying Tickets, and a screen
will appear with the different ticket
options. Please enter the registration
code at the top of the screen before
you select your ticket. Any problems?
Please e-mail Caroline Ncube.

Faculty Seminar

The first Faculty Seminar for 2024 will be
given by Prof Karin van Marle, who is
Professor in the Department of Public Law
and Jurisprudence at the University of the
Western Cape and holder of the research
chair in Gender, Transformation and World-
Making.

Prof van Marle will talk on the topic "A
Jurisprudence of Place, Limits, Borders and
Boundaries" on Weds 24 April 2024 from
16h00 - 17h30 (venue tbd).

Many of you will know Karin, either
personally or by her work over the last 30
years on critical legal theory, feminist
theory, law and the humanities, and the
nature of the university. You can find out
more about her here and here.

The Faculty Seminars began last year. Their purpose is to foster high-quality academic debate within the UCT Law Faculty and to build connections with staff at our neighbouring law schools. Last year, we hosted Profs Sandy Liebenberg and Zsa-Zsa Boggenpoel from the University of Stellenbosch. We would be very grateful for your support as we try to build momentum for this initiative.

Wednesday Seminar - 17 April

The Wednesday Seminar on 17 April will
be led by Em Prof Hugh Corder talking
about his paper "Administrative Tribunals
in Pursuit of Administrative Justices in
South Africa".

Venue: Faculty Common Room
Time: 16h300 - 17h30

Gaza and International Law | A Conversation

The Centre for Law and Society invites
you to a conversation on Gaza and
International Law. Professor Cathleen
Powell and Dr Khomotso Moshikaro will
discuss current developments in
proceedings and processes at the
International Court of Justice and
International Criminal Court. The
conversation will be facilitated by Caitlin
Le Roith (Stellenbosch University).

Cathleen Powell is an Associate
Professor in Public Law at the University
of Cape Town. She has published in the
areas of international law, international
organisations, legal theory, and the
interface between law and politics in the
international arena. Khomotso Moshikaro
is a Senior Lecturer in Private Law at the
University of Cape Town and a Fellow in
Criminal Law and Evidence at the
University of Edinburgh. At Edinburgh, he
researches and teaches on issues
relating to fair labelling, including the
problem of defining and proving genocide.

Date: Tuesday, 7 May 2024
Time: 15h00-16h00
Venue: Kramer Lecture Theatre 1
Light refreshments will be served before the
event from 14h30.
All welcome!
RSVP: pbl-cls@uct.ac.za

Intellectual property and sustainable development goals:
African perspectives

You're invited to join a panel discussion on
Prof Caroline Ncube's recently co-edited
Elgar publication, The Elgar Companion to
Intellectual Property and the Sustainable
Development Goals.

Date: Monday, 22 April 2024
Time: 15h00-16h45
Venue: Teams Live Event

Register to attend here.

The event will comprise a keynote
address by Professor Edward
Kwakwa, Assistant Director-General
WIPO, followed by a panel of the
following:
Dr Titilayo Adebola (University of
Aberdeen), Dr Faith Majekolagbe
(University of Alberta), Prof Caroline
Ncube (UCT), Prof Lonias
Ndlovu (University of Venda), Dr
Emmanuel Oke (University of Edinburgh).
Dr Desmond Oriakhogba (University of the
Western Cape), Prof Jan Osei-Tutu (Florida
International University). Mr Ntando
Sindane (University of the Western Cape)
will serve as moderator.

With contributions from experts around
the world, the book thoroughly examines
how

IP law interacts, influences, and impacts
each of the 17 SDGs set out in the UN
sustainable development agenda.

On its part, WIPO perceives this year’s
World Inetllectual Property Day (WIPD) as
an opportunity to investigate how IP
“encourages and can amplify the
innovative and creative solutions that are
so crucial to building our common future”
and achieving the SDGs.

Decolonial Perspectives on Private International Law.

Additional information on this Private Law
half-day conference can be found on the
University of Aberdeen website.

Dr Robin Cupido will be participating on
26 April as a discussant on a panel
examining Decolonial Perspectives on
Private International Law at the University
of Aberdeen.

The panel will explore the influence and
presence of colonial thought on and
within PIL. It will examine broadly how
colonial perspectives are present in the
Savignian multilateralism or unilateralism,
discuss how colonial thought shaped
rules concerning areas such as adoption
and cultural property, and explore the
potential avenues for reforming such
rules. Moreover, the panel will scrutinize
the implications of colonial ideology on the
pedagogy of PIL.

Breaking the Bombers - Book Launch

The Centre of Criminology is hosting the
launch of Mark Shaw’s latest book,
Breaking the Bombers.
When: 29 April
Time: 16h30
Where: Moot Court, Level 5
Mark Shaw will be in conversation with
Prof Elrena van der Spuy.

* REGISTER AT THIS LINK *

THE INGONYAMA TRUST
FINANCIAL REPORTING – IMPLICATIONS FOR ACCOUNTABILITY

LARC recently launched their report titled The Ingonyama Trust: Financial Reporting - Implications for Accountability.

The Research Report explores how shifts in the criteria and categories used by the Ingonyama Trust in its financial reporting to Parliament over the past nine years have had far-reaching consequences for beneficiaries of the Trust, and how changes have negatively impacted the extent to which the Trust and its Board have been held accountable. Some of these changes have been queried by the Parliamentary Portfolio Committee on Agriculture, Land Reform and Rural Development, but others appear to have gone unremarked. This careful report examines the record of changes in financial reporting, the Board’s arguments for these changes and the difficulty that those in legally mandated oversight structures have had in obtaining the information necessary for proper oversight. The report argues that only by examining the premises for the changes that have been made, and by reviewing, understanding, and addressing the cumulative impact of these incremental changes, can the operation of the Ingonyama Trust and its administrative board, the Ingonyama Trust Board, be properly assessed and monitored, and any problems identified be corrected. The report concludes with significant and far-reaching recommendations for action that should be taken by key actors who have a part to play in ensuring that the interests of the Ingonyama Trust beneficiaries are properly served.

DOWNLOAD a copy of the report here.

INTERNATIONALISATION

IP, the SDGs and the future of education

Professor Caroline Ncube has recently
returned from a number of speaking
opprotunities in the UK, including the
following three events:
Kings College, Cambridge | Monday 18
March. Within the context of the GOCIA
project (Governing Climate Innovation
from Africa), King's College hosted Prof
Ncube for a talk on African perspectives on
governing Science, Technology and
Innovation to advance the SDGs during
which she introduced her new book, the
"Elgar Companion to Intellectual Property
and the Sustainable Development Goals"
co-edited by Bita Amani and Matthew
Rimmer.
LSE Law School | 22 March - Prof Ncube
spoke on Negotiations for a WHO Pandemic
Treaty: Evaluating the Consequences for
Africa.

The third event was Prof Ncube's
participation in the LSE AFrica Summit |
23 March - Prof Ncube was on a panel on
The Future of Education in Africa: The
Role of African Players in Advancing
Education in Africa.

Visiting Academics

The Faculty warmly welcomes Dr Jelena
Gligorijević to the Private Law
Department. Jelena joins us as a visiting
scholar from the College of Law at the
Australian National University in Canberra.
Jelena is a Senior Lecturer as well as the
Deputy Associate Dean (Higher Degree
Research) at the ANU College of Law. You
can access Jelena's CV on the ANU
College of Law website. Jelena will
undertake various activities during her
stay of several weeks, including co-
hosting a conference on privacy from 1-3
May with Khomotso Moshikaro.

You'll find Jelena in the visitor's office next to Mohamed's office - do pop in and say hi. Jelena's visit was made possible with funding from the Faculty Research Committee, for which we thank Prof Jaco Barnard-Naude as the Director of Research.

A/Prof Melanie Murcott has welcomed a number of international visiting scholars during April, to further interdisciplinary research on environmental constitutionalism, climate change law, and the Sustainable Development Goals (SDGs).

Dr Matteo Fermeglia is an Assistant Professor of Climate Law and Governance at Amsterdam University, Faculty of Humanities, Netherlands. Previously, he was Assistant Professor and Post-Doctoral Assistant of Environmental Law at Hasselt University, where he is currently a voluntary scientific fellow. His main research interest lies in the interplay between international investment law and the climate change legal regime. Matteo visited UCT in 2023 and returns to co-host a collaborative workshop for a book he is developing with Melanie on the SDGs, governance, and the value of South-North dialogue. The workshop took place on 5 April and involved collaboration among 14 scholars from Africa and Europe.

Dr Lovleen Bhullar is an Assistant Professor at Birmingham Law School, University of Birmingham, UK, where she teaches environmental and energy law, and conducts research on international, supranational, and domestic environmental law. She is a contributor to the volume Law for a Post-growth Era: Global Perspectives on Environmental, Human Rights and Economic Law, co-edited by Prof Danwood Chirwa. Lovleen visited the Law Faculty until from 3 to 8 April to engage in research on environmental constitutionalism in Africa, aligned with Melanie’s research on transformative environmental constitutionalism. Lovleen will interview Melanie and participate in the workshop Melanie is co-hosting with Matteo on the SDGs and Governance.

Dr. Beatriz Martinez Romera is Associate Professor of Environmental and Climate Change Law and Head of the Research Centre for Climate Change Law and Governance (CLIMA) at the Faculty of Law of the University of Copenhagen, Denmark. Her research interests coalesce around issues of environmental and climate change law and governance with a keen interest in the international climate negotiations, and the regulatory processes at the International Civil Aviation Organization and the International Maritime Organization, as well as the developments at the EU level. Beatriz was also a participant in the workshop that Melanie co-hosted and presented the Wednesday Seminar on 3 April at 4pm on ‘Green House Gas Emissions from International Shipping: Getting to Net-Zero’.

Professor Paul Ugor is visiting from University of Waterloo, Canada, where he is
a Professor of English Language and Literature. Originally from Obudu in Cross River State, Nigeria, Paul’s research and teaching focus on the 20th-21st Century Postcolonial Anglophone World Literature; African Literature and Cinema/Video; African Popular Culture; New Media Cultures in the Global South; Youth Cultures in Africa; and Postcolonial Theory. Paul will be speaking at the African Climate Development Initiative on 23 April at 10h30 on ‘African literature as evidence of climate injustice and petrotyranny’, relative to a chapter he is contributing to a book co-edited by Melanie titled Adjudicating Climate Change: Exploring Extra-legal Factors.

Prof Waheeda Amien recently shared (email 10 April, includes full call) a call to participate in an international course on legal pluralism, being co-hosted by the Commission on Legal Pluralism and the Universitas Indonesia Law School from 8 to 11 January 2025. From 8-11 January 2025 the Commission on Legal Pluralism in collaboration with the Universitas Indonesia Law School will organize a course on Legal Pluralism in Jakarta, Indonesia about theories, knowledge and methodologies of legal pluralism. The purpose of the 4-day course is to familiarise the participants with the current international debates and insights on socio-legal studies and legal pluralism and to offer a comparative perspective that allows them to rethink their own research and practical work.

The course is open to students enrolled in a PhD programme, recent PhD graduates, more senior scholars who are relatively new to the field of legal pluralism, and practitioners working directly on one or more of the topics to be covered in the course. Participants must demonstrate a level of proficiency in English that allows them to read and actively discuss relevant academic literature. Selection will be based on students’ motivation to join the course.

PUBLICATION

Acta Juridica - Changes at the Helm

The appointment of a General Editor for Acta Juridica as the manager of the journal, with the Faculty Board serving effectively as Editorial Board, has been the practice for about two decades, with each issue having its own dedicated issue editor/s.

At Faculty Board of 10 April 2024, the Dean offered a heartfelt thank you to Assoc Prof Graham Bradfield for his years as General Editor of Acta Juridica. The Faculty remains committed to upholding the standards of excellence that he has set.

The Dean was also very pleased to share that the General Editor reins have been handed to Salona Lutchman, the fourth General Editor- and first woman academic to hold this position - after Prof Jan Glaszewski, Assoc Prof Alistair Price, and Assoc Prof Graham Bradfield. With Salona Lutchman at the helm, we look forward to continuing the Acta Juridica tradition of excellence with vigour and vision.

A new article by Dr Leo Boonzaier, Senior
Lecturer in the Department of Private
Law, has just been published in the South
African Law Journal called Common-law
avoidance.

In this article, Boonzaier discusses our
apex court's recent tendency to avoid the
private common law in favour of
distinctively constitutional mechanisms. It
is available for free download on the Juta
Journals site.

Call for Contributions

A call for contributions has been issued
for a Special Issue in the Journal of Legal
Pluralism and Critical Social Analysis on
Resource struggles in the peri-urban: a
legal pluralism perspective.

Those working on urbanization and peri-
urban "resource" transformations (e.g.
land, water, forests,
wetlands;"commons"), in combination
with a legal pluralism perspective may
find it of particular interest.

The call document was shared by Prof
Waheeda Amien on email on 12 April.

Please send proposals for a contribution
(abstract, extended abstract, or draft
paper) before 1 October 2024 to Vishal
Narain (vishalnarain@mdi.ac.in), Associate
Editor and Dik Roth (dik.roth@wur.nl),
Editor-in-Chief of Legal Pluralism and
Critical Social Analysis.

Book Festival

Em Prof Jan Glaszewski spoke recently
about his book Blood and Silver:
A true story of survival and a son’s search
for his family treasure at the Garden
Route's "Festival of Books", held from 15
– 17 March in Knysna. Also featured on
the Knysna Festival programme was Dan
Mafora, talking about his recent book
Capture in the Court: In Defense of Judges
and the Constitution. Jan is pictured, right,
with Dr Max Price, each holding each
other's recent publication.

FACULTY RESEARCH

Accelerated Transformation of the Academic Programme

The Dean today announced that the following nominees from the Faculty have been selected for the Accelerated Transformation of the Academic Programme (ATAP):

Anda Njeza (Private Law) - doctoral candidate
Varsha Patel (Public Law) - doctoral candidate
Dr Thapelo Teele - Postdoc

The aim of this programme is to attract and build a pipeline of high performing black SA postgraduates (i.e., supervised research Masters and Doctoral), as well as postdoctoral fellows with an interest in and showing a commitment to actively pursuing academic careers through postgraduate study into early career positions at UCT or at other institutions.

ENGAGED SCHOLARSHIP

Constitutional Court Statistics

The Centre for Law and Society, in collaboration with the iNtaka Centre for Law and Technology, are pleased to launch their interactive online platform for monitoring the work of the Constitutional Court. This exciting new tool can be accessed
at www.concourtstats.co.za.

This website provides access to a free, interactive platform for tracking Constitutional Court statistics. The site aims to:

offer insight into emerging issues in the Constitutional Court's functioning and jurisprudence
generate discussion and debate on Constitutional Court trends,
showcase research tools that can be useful for legal researchers and court watchers.

As a pilot project, the site currently presents data for the period 2010 to 2019. In due course, the site will be updated to include more recent statistics. This initiative is based on a research project coordinated by Nurina Ally (Public Law) and Dr Leo Boonzaier (Private Law). In collaboration with UCT's Centre for Law and Society and the iNtaka Centre for Law and Technology, they worked with data scientist, Neil Du Toit, to establish the platform.To find out more about the project, send a mail to pbl-cls@uct.ac.za.

LARC participates in symposium on recognition of Khoi and San communities and leaders

On 13 and 14 March 2024, Fezeka
Ntsanwisi, Kyle Janse and Monica de
Souza Louw of the Land and
Accountability Research Centre (LARC)
attended a research symposium hosted
by the Commission on Khoi-San Matters.
The Commission is tasked with making
recommendations to government on the
recognition of Khoi and San communities
and leaders in terms of the Traditional and
Khoi-San Leadership Act 3 of 2019. LARC
has closely tracked the development and
implementation of this statute and
provided research support in Mogale v
Speaker of the National Assembly, in which
the Act was struck down on procedural
grounds by the Constitutional Court.

Public Interest Research Hub

The Centre for Law and Society has
initiated an exciting project to connect
law students and social justice
organisations on discrete research
projects. In 2023 and 2024, 32 law
students have assisted 3 social justice
organisations across 5 projects. Their
assistance has ranged from research on
issues such as expropriation, child
nutrition and municipal by-laws, to
collecting client impact statements for a
community facing eviction. Research by
students has been included in a recent
amicus curiae intervention, as well as a
report on the right to early childhood
nutrition.

Feedback from the project has been
overwhelmingly positive. Comments from
students has included, for example:
“I think that the faculty should never stop
finding projects like this for students to
participate in. It is very enriching and
rewarding, especially since I have a similar
background to that of the parties in the
matter. I think more opportunities should
be made available to students.”

The Public Interest Research Hub is
coordinated by Nurina Ally, with
assistance from Jemima Thomas and
Diane Jefthas at the Centre for Law and
Society.

Engaged Publication

Em Prof Hugh Corder has just published a new article in The Conversation,
titled South Africa’s Constitutional Court at 30: a solid foundation but cracks are showing. According to Corder, "South Africa’s Constitutional Court stands out as one of the few government institutions that have protected and advanced the constitutional vision of a participatory democracy and social justice. Many other government institutions which ought to have allied themselves with the court have been weakened or have failed to deliver. The court has consistently championed one of the fundamental values to be found in section 1 of the constitution, 1996. This requires that the exercise of public power be accountable, responsive and open. Despite this, but also because of it, the court faces challenges from outside and from within." To read the full article, head over to The Conversation.

On 9 April, Nurina Ally and Mbekezeli Benjamin co-authored a GroundUp oped, titled Constitutional Court: where are the judgments?

As at that date, the Constitutional Court had not handed down a single judgment for the year. While the Court’s workload challenges are well-known, reforms to address the problem have not inspired confidence. The two law faculty researchers caution that proposals by the Court to dispense with fully reasoned judgments owing to workload challenges may undermine its democracy and accountability-reinforcing role. They suggest that structural changes are needed to ensure both the efficient administration of justice and upholding the court’s role as a forum for reason. The article was re-published by several outlets, including Business Day, and featured in Legalbrief. Mbekezeli conducted several interviews on the issue, speaking to Voice of the Cape, Radio 702, and eNCA. Shortly after the article was published, the Court announced the hand down of the first two judgments of the year. To access the full article, read here.

FACULTY MARKETING & EVENT PROMOTION

If colleagues would like to take advantage of the wide general reach of the Faculty’s communications channels to share their events on our internal mailing lists, and/ or on the Faculty’s website and official social media (LinkedIn, X, Facebook, Instagram), you can send your event information to gaby.ritchie@uct.ac.za.

However, there are specific requirements for posting via these channels. Please see the short requirements list below. You will need to:

send the event text in an email, including the event title, purpose, speakers,
date, time, venue and any link for online participation and/or registration
include an enquiries email address for people to contact with any questions
include any event poster/ flyer/ image as a jpeg or png image file
indicate clearly and specifically who you are wanting to promote the event or announcement to (your target audience)
provide a few lines outlining the significance of the event and why it is
important.

PLEASE DO NOT only send pdf documents. It is not possible to post these anywhere without all the information in (1 – 5) above, provided in text format.

ANNOUNCEMENT & NOTES

ACCESS TO FACULTY COMMON ROOM
The staff common room access control panel is now activated. The kitchen door will be locked after hours, so staff should your access card to gain entry.

FACULTY DROP-BOX | REMINDER
In the interests of inclusivity and being able to share any concerns you may have about the Faculty, the Transformation Committee runs a Vula site on which you can share these concerns. If you are new and are not on this Vula site, please email Benjamin.cronin@uct.ac.za and you will be added. Generally, what the TC is looking for via this channel is feedback of a more general or structural nature on matters relating to inclusivity/transformation which the TC can work on going forward as part of its operations. Share your thoughts - visit the INCLUSIVITY DROPBOX on vula.

Got something to share?
Have thoughts on what we
should include in
Faculty Fortnight?

Please send your news &
ideas to gaby.ritchie@uct.ac.za -
we'd really like to hear
from you.