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.

Faculty Fortnight
UCT Law Faculty News & Updates
18 September 2024
Shaping the future
@UCTLaw

In this issue

* Faculty News * Faculty Calendar *
* Lectures, Seminars, Conferences & Events * Publications *
* Research Round-Up * Internationalisation *
* Professional Development Courses * Announcements & Notes *

FACULTY NEWS

MAKING HISTORY: College of Fellows Young Researcher Award

The *UCT College of Fellows* comprises members who have been recognised by the university for distinguished scholarship represented through a substantial body of outstanding, original work. Induction into the College of Fellows is not just an honour; it's a symbol of the University of Cape Town's steadfast commitment to excellence, innovation and impact. It marks one of UCT academics' highest levels of achievement, acknowledging their dedication and contributions that expand the frontiers of knowledge.

Each year the university also recognises outstanding young academics through the *UCT College of Fellows Young Researcher Award.* The award is offered annually 'in recognition of outstanding scholarly work by young academics (a maximum of six scholars per year) who have made significant independent contributions to research in their field'. The award also comes with a R30 000 windfall in research funds.

The Faculty this year has cause for **real celebration and pride** as two of our young academics have been recognised through this very prestigious award. **Dr Leo Boonzaier** and **Dr Gaopalelwe Mathiba**, both Senior Lecturers in the Department of Private Law, have secured two of a total of three awards made in 2024. This is likely unprecedented - but in addition **Dr Mathiba** is also one of the youngest (if not the youngest) scholar to have been recognised with this award. Big congratulations to you both!

Dr Leo Boonzaier is a senior lecturer in the Department of Private Law. His main research interests are in the law of obligations, private law theory and the interaction between private law and human rights. He is particularly interested in judicial reasoning and the way the common law develops. A two-time winner of the UCT Faculty of Law's Annual Research Prize and holder of a Y1 rating from the National Research Foundation, his work has been cited at all levels of the South African judiciary and has been applied by the Constitutional Court.

Dr Gaopalelwe Mathiba was appointed as a senior lecturer at UCT in 2022. His body of work has culminated in over 20 publications in peer-reviewed and refereed journals.

His commitment to impactful and socially responsive scholarship is most evident in his significant contributions towards the development of sector-specific regulations and policy guidelines for various government departments, including the national departments of Mineral Resources and Energy, as well as Public Works.

CONGRATULATIONS!

NATIONAL WILLS WEEK

National Wills Week will take place from 16-20 September 2024 - and there are many firms and entities who will draft your will at no charge this week. Access a list of participating attorneys at this link. Or contact our UCT Law Clinic, Level 3, Kramer Law.

FACULTY CALENDAR - current & forthcoming events

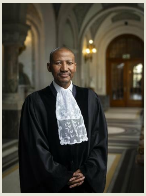
- **IMEL Seminar** on *Compulsory dispute settlement experience in Law of the Sea* | 19 September
- **58th TB Davie Memorial Lecture by Judge Dire Tladi |** 1 October @ 18h00 (see below)
- **UCT DAY** | 3 - 4 October 2024 (see below)
- **FINAL YEAR DANCE 2024** | 22 November, tickets on sale now (see below)

LECTURES, SEMINARS, CONFERENCES & EVENTS

58th TB Davie Memorial Lecture by Judge Dire Tladi

Above: Professor TB Davie

Right: Judge Dire Tladi



The upcoming 58th TB Davie Memorial Lecture, to be presented by **Judge Dire Tladi** on Tuesday, 1 October 2024, will address a subject that is both relevant and timely. Hosted in conjunction with the acting chairperson of the Academic Freedom Committee (AFC), Professor Rudzani Muloiwa, the lecture is titled *The Narrative as the Enemy of Freedom of Thought*.

There are few things more powerful in international relations than "the narrative", or the generally accepted truth. Whether we are talking about climate change, geopolitics or global health, people are often vilified for expressing a view different from that of the narrative. This vilification is also sometimes directed at judges in the international system.

On the one hand, these narratives are often said to be based on humanitarian values and the search for a better world. At the same time, not only do narratives imperil freedom of thought and expression, they also undermine critical thinking.

Judge Tladi, who was sworn in as judge of the International Court of Justice in the Hague in February 2024, will address this subject at the 58th instalment of the TB Davie Memorial Lecture, which will be my first to co-host as the University of Cape Town's (UCT) vice-chancellor.

When: Tuesday, 1 October 2024
Venue: Neuroscience Institute Auditorium, E-Floor, New Main Building, Groote Schuur Hospital
Time: 18:00 SAST

Please register online to attend the lecture.

Text from UCT News article about this lecture.

Research and Teaching in the Global South – Reflections

The Faculty's Centre for Law and Society (CLS) hosted the Africa Law and Society Colloquium - *Research and Teaching in the Global South – Reflections,* on Friday 6 - Saturday 7 September. This event reflected on ten years of CLS's Africa *Law and Society* programme. Importantly, this gathering also focused on recognising the important contributions of **Professor Dee Smythe** (formerly of our Public Law Department) to the programme. Pictures below include familiar Faculty presenters, and there were a number of presenters who joined online.

The SAILAS Insolvency and Business Rescue Law Conference

Professor Michelle Louw and the Commercial Law Department have just hosted the first *Insolvency and Business Rescue Law Conference*, on behalf of the Southern African Insolvency Lecturers' Association (SAILAS) in collaboration with the University of Johannesburg (Prof Juanitta Calitz) and the University of Pretoria (Prof Andre Boraine) on 29 and 30 August 2024. The conference was a great success, with outstanding papers that illustrated the many developments - and need for more law reform - in the area of insolvency law and business rescue. It was an excellent opportunity to catch up with familiar faces, but even more encouraging was to engage with and meet new and upcoming scholars and practitioners active in the areas of insolvency law and business rescue.

The event was supported by Prof Danwood Chirwa, who did the welcoming address. The dinner was sponsored by the *South African Restructuring and Insolvency Practitioners Association NPC* (SARIPA was represented by Rene Bekker and Dr Eric Levenstein). Dr Levenstein (Werksmans) also delivered a keynote address at the dinner. Paul Crosland (Webber Wentzel) also delivered a keynote address at the cocktail function.

A big contributor to the success of the conference was the quality of the conference papers and the active participation of delegates (academics and practitioners). LexisNexis sponsored the **overall Best Academic Paper award, which went to** Prof Geo Guinot of the University of Stellenbosch for his paper *Is municipal financial distress falling through the cracks of insolvency and (business) rescue law in South Africa?*.

The award for **Best Early Career** Presentation was sponsored by the Department of Commercial Law at UCT and SAILAS. **Luyanda Xulu,** a teaching assistant in Commerical Law, was announced (by an independent adjudication panel) as the recipient of this award for his paper titled *Removal of liquidator in terms of section 379(1)(d) of the Companies Act 61 of 1973: Fitting section 3 of PAJA in the insolvency puzzle.* This is a fantastic achievement, particularly given that Luyanda competed for this award against early career academics from various South African Universities and the standard of all the papers in this category was extremely high. He was the only non-academic presenting at the conference and needless to say he did an excellent job.

The success of the conference was certainly only possible because of the hard work of CML support staff led by Toni Murhpy, whose excellent team included Itumeleng Likhoele, Molefi Mosanteli, Kgothatso Maja, Zoe Almano, Wesley Mwofulirwa, Jared Levy, Luyanda Xulu and Dr Sebastian Krafzik.

Left: Luyanda Xulu with Prof Michelle Louw

The Judges Matter Prize 2024 - Awards Event

DGRU was very pleased to host the **Judges Matter Prize in Excellent Writing on the Judiciary** ("*The Judges Matter Prize*") awards event on Tuesday 17 September to announce the winners of this third Judges Matter essay competition.

This year's essay topic focused on judicial accountability, and judges Prof Hugh Corder and Judge Lee Bozalek noted that they were impressed with the number and quality of the submissions.

In all, five winners were identified, representing universities from around South Africa:

Aneeqah Meyer (1st place Postgrad – Wits)

Tendai Mikioni (2nd place Postgrad – UCT)

Celiwe Mxhalisa (1st place undergrad – UP)

Jandre van der Schyff (2nd place shared undergrad – NWU)

Vukile Nhlumayo (2nd place shared undergrad – UKZN)

Top Left: Judge Lee Bozalek

Top Right: Prof Hugh Corder

Above: Tendai Mikioni, recipient of one of the postgraduate prizes, with Vanja Karth, Director of DGRU.

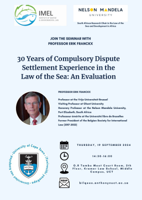
International Conference on Children's Rights (Stellenbosch University)

Centre for Law & Society (CLS) colleagues participated recently in the *International Conference on Children's Rights* hosted by Stellenbosch University, and participated in panels and discussion on early childhood development & education. CLS's research assistant, **Kyla Damonse**, presented on *children's right to play in South Africa*.

REMINDER: Compulsory Dispute Settlement in Law of the Sea 19 September

IMEL invites all to join their seminar with **Professor Erik Franckx** (*Ghent University)* to discuss Compulsory Dispute Settlement in Law of the Sea.

Of interest to all involved in studying and researching International Law and Marine Law, this seminar navigates the complexities and evolution of dispute settlement mechanisms in international law in general and, particularly, the mechanism established by the 1982 United Nations Convention on the Law of the Sea. Questions on the enforcement of international law norms are still very much subject to debate with regard to the effectiveness and equitable nature of established mechanisms. This seminar seeks to shed more light on the evolution and implementation of compulsory dispute settlement mechanisms established by the 1982 UN Convention.



South Africa Research Chair in the Law of the Sea and Development in Africa

JOIN THE SEMINAR WITH
PROFESSOR ERIK FRANCKX

30 Years of Compulsory Dispute Settlement Experience in the Law of the Sea: An Evaluation

PROFESSOR ERIK FRANCKX

Professor at the Vrije Universiteit Brussel
Visiting Professor at Ghent University
Honorary Professor at the Nelson Mandela University, Port Elizabeth, South Africa
Professeur émérite at the Université libre de Bruxelles
Former President of the Belgian Society for International Law (2017-2022)

THURSDAY, 19 SEPTEMBER 2024
14:30-16:00
O.R Tambo Moot Court Room, 5th Floor, Kramer Law School, Middle Campus, UCT
bilqees.anthony@uct.ac.za

14h30 - 16h00 | Oliver Tambo Moot Court
RSVP to
bilqees.anthony@uct.ac.za

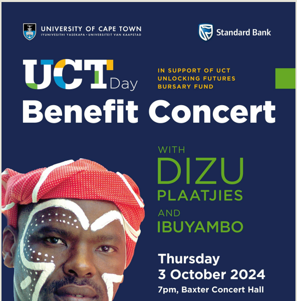
Join us for UCT Day on 3 - 4 October!

You will remember last year's inaugural UCT Day - that one day in the year where we get to celebrate all things UCT. This year includes a very diverse programme of events over the two days, and is designed to help raise funds for UCT students. All ticket proceeds will benefit the UCT *Unlocking Futures Bursary Fund.*

Events include an Alumni Book Festival, a day of fun and games on the Cricket Oval, and a fundraiser benefit concert. Tickets will be available soon, so keep an eye on the UCT DAY website!

The SA College of Music's Head of African Music, **Prof Dizu Plaatjies** will retire in December 2024. After his sold-out concert performances held in May this year, Prof Plaatjies will perform one last tribute concert for UCT Day to help raise funds for UCT students. All ticket proceeds will benefit the UCT *Unlocking Futures Bursary Fund.* Don't miss this amazing opportunity - book your tickets here (available now).

Every ticket supports UCT students in need, so be part of the celebration and help us make a difference!



UNIVERSITY OF CAPE TOWN
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

Standard Bank

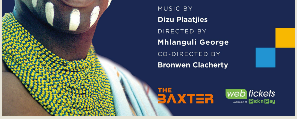
UCT Day

IN SUPPORT OF UCT UNLOCKING FUTURES BURSARY FUND

Benefit Concert

WITH
DIZU PLAATJIES
AND
IBUYAMBO

Thursday
3 October 2024
7pm, Baxter Concert Hall



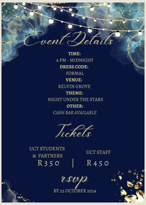
Final Year Dance 2024

The Final Year Dance Committee is very pleased to extend a special invitation to staff for the **upcoming 2024 Final Year Dance**. As the final year cohort prepares to bid farewell to their academic journey at UCT, they are eager to share this unforgettable evening with the staff members who have been instrumental in shaping their education and experiences. This event is a tribute to the enduring influence you have had on our lives, and we would be honoured to have you join us.

Event Details:
Date: 22 November 2024
Time: 18:00 to midnight
Venue: Kelvin Grove Club

The link below includes all the essential details about the dance. Please take a moment to view the e-invites and consider joining us: https://www.greenvelope.com/event/2024-uct-final-year-dance.

UCT
FACULTY OF LAW
Final Year Dance
FRIDAY | 22 | NOVEMBER



Event Details
TIME:
6 PM - MIDNIGHT
DRESS CODE:
FORMAL
VENUE:
KELVIN GROVE
THEME:
NIGHT UNDER THE STARS
OTHER:
CASH BAR AVAILABLE

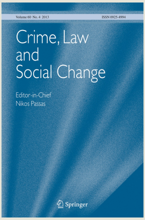
Tickets

UCT STUDENTS & PARTNERS	UCT STAFF
R350	R450

rsvp
BY 22 OCTOBER 2024

PUBLICATIONS

Dr Annette Hubschle in the Public Law Department, and part of the Faculty's **Global Risk Governance Programme**, has just had three papers published. The first paper an open access co-authored article in the journal *Crime, Law and Social Change*, titled *Irregularly regulated collecting markets: antiquities, fossils, and wildlife*. This paper explores the dynamics of 'irregularly regulated markets,' focusing on 'criminogenic collectables' like antiquities, fossils, and wildlife. It highlights how legal inconsistencies and loopholes enable criminal activities, and examines the irregularity of these markets across social, cultural, and legal dimensions. By addressing the subjective nature of legality and the manipulation of perceptions by market actors, this study provides fresh insights into the sociology of crime, emphasising the role of both market regulation and the agency of contested objects. The paper is available on the Springer site.



Volume 60 No. 4 2013 ISSN 0925-4994
Crime, Law and Social Change
Editor-in-Chief
Nikos Passas
Springer

Dr Hubschle has co-authored a second open access article in *Conservation Biology* (Volume 38, Issue 5 | Special Issue: Beyond Charismatic Megafauna in Illegal Wildlife Trade) titled *The need for a socioecological harm reduction approach to reduce illegal wildlife trade.*

The burgeoning illegal trade in succulents in southern Africa presents a critical conservation and social development challenge. Drawing parallels with the trajectory of the response to rhinoceros poaching, the authors considered the consequences of conservation law enforcement measures, particularly the militarisation of antipoaching efforts. The response to rhinoceros poaching not only resulted in so-called green militarisation, but also led to extrajudicial killings, human rights abuses, and the disproportionate targeting of low-level poachers. The nature of wildlife trade prohibition is complex and often contested, and many actors operating in illegal wildlife trades dispute the label of *illegal* for socioeconomic, cultural, historical, or political reasons. This contestation is crucial when considering Indigenous cultural and medicinal values of succulents, with Indigenous Peoples and local communities questioning the criminalisation of traditional plant harvesting practices. As the illegal trade in succulents continues to grow, it is imperative for conservationists to consider a nuanced approach. The authors call for a socioecological harm reduction approach that emphasises community engagement, sustainable use, and codesigned interventions. Such an approach, they argue, could help balance the scales of ecological conservation and human dignity in the face of growing wildlife trade challenges.

Dr Hubschle has also had published a third co-authored article in the journal *Front. Conserv. Sci. 5*, titled *Southern Blue Criminology: Rethinking Ocean Harmscapes in a Global Context*. This paper introduces Southern Blue Criminology, a fresh theoretical framework that challenges traditional crime-centric views by examining the

environmental harms affecting our oceans, especially from a Global South perspective. In this article, the authors critique current approaches that often overlook the socio-economic and cultural dimensions of ocean harms and offer a more inclusive view. The framework outlined in this article focuses on:
- Moving from a crime-centric to a broader harmscapes perspective
- Including non-state actors and local communities in governance
- Embracing context-dependent strategies over Western-centric models
- Recognising the human–nonhuman connection in oceanic interactions.

The paper pushes for a transformative shift in policies, aiming for more sustainable and just management of marine environments. The paper is available on the Frontiers site.

Professor Jaco Barnard-Naude has just had published an interview conducted by **Professor Pierre de Vos,** on Barnard-Naude's book *Spectres of Reparation in South Africa: Re-encountering the Truth and Reconciliation Commission*, published in 2023.

Titled *Spectres of reparation in South Africa: an interview with Jaco Barnard-Naudé*, this piece has Barnard-Naude taking stock of the fifteen-year scholarly journey it took to bring the book to fruition. In the course of the interview, Barnard-Naude revisits critical questions about the nature of apartheid, the configuration and purpose of the truth commission, and the legacy of the unfinished business in its wake, while he asserts the possibility of an affirmative and emancipatory response in relation to the lack of reparation and the spectres that such a lack raises.

Published in *Acta Academica* 56 (1), the interview is available on the journal site.

UNIVERSITY OF THE FREE STATE
UNIVERSITEIT VAN DIE VRYSTAAT
YUNIVESITHI YA FREISTATA
Acta Academica
Critical views on society, culture and politics
acta

Acta Academica is an accredited, open access South African journal dedicated to scholarship in the humanities. The journal publishes independently refereed research articles in the humanities. It promotes the perspectives of critical social theory and engagements with postcolonial and post-developmental debates with special reference to (Southern) Africa. The journal is thereby in support of scholarly work that examines how the humanities in the twenty-first century respond to the double imperative of theorising the world and changing it. The journal appears twice a year and is published in English.

RESEARCH ROUND-UP

Dr Annette Hubschle has been awarded an *Illegal Wildlife Trade Challenge Fund Evidence Grant* for a project that she is leading in collaboration wtih Dr Juneseo Hwange at Sungkonghoe University and Dr Jared Margulies at the University of Alabama.

The project is *Safeguarding southern Africa's succulents through analysing demand and supply networks.* South Africa is experiencing a succulent poaching crisis of unprecedented magnitude.

In partnership with South African environmental state institutions, this project will combine sociological and criminological research in South Africa and South Korea with a consumer survey tool and focus groups to:1) characterise illicit supply networks from South Africa to South Korea; 2) analyse the demand for wild-harvested succulents in South Korea; and 3) evaluate opportunities to promote sustainable alternatives in South Africa through legal and regulated succulent trade.

IWT Challenge Fund Evidence grants range from £20,000 to £100,000, and are intended for projects which gather evidence to design an intervention. Applications need to describe how the improved evidence base will be used to design an intervention where there is a gap in approaches, and applicants are encouraged to develop their evidence projects into full interventions as part of follow-on applications to the IWT Challenge Fund.

Dr Nicola Palmer recently returned from a four week trip to Rwanda, where she led judicial training for visiting Nigerian judges in collaboration with the Institute of Legal Practice and Development and Prof Denis Bikesha, Associate Professor in Transitional Justice at the University of Rwanda.

Dr Palmer was in Rwanda as part of her current British Academy fellowship and was conducting empirical research on the legal change in the country following the UK Supreme Court's decision that the migration agreement between the UK and Rwanda was unlawful.

Research in Rwanda

Dr Palmer also spoke at the international workshop *Intergenerational Justice in Africa* giving a co-authored paper entitled *Public and Private Dialogues as Intergenerational Justice in Rwanda* alongside Dr Sylvestre Nzahabwanayo, Director of the Institute for Research and Dialogue for Peace. The workshop was attended by participants from Uganda, Ethiopia, Somaliland, South Africa, Nigeria, Kenya, Germany, the UK, the Netherlands, Canada and Rwanda.

INTERNATIONALISATION

Exchange Opportunity Reminder | Notre Dame Law School

In terms of the MoU concluded by the Faculty with **Notre Dame Law School** on 24 April 2024, Notre Dame will host one Faculty academic from UCT Law each year (and vice versa). Faculty academics are eligible to apply for this annual exchange opportunity. The terms are as follows:

- While on exchange at Notre Dame Law School, the Faculty member will have the opportunity to teach an intensive course, host a seminar, offer a series of guest lectures, present a workshop, work on developing collaborative programs and initiatives, and/or engage in joint research with a host school faculty member.
- Dates are set on a case-by-case basis but must align with teaching schedules at Notre Dame Law School.
- For this exchange, Notre Dame Law School will cover the costs of housing, airfare, and a research or teaching stipend for the visiting academic and will provide working space and (as far as possible) access to campus facilities.

This is a call for expressions of interest from Faculty academics. Submissions should include:

- A motivation for the exchange
- A proposal on a course, seminar, guest lectures, workshop and/or collaborative initiatives/ research
- The name of the Notre Dame Law School Faculty member with whom you propose the collaboration
- Proposed timing and duration of the visit
- A brief CV
- Letter of recommendation from the Faculty.

Applications are subject to adequate leave arrangements and coordination with the Head of Department to ensure that departmental and teaching responsibilities are adequately managed during the absence.

Applications – and requests for additional information and clarification - should be submitted to **Prof Fatima Khan** on Fatima.Khan@uct.ac.za.

PROFESSIONAL DEVELOPMENT COURSES

UCT Law @ work
Professional Development Project

The Faculty has every reason to be very proud of the hard work and great results produced by our professional development unit, **Law@work**. Each year, based on income generated by **Law@work**, a substantial sum is transferred into the Faculty's *Excellence in Law* investment fund (a fund that was created more than 20 years ago as the home for fundraised donations for tuition scholarships in the Faculty).

This fund currently supports LLB and postgraduate scholarships each year to the value of around R2,5million.

Under the management of **Ms Don Coue**, the **Law@work** team has achieved great things so far this year!So let's find out a bit more about the unit and their work.

1. **How many separate courses is Law@work running this year, including repeats?**

We've scheduled 92 courses in total (*not including our courses offered with GetSmarter*). This includes a special course offered to students of the ASFT Asian Law College in India, in collaboration with IAPO, and two courses offered in collaboration with the Midlands Labour Academy, Zambia.

2. **How many different course facilitators/ teachers does Law@work have this year?**

We have 41 presenters this year, including two from the USA, two from Zambia, one from Nigeria and one from Kenya. This also includes a number of Faculty staff, two current PhD candidates, and one emeritus professor.

3. **How many individual participants has Law@work signed up across all the Law@work offerings for 2024?**

Law@work has hosted 1 100 participants to far this year, including those participating in the four self-paced online courses hosted on Amathuba (but not including *GetSmarter* courses).

4. **Which industries do Law@work course participants come from?**

About 50% of participants are from the legal profession. Other industries mentioned include:
Finance / banking / investment; Insurance; Education; Property management; Research; Sustainability; Animal research / Veterinary / Animal Welfare; Compliance/Risk Management; Corporate governance; IT; Built Environment / Construction; Electrical engineering and renewables; Mining; Medical / Health; Sports & entertainment; Oil & gas; Public service; Manufacturing; Tourism / Hospitality.

UCT STAFF RECOGNITION OPPORTUNITY

The Vice-Chancellor's Excellence Awards committee has expressed that at the heart of our university's success lies teamwork, collective effort, collaboration and strong leadership. These are the pillars that are necessary to support the well-being of our colleagues and the long-term sustainability of UCT.

The VC invites you to nominate individuals or teams who have made a profound impact – whether through transformative change, outstanding service, or by embodying the spirit of global citizenship. Particularly encouraged are nominations for UCT's professional, administrative support and service (PASS) staff for the **Global Citizenship Award** and the **Service Excellence Award**. All staff engaged in transformation work are invited to apply for or nominate colleagues for the Transformation Award. Nominees can be individuals or teams.

A brief outline of each of the categories:

- **Service Excellence:** celebrates and recognises outstanding service by staff, including activities, initiatives, practices and/or projects that have contributed to the delivery of exceptional or significantly improved services to UCT's staff and

students (an award for PASS staff).
- **Global Citizenship:** recognises individuals or teams who have demonstrated excellence in living out the UCT mission through areas of service, the pursuit of knowledge, the dignity of the human being and contributions to the common good (an award for PASS staff).
- **Transformation:** aligns with the strategic plan of the university and our vision for excellence, transformation and sustainability, and is aimed at recognising and encouraging individuals, teams or any collective taking an active role in driving institutional culture change at UCT (an award for all staff).

The deadline for submission is **Friday, 11 October 2024.**

Download the nomination form **and submit to** vc@uct.ac.za

ANNOUNCEMENT & NOTES

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.

Shaping the future @UCTLaw

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.