Faculty Fortnight | 3 October 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.

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

In this issue

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* Publications * Research Round-Up * Engaged Scholarship *
* Announcements & Notes *

FACULTY NEWS

Staff News

Congratulations to **Dr Cecile de Villiers**

Her poster presentation was chosen as one of the top three at the *XXIV World Congress of the International Society for Labour and Social Security Law* which took place in Rome from 17-20 September 2024, and which attracts labour law scholars from around the world. Cecile's presentation, titled *Regulating the heat health of employees: A case study of South African public schools,* was selected for a poster presentation, along with 62 other posters. The three best posters, of which Dr de Villers' poster was one, were selected by the conference keynote speakers.

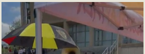
Student News

UCT Law's Mooters have done it again! UCT Law won the recent Child Law Moot Competition for the second consecutive year. This year, the Faculty was represented by LLB students **Tanya Gwenhure & Amohelang Molefi**. The team took first prize for the overall competition, with Amohelang also being named the best speaker of the competition. **CONGRATULATIONS!**

Praise Adejimi and Jordan Murray, teaching assistants in the public law department, coached the team. UCT's participation in the competition was made possible through support from the Law Faculty, Werksmans Attorneys and the Centre for Law and Society.

FACULTY HERITAGE DAY BRAAI

The Faculty hosted a fantastic Heritage Day event on Thursday 26 September to recognise and celebrate the rich cultural diversity of South Africa and UCT. With braaied boerewors rolls and drinks, staff and students were treated to energetic entertainment from the **Cape Town Ghoema Entertainers**. Staff dressed for the occasion and prizes were awarded the top 3 Best Dressed, with **Andrea Hendriks** (Properties and Services) taking 1st place, **Zikhona Ncamani** (Finance) earning 2nd place, and **Dr Lufuno Sadiki** (Public Law) receiving 3rd place.



Images above reflect the scale and style of the celebration!

Best Dressed 1st (above): Andrea Hendriks
Best Dressed 2nd (left): Zikhona Ncamani

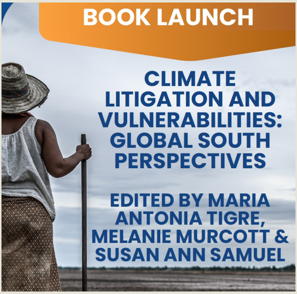
LECTURES, SEMINARS, CONFERENCES & EVENTS

Climate Litigation and Vulnerabilities: Global South Perspectives
Book Launch

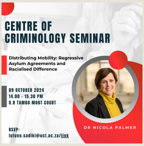
Please join a soft launch of the volume, *Climate Litigation and Vulnerabilities: Global South Perspectives*, taking place on Thursday, 3 October at 2pm SA time via Teams. The volume is co-edited by **Melanie Murcott** together with **Maria Antonia Tigre** and **Susan Ann Samuel**, and forms part of a broader project of the Global Network for the Study of Human Rights and the Environment titled Climate Litigation in the Global South, spearheaded by Melanie and Maria Antonia.

The volume launch, taking place physically at University of Southampton as well as online, is funded by the Worldwide Universities Network, a global network of leading universities, that strengthens the impact and prominence of its members, including by fostering distinctive international research collaborations directed at problems of global significance.

The production of *Climate Litigation and Vulnerabilities: Global South Perspectives* was viewed as such an endeavour, given the collaboration among leading institutions, including University of Leeds, University of Southampton, University of Cape Town, University of Pretoria, and Columbia University.
Join the meeting now
Meeting ID: 324 880 452 203
Passcode: DELVZd


BOOK LAUNCH
CLIMATE LITIGATION AND VULNERABILITIES: GLOBAL SOUTH PERSPECTIVES
EDITED BY MARIA ANTONIA TIGRE, MELANIE MURCOTT & SUSAN ANN SAMUEL

Distributing Mobility:
Regressive Asylum Agreements and Racialised Difference
Seminar


CENTRE OF CRIMINOLOGY SEMINAR
Distributing Mobility: Regressive Asylum Agreements and Racialised Difference
09 OCTOBER 2024
14.00 - 15.30 PM
O.R TAMBO MOOT COURT
RSVP:
lufuno.sadiki@uct.ac.za/link
DR NICOLA PALMER

The Centre of Criminology is excited to invite you to a seminar titled ***Distributing Mobility: Regressive Asylum Agreements and Racialised Difference*** presented by **Dr Nicola Palmer**, a visiting scholar in our faculty and British Academy Mid-career Research Fellow and Reader in Law, King's College London.
Date: 09 October 2024
Time: 14:00 – 15:30
Venue: O.R Tambo Moot Court, Law Faculty, UCT
RSVP: Link/ lufuno.sadiki@uct.ac.za

Seminar Abstract

In April 2022 the UK Government entered into a Migration and Economic Development

Partnership (MEDP) agreement under which people seeking asylum in the UK would be forcibly transferred to Rwanda to have their claims for protection determined there. This paper examines the judicial review that found this agreement to be unlawful (*AAA (Syria) and others* [2023] UKSC 42) and the legal change that followed in its wake. Drawing on courtroom observations and interviews in Rwanda and the UK alongside the legal texts, it examines how Rwanda was spoken about and how its refugee practices were evidentially assessed. The paper draws on the current writing on race in international law to offer a route to start to think through the role of international law in racialising 'uncivilised societies' and then immediately offering the techniques to normalise that 'deviant' social order. It highlights how the decisions in *AAA (Syria) and others*, while relieving the UK of its obligations to assess asylum claims for people who arrive on its territory, simultaneously finds that Rwanda is not yet capable of meeting those same obligations. Informed by the work of Anthony Anghie, Makau Matua, Tendayi Achiume and Robert Knox the paper argues that this reasoning lays bare how international refugee law starts to apply only to the racialised 'Other', who themselves are then found to be acting in a discriminating manner.

Stellenbosch
UNIVERSITY
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Regsgeleerdheid
HUMAN RIGHTS AND CONSTITUTIONAL ACCOUNTABILITY
Conference to mark 30 Years of Constitutional Democracy in South Africa
28-29 Nov
PROTEA HOTEL, TECHNOPARK
STELLENBOSCH

Human Rights and Constitutional Accountability
CONFERENCE
28 - 29 November hosted by Stellenbosch University Law School

Many South Africans experience systemic human rights violations for which effective accountability appears increasingly elusive. As we mark the 30th anniversary of constitutional democracy in South Africa, the time is ripe to take stock of the constitutional institutions and processes for achieving constitutional accountability for human rights. This conference will feature papers by scholars and experts on a range of topics, including the judiciary, governance reforms, Chapter 9 institutions, commissions of inquiry, the role of customary law, and social accountability campaigns. Keynote addresses will be presented by Acting Deputy Chief Justice Mbuyiseli Madlanga of the Constitutional Court and Advocate Adila Hassim SC of Thulamela Chambers, Johannesburg.

To secure your place as a participant at this conference, please register online. The registration fee for the two days of the conference is R1500, payable via the link provided upon completion of the registration form. The fee includes teas, coffees and lunches on both days of the conference as well as a cocktail reception on the evening of Thursday 28 November.

Questions or requests for further information can be directed to **Dr Anisa Mahmoudi** at anisa@sun.ac.za

REGIONAL TEACHING & LEARNING CONFERENCE
Stellenbosch University Law School
12 September 2024

The Faculty was strongly represented at this year's *Regional Teaching & Learning Conference*, hosted by Stellenbosch University Law School. In addition to the hard work of **Professor Tjakie Naude** as part of the organising committee, supported by **Lindani Mkhwanazi,** a number of academics and our LSC president presented sessions and gave input at the conference.

Lindani Mkhwanazi chaired a panel on *AI and Legal Education*, during which session **Prof Jameelah Omar** presented on *AI in the legal profession: the brave new frontier or the end of the world as we know it?*. **Prof Jacqui Yeats** presented on *The Role of Natural Intelligence (NI) in Cultivation Classroom Culture*. **Dr Helena Stoop** presented on *The use of technology to support the learning of academic skills*. **Prof Fatima Osman** and **Dr Robin Cupido** presented on *Academic support in the LLB: Past, present and future*. The day closed with another panel on *AI & legal Education*, at which Law School student leaders presented, including **Callum Ryan Beukes** (our LSC president). This session was chaired by **Prof Tjakie Naude**.

The Concept of Natural Intelligence

Environmental Law Association

At the Environmental Law Association of South Africa Annual and Student Conferences in 2024, **two UCT students, Aleya Dugmore (LLB), and Johané Berry (LLM),** won the ELA Essay Competition. **CONGRATULATIONS** to both students! More information, including photos, is available here.

Associate Professor Melanie Murcott, Chairperson of the ELA, led the Conference Organising Committee, and co-hosted the events with **Professor Tracy-Lynn Field**, Wits School of Law, and Claude Leon Foundation Chair in Earth Justice and Stewardship.

Mediation goes Mainstream

On 05-06 September, the Department of Commercial Law, in collaboration with Social Justice NPO, hosted the annual ADR Conference. This year's theme was Mediation Goes Mainstream. The conference was a huge success!

The keynote was delivered by **Adv Paul Pretorius SC**. The Dean, **Prof Danwood Chirwa**, was present to open the conference and welcome our keynote speaker (*see image below*). We had over 60 delegates each day, and we also had an online audience on Day 1 of about 30 delegates. The feedback we received was overwhelmingly positive.

58th TB Davie Memorial Lecture by Judge Dire Tladi

The 58th TB Davie Memorial Lecture was presented by **Judge Dire Tladi** on Tuesday, 1 October 2024, in which he addressed 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 was titled *The Narrative as the Enemy of Freedom of Thought*.

These Potatoes Look Like Humans - Book Launch

On Wednesday the 28th of August 2024 LARC hosted a book launch for **Dr uMbuso weNkosi's** work titled *These potatoes look like humans* at the Centre for African Studies Gallery. **Sthandiwe Yeni**, an independent researcher and PhD candidate at the Institute for Poverty Land and Agrarian Studies (PLAAS), was in conversation with uMbuso regarding the book and other land-related issues faced by South Africa. The book critiques the narrow materialist and legalistic arguments about the land question to recognise that, for most Black South Africans, the meanings of land and dispossession are linked with spirituality and being. It offers a unique understanding of the intersection between land, labour, dispossession, and violence experienced by Black South Africans from the apartheid period to the present. In this ground-breaking book, uMbuso weNkosi criticises the historical framing of this debate within narrow materialist and legalistic arguments. He asserts that, for most Black South Africans, the meaning of land cannot be separated from one's spiritual and ancestral connection to it, which causes him to view land dispossession in South Africa from a perspective that hasn't been thoroughly examined. The event (including in person and online participants) drew more than 80 students across Faculties from UCT and other Western Cape universities, and included journalists, rural activists, and prominent figures such the first appointed Constitutional Court Judge Albie Sachs.

Quiet Ground
These Potatoes Look Like Humans
The Contested Future of Land, Home and Death in South Africa
uMbuso weNkosi

PUBLICATIONS

Prof Mohamed Paleker has just had published a new paper in the South African Law Journal, titled *The Draft Lower Courts Bill — A serious attempt to transform the civil justice system, or another window-dressing exercise*?

As summarised in the paper abstract, *The magistrates' courts are often the first point of access to the civil justice system and are therefore crucial for ensuring access to justice. The Magistrates' Courts Act 32 of 1944 ('the MCA') regulates their powers, functions, and procedures. While the legislation has been amended several times, there is a growing consensus that it needs to be replaced. This note examines some aspects of the draft Lower Courts Bill, which the Department of Justice has proposed as a replacement for the MCA. It discusses some of its positive features, identifies gaps in the proposed legislation, and provides suggestions for improving it.*

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Judicial Financial independence in Africa

The *Judges Matter* team (**Alison Tilley, Vuyani Ndzishe, Mbekezeli Benjamin and Zikhona Ndlebe**) have contributed the South Africa chapter in a new book, *Judicial Financial independence in Africa* - a first-of-its-kind study into the budgeting and financial independence of the judiciaries of 11 African countries.

Judicial financial independence is a cornerstone for overall judicial independence and a critical element in ensuring a fair legal system. Launched on the sidelines of the *African Judges and Jurist Forum's All Africa Summit* in Nairobi, Kenya (17 - 19 September), the new book traces the colonial governance legacy of several African countries, where the judiciary's operations and finances are often subordinate to the executive, and how this negatively impacts contemporary Africa's modern democracies. Based on comparative data on budget allocations for the 11 judiciaries in English-speaking Africa and analysing the legal and socio-political developments in each country, the book offers valuable insights on the current state of judicial financial independence in Africa.

Details of the South Africa launch of the book will be communicated shortly.

ALL AFRICA
JUDICIAL FINANCIAL INDEPENDENCE IN AFRICA
CONRAD BOSIRE (ED)

ALL AFRICA
JUDGES AND JURISTS SUMMIT

PHILIPPE-JOSEPH SALAZAR
Contre la rhétorique
Comment les mots des démagogues prennent le pouvoir
cerf

Contre la rhétorique

Distinguished Professor Philippe Salazar will be attending the launch of his new book, *Contre la rhétorique*, next week in Paris. Written and published in French, the book is already in pre-order and more detail is available at the publisher's site.

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The book's focus is as follows (provided by **Distinguished Prof Salazar**):

Language is a battlefield. Speech is a weapon. In public life words are a matter of power, warns the eminent professor Philippe-Joseph Salazar. Words distort, lie and betray. This book is an essential treatise against all manipulations. It is anti-rhetoric and a call to resistance. In the age of social networks and mass media, we speak our truth, we vent our feelings. Everyone expresses themselves and everything merges into a wordy confusion. Words make us believe that an opinion is a truth, that a point of view is a fact. Democracy, which gives a voice to all, is a manufacture of speech scenes, the use and abuse through speech of situations whereby elites and people are both caught in the seduction of words, get exalted by fictions of language, and carried away by the fever of their power. When political speech is confused with managerial speech, when façade indignation conceals mass indoctrination, it is urgent to protect oneself. But to restore speech is also a refusal to conform, Philippe-Joseph Salazar reminds us in this scathing essay that will leave no one indifferent. This is a jubilant book.

RESEARCH ROUND-UP

AD HOC RESEARCH ASSISTANT

The Centre of Criminology seeks to appoint an ad hoc research assistant to conduct research on the intersections of international criminal law and border control as part of **Dr Nicola Palmer**'s British Academy project entitled '*Race, Refugees and International Crimes: Rwanda's role in the global legal ordering of migration*'. The successful applicant will be expected to conduct desk-based research updating a global database of cases brought against Rwandan nationals for allegations of involvement in an international crime and the coding and analysis of qualitative interview material. This will be done alongside a literature review on the intersections of border control, refugee law and Third World Approaches to International Law (TWAIL).

Please let students know of this opportunity.

To apply, please send applications to nicola.palmer@uct.ac.za, including both an academic CV and a cover letter that highlights your suitability for the role. **Applications must be received by 17h00 on Friday 18 October 2024**.

ENGAGED SCHOLARSHIP

Two Law Faculty colleagues have recently published blogs on the African Law Matters platform. **Praise Adejimi,** PhD student and TA in Public Law, wrote about *making changes 30 years into our South African democracy*. **Rebecca Gore** *(pic credit below: Lorin*

Granger), Research Associate at the Centre for Law and Society, wrote on *period poverty in South African prisons*.

African Law Matters

ANNOUNCEMENTS

MISSING ALL THE NEWS?

NEW FACULTYSTAFF - INCLUSION IN MAILING LISTS

Heads of Departments and Units who bring on new staff need proactively to ensure that those new staff members know they must contact **Faiza Mohamed** in the Dean's Office to request inclusion on the applicable Faculty mailing lists, once they have their UCT email addresses.

New lecturing staff need to be added to the *Everyone-L list* (all Law Faculty staff) and the *Lecturers-L* list (all lecturing staff in the Faculty). New PASS staff and researchers need to be added to the *Everyone-L list* and, where applicable, the *PASS Forum* mailing list.

All new staff can contact **Gaby Ritchie** in Marketing to be added to the *Faculty Fortnight* mailing list.

If you know of a new colleague who's not been added to the list/s, please ask them to make contact as indicated above.

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.