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
30 October 2024
Shaping the future
@UCTLaw

In this issue

* Faculty News * Lectures, Seminars, Conferences & Events * Publications *
* Announcements & Notes *

FACULTY NEWS

STAFF NEWS

Bowling and Bonding

PASS staff last week held a teambuilding session while competing over a slice of pizza and a few rounds of bowling. Participants declared the event great fun – and an excellent way to decompress before exam season officially kicks off this week.

The group of 27 staff were divided into colour teams – Red, Blue, Yellow, Green, Black and White to compete for Top Bowling Team Award, Team Spirit award, and Bowling Superstar award.

The coveted awards went to:

Top Bowling Team – RED Team, comprising Kyle Fortune, Nolwazi Zondi, Nwabisa Kula, Toni Murphy and Zikhona Ncamani
Team Spirit Award – GREEN Team, comprising Aviwe Vilane, Zaida Essop, Monique Kerspay and Ncumisa Manana
Bowling Superstart (top point scorer) – Faiza Mohamed (who scored way above the competitor in 2nd place)!

Bowling Certificate
Awarded to
Bowling Superstar
for
MVP
Date
Signed

ASSAf
ACADEMY OF SCIENCE OF SOUTH AFRICA

Congratulations to **Professor Michelle Louw** who has just been inaugurated as a member of the Academy of Science of South Africa. Current ASSAf members in the Faculty include our two SARChI Chairs, **Professor Caroline Ncube and Professor Hanri Mostert**. Emeritus Professors Evance Kalula and Danie Visser are also members of the Academy. New members are elected each year by the full existing Academy membership. Membership of the Academy is a great honour and is in recognition of scholarly achievement.

Members are the core asset of the Academy and give of their time and expertise voluntarily in the service of society. Prof Louw has been inaugurated along with 43 other new ASSAf Members, bringing the total Membership of ASSAf to 730.

Visiting Lecturer

Many of you may know **Emily Muyaa**, *Adjunct Associate Professor in Commercial Law*, who is a regular visiting lecturer on International Taxation and is currently completing lectures in the postgraduate International Taxation Programme. Serving as Chief of the Capacity Development Unit at UNDESA-FSDO (United Nations), Ms Muyaa has also lectured for the IBFD, and is a Member of the UN Tax Committee Subcommittee on Article 9 (Associated Enterprises): Transfer Pricing and a founding member of the Transfer Pricing Economists for Development (TPED).

Student News

The outgoing **Law Students Council** recently received the Department of Student Affairs *Outstanding Team* award at DSA's annual Student Leadership recognition event. Congratulations, well deserved! (see pic left below).

In addition, outgoing LSC President Callum Beukes and VP Internal Edith Mugadza both received individual *Outstanding Leadership* Awards. Congratulations to you!

New Law Students Council and Student Society Committees for 2024/2025

The Faculty congratulates the incoming *Law Students Council* on their election by the student body – well done! These student representatives are Sanele Tshabalala, Rameez Brenner, Qunicy Hitler, Basetsana Moropoli, Wardah Tregonning, Chloe Rose Kyle, Janelle Don, Pako Motheogane, Cayleen de Bruyn.

Below we also list the new Student Society Committee Chairs for our eight different (very active) Law Faculty student societies. A fundamental part of UCT Law student life, these societies – along with the Law Students Council - undertake a tremendous amount of work in the Faculty, and contribute greatly to raising the profile of and energy levels in the Faculty. Some of these societies also provide important opportunities for students to earn their community service hours.

Altum Sonatur	**Ozzy Aromin**
Black Lawyers Association - Student Chapter (BLASC)	**Ropafadzo Zharare**
Chamber of Legal Students	**Paula Scheder-Bieschin**
Responsa Meridiana	**Lizwi Majola**
SHAWCO Law	**To be confirmed**
Students for Law & Social Justice (SLSJ)	**Andrew Watt**
UCT Moot Society	**Jay Krok**
Women in Law	**Amber Bodrick**

LECTURES, SEMINARS, CONFERENCES & EVENTS

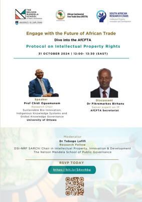
AfCFTA, IP and the Future of African Trade

The Nelson Mandela School's webinar series on the AfCFTA protocols brings together African Continental Free Trade Area (AfCFTA) Secretariat policy experts, academia from across the continent, researchers, policymakers and students.

Join us this week as we explore the Protocol on Intellectual Property Rights (IPR). Dr Tebogo Lefifi will moderate a disussion between Prof Chidi Oguamanam and Dr Fikremarkos Birhanu.

When: Thursday, 31 October 2024
Time: 12:00 - 13:30 (South African time)

Scan QR code to RSVP HERE.



Engage with the Future of African Trade
Dive into the AfCFTA
Protocol on Intellectual Property Rights
31 OCTOBER 2024 | 12:00- 13:30 (SAST)

Speaker
Prof Chidi Oguamanam
Research Chair
Sustainable Bio-Innovation, Indigenous Knowledge Systems and Global Knowledge Governance
University of Ottawa

Discussant
Dr Fikremarkos Birhanu
Senior expert on IP
AfCFTA Secretariat

Moderator
Dr Tebogo Lefifi
Research Fellow
DSI-NRF SARChI Chair in Intellectual Property, Innovation & Development
The Nelson Mandela School of Public Governance

RSVP TODAY
https://bit.ly/3Anvhbg

International Fiscal Association

AFRICAN DIGITAL SERVICE TAXES
Uganda
Nigeria
Kenya
2024

The 76th Congress of the International Fiscal Association is officially open. The 76th

IFA Congress is currently taking place in Cape Town from 27 to 31 October 2024. It is the first time an IFA Congress has been held on the African continent. IFA's annual congresses provide a unique opportunity to bring together leading tax experts from corporations, governments, academia, and advisors, to discuss and debate international tax topics of current major interest and importance. These congresses attract 2 000 or more attendees from all over the world with discussions focussed on both technical issues and practical matters faced by all those involved in making the international tax system work. The tax programme content is topical and reflects the current global situation for both developed and developing countries.

Professor Johann Hattingh is serving as General Reporter for Conference Subject 1, and is participating in one of the panels. **A/Professor Afton Titus** presented a seminar (pictured above) on *Nexus, New forms of Taxes, and Double Taxation*.

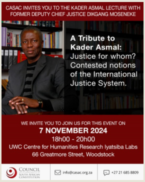
24-hour Conference on Global Organized Crime

Dr Annette Hubschle is participating in two panels at this week's 24-hour conference on global organised crime. Annette will be talking on the panel dealing with *Organised Crime and the use of the internet*, and on the special issue of *Conservation Frontiers on transnational maritime environmental crime*.

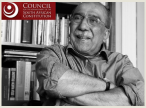
31
Thu
Oct
2024
09:30
AM
Annette Hübschle, Dr Derica Lambrechts & Prof. Giovanni Russo
Organized Crime and the Use of the Internet
24-hour Conference on Global Organized Crime
8 days, 901 speakers
A virtual conference to bring together OC scholars
https://oc24.heysummit.com

31
Thu
Oct
2024
12:30
PM
Dr Julie Berg, Annette Hübschle, Jade Lindley, Charlotte Looram & Dr Sarah Lothian
Transnational Maritime Environmental Crimes
24-hour Conference on Global Organized Crime
8 days, 901 speakers
A virtual conference to bring together OC scholars
https://oc24.heysummit.com

Public Lecture

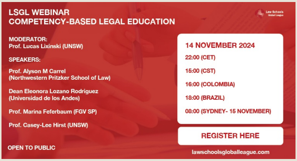

CASAC INVITES YOU TO THE KADER ASMAL LECTURE WITH FORMER DEPUTY CHIEF JUSTICE DIKGANG MOSENEKE
A Tribute to Kader Asmal: Justice for whom? Contested notions of the International Justice System.
WE INVITE YOU TO JOIN US FOR THIS EVENT ON
7 NOVEMBER 2024
18h00 - 20h00
UWC Centre for Humanities Research Iyatsiba Labs
66 Greatmore Street, Woodstock
COUNCIL SOUTH AFRICAN CONSTITUTION
info@casac.org.za
+27 21 685 8809

Email info@casac.org.za for further info.


COUNCIL FOR THE ADVANCEMENT OF THE SOUTH AFRICAN CONSTITUTION

The *Council for the Advancement of the South African Constitution* (CASAC) invites you to the **Kader Asmal Lecture** with former **Deputy Chief Justice Dikgang Moseneke**. Titled *A Tribute to Kader Asmal: Justice for Whom? Contested notions of the International Justice System*, **Where:** UWC Centre for Humanities Research Iyatsiba Labs
When: 7 November 2024
Time: 18h00 – 20h00

LSGL Webinar on Competency Based Legal Education


LSGL WEBINAR
COMPETENCY-BASED LEGAL EDUCATION
Law Schools Global League
MODERATOR:
Prof. Lucas Lixinski (UNSW)
SPEAKERS:
Prof. Alyson M Carrel (Northwestern Pritzker School of Law)
Dean Eleonora Lozano Rodriguez (Universidad de los Andes)
Prof. Marina Feferbaum (FGV SP)
Prof. Casey-Lee Hirst (UNSW)
14 NOVEMBER 2024
22:00 (CET)
15:00 (CST)
16:00 (COLOMBIA)
18:00 (BRAZIL)
08:00 (SYDNEY- 15 NOVEMBER)
REGISTER HERE
OPEN TO PUBLIC
lawschoolsgloballeague.com

The **Law Schools Global League (LSGL)** is invites you to its first open-to-the-public webinar on *Competency-Based Legal Education*, featuring a distinguished panel of global experts, to explore the evolving landscape of legal education and the critical role of competency-based approaches in preparing the next generation of legal professionals.

Date: 14 November 2024
Time: 22:00 (CET) | 15:00 (CST) | 16:00 (Colombia) | 18:00 (Brazil) | 08:00 (Sydney - 15 November)

Speakers:
Prof. Alyson M Carrel (Northwestern Pritzker School of Law)
Dean Eleonora Lozano Rodríguez (Universidad de los Andes)
Prof. Marina Feferbaum (FGV SP)
Prof. Casey-Lee Hirst (UNSW)
Moderated by Prof. Lucas Lixinski (UNSW)

Why Attend? Competency-based legal education is a transformative approach that focuses on equipping students with the practical skills and knowledge they need to excel in the legal field. As the legal profession continues to evolve in response to globalization, technological advancements, and new societal challenges, it is essential for educators and students alike to understand and adopt these forward-looking educational practices.

REGISTER HERE

UCT Arbitration Day

UCT Law's **Arbitration and Dispute Resolution Unit (ADRU)**, launched last October, held its first official **UCT Arbitration Day** event on 2 October, from 10h30 – 15h30. Aimed at young students and advanced practitioners, this event is part of the ADRU's ongoing initiative to promote arbitration and other forms of dispute resolution in South Africa and Africa, as well as to educate and engage a new generation of practitioners and students in this area. In pursuit of this, an experienced and thoughtful group of practitioners was convened to provide participants with insight into developing their careers in arbitration.

Delivering a day of lectures and panels on commercial, investment and public international law arbitration, speakers included:
Lise Bosman (Senior Counsel, Permanent Court of Arbitration)
Monique Carels (Commercial Law, UCT)
Vlad Movshovich (Webber Wentzel)
Clement Mkiva (Bowmans)
Michelle Porter-Wright (Baker McKenzie)
Taki Madima SC (Cape and Jhb Bar)

JURIS DIVERSITAS

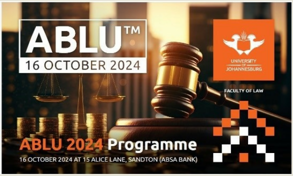
Three of our Private Law colleagues presented papers at the recent 9th *General Conference of Juris Diversitas*, held in Macau, China on 24-25 October 2024. *Juris Diversitas* was founded in 2007 as an international, interdisciplinary community for the study of legal and normative mixtures and movements. Originally comparatists, Juris Diversitas has opened up a conversation with anthropologists, geographers, historians, philosophers, sociologists, etc. both within the law and beyond. This year's conference theme was *Convivencia: Comparing Legal Scenarios of a Life Together in Harmony*.

Papers were presented by:
Ibitisaam AHMED (below left), on *Spiritual and material communion between the spouses, family obligations and civil Beyond the Void: Marriage nullity and legal nuance*;
Mathabo BAASE (below centre), on *How big is the village? Reassessing the protection of minors and the parent-child relationship*; and
Dr Robin Cupido (below right**)**, on *Online Dispute Resolution: An underestimated avenue towards access to justice?*

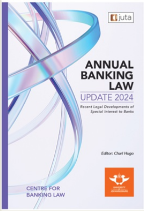
ANNUAL BANKING LAW UPDATE

On 16 October 2024, **Prof Michelle Louw** co-presented a paper on *Developments (recent case law) in letters of credit and independent guarantees* at the *Annual Banking Law Update* organised by the Centre for Banking Law at the University of Johannesburg (held in Sandton and sponsored by ABSA bank). The panel in which Prof Louw presented was chaired by the retired Judge of the Supreme Court of Appeal, *Justice Nigel Willis*. The presentation also appeared as a chapter in the double-blind peer-reviewed book *Annual Banking Law Update 2024: Recent Legal Developments of Special Interest to Banks* (a subsidy-bearing publication) published by Juta and Company (Pty) Ltd.

Sebastian Krafzik and **Sapna Mesthrie** from the Commercial Law department also attended the *Annual Banking Law Update,* where they connected with colleagues from the banking sector, legal practice, the financial regulators and academia. It was an engaging and informative conference and a great opportunity for networking and collaboration on future projects.


ABLU™
16 OCTOBER 2024
UNIVERSITY OF JOHANNESBURG
FACULTY OF LAW
ABLU 2024 Programme
16 OCTOBER 2024 AT 15 ALICE LANE, SANDTON (ABSA BANK)

ANNUAL BANKING LAW UPDATE™
since 1978
Centre for Banking Law
Legal developments of special interest to banks


juta
ANNUAL BANKING LAW
UPDATE 2024
Recent Legal Developments of Special Interest to Banks
Editor: Charl Hugo
CENTRE FOR BANKING LAW

Consumer Goods & Services Ombud (CGSO)

On Wednesday 23 October, **Professor Danwood Chirwa** signed an MOU with the *Consumer Goods & Services Ombud (CGSO)* for future collaborations on consumer community outreach, education and awareness through public lectures and workshops. On the same day, the CGSO, in partnership with the Faculty, hosted a workshop for industry suppliers and service providers. Tjakie Naude, Monique Carels and Sapna Mesthrie presented on a panel titled *Topical aspects of the Consumer Protection Act and ADR*. The panel was chaired by **Bongiwe Zungu** and attracted audience interest and participation.

CGSO COMPLAINTS MOBILE APP

PUBLICATIONS

DRITTWIRKUNG AND THE PUBLIC/PRIVATE DIVIDE IN THE LAW OF GIFTS: TROUBLESOME DEVELOPMENTS IN SOUTH AFRICA

Professor Francois du Toit recently published an article on the public/private divide in the Law of gifts, in the Journal of International and Comparative Law, Vol 11. This article investigates recent South African jurisprudence on the public/private divide in the law of gifts, based on the dichotomy between public and private gifts. It analyses post-constitutional judgments in which South African High Courts and the Supreme Court of Appeal ostensibly accepted the existence of the divide in South African law. It also examines two recent judgments in which the South African Constitutional Court rejected the divide, albeit with some equivocation. The article questions the prudence of summarily proscribing the divide and, drawing comparatively on corresponding aspects of Dutch law, suggests that the divide safeguards private autonomy and the free and voluntary exercise of the ius disponendi in the law of gifts. It proposes that courts exercise perceptive restraint when resolving policy-based challenges to private gifts. The article attends to the limited circumstances in which judicial intrusion on dispositive intent in the private sphere may be justified.

Volume 11:2
December 2024
JICL
JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW

Children's right to protection from violence

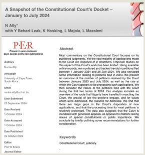
Sapna Mesthrie has an article publication in the *OUP Journal of Human Rights Practice* titled *Interpreting the child's right to protection from violence in the South African context in line with international law obligations*. This article was the product of research from Sapna's LLM degree in the Faculty. The article is open access and can be accessed online HERE.

A Snapshot of the Constitutional Courts' Docket – January to July 2024

Nurina Ally has just published a co-authored article on the Constitutional Courts' docket, with students **Y Behari-Leak, K Hosking, L Majola and L Mazaleni**.

The article abstract summarises the jist of the article:
Most commentary on the Constitutional Court focuses on its published judgments. Yet the vast majority ofapplications made to the Court are disposed of in chambers. Empirical studies on this aspect of the Court's work has been limited. Using available online records, we monitored and tracked trends in petitions filed between 1 January 2024 and 26 July 2024. We also extracted some information relating to petitions filed in 2023. We present an overview of the number of petitions received by the Court between January 2023 and July 2024, as well as the rate at which the Court appears to be processing such applications.

We then consider the nature of the petitions filed with the Court during the first two terms of 2024.



A Snapshot of the Constitutional Court's Docket – January to July 2024

N Ally*
with Y Behari-Leak, K Hosking, L Majola, L Mazaleni

P·E·R
Pioneer in peer-reviewed, open access online law publications

Authors
Nurina Ally

Affiliation
University of Cape Town, South Africa

Email
nurina.ally@uct.ac.za

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22 September 2024

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1 October 2024

Date Published
24 October 2024

Editor
Prof W Erlank

Journal Editor

Abstract

Most commentary on the Constitutional Court focuses on its published judgments. Yet the vast majority of applications made to the Court are disposed of in chambers. Empirical studies on this aspect of the Court's work has been limited. Using available online records, we monitored and tracked trends in petitions filed between 1 January 2024 and 26 July 2024. We also extracted some information relating to petitions filed in 2023. We present an overview of the number of petitions received by the Court between January 2023 and July 2024, as well as the rate at which the Court appears to be processing such applications. We then consider the nature of the petitions filed with the Court during the first two terms of 2024. Our analysis includes an overview of the route that litigants have travelled in reaching the Court, the area(s) of law the petitions engage, and for cases which were dismissed, the reasons for dismissal. We find that there are large gaps in the Court's disposition of new applications, and that the processing time for most petitions is relatively prolonged. The data also suggests that the Court is inundated with generalist appeals, as opposed to matters raising issues of special constitutional or public importance. We conclude by briefly outlining some recommendations for further consideration.

Keywords

Constitutional Court; judiciary.

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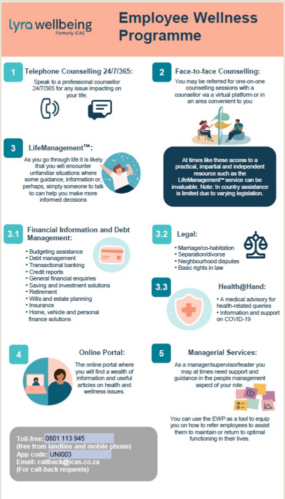
Available online HERE.

ANNOUNCEMENTS

STAFF WELLNESS

ICAS, the health and wellness service for staff, has been reformulated as LYRA WELLBEING. Please review the information below for the support they offer, information and contact details.



lyra wellbeing
Formerly ICAS

Employee Wellness Programme

1 Telephone Counselling 24/7/365:
Speak to a professional counsellor 24/7/365 for any issue impacting on your life.

2 Face-to-face Counselling:
You may be referred for one-on-one counselling sessions with a counsellor via a virtual platform or in an area convenient to you

3 LifeManagement™:
As you go through life it is likely that you will encounter unfamiliar situations where some guidance, information or, perhaps, simply someone to talk to can help you make more informed decisions

At times like these access to a practical, impartial and independent resource such as the LifeManagement™ service can be invaluable. Note: In country assistance is limited due to varying legislation.

3.1 Financial Information and Debt Management:
- Budgeting assistance
- Debt management
- Transactional banking
- Credit reports
- General financial enquiries
- Saving and investment solutions
- Retirement
- Wills and estate planning
- Insurance
- Home, vehicle and personal finance solutions

3.2 Legal:
- Marriage/co-habitation
- Separation/divorce
- Neighbourhood disputes
- Basic rights in law

3.3 Health@Hand:
- A medical advisory for health-related queries
- Information and support on COVID-19

4 Online Portal:
The online portal where you will find a wealth of information and useful articles on health and wellness issues.

5 Managerial Services:
As a manager/supervisor/leader you may at times need support and guidance in the people management aspect of your role.

You can use the EWP as a tool to equip you on how to refer employees to assist them to maintain or return to optimal functioning in their lives.

Toll-free: 0801 113 945
(free from landline and mobile phone)
App code: UNI003
Email: callback@icas.co.za
(For call-back requests)

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.