UCT Law Faculty News & Updates
26 November 2024
Faculty Fortnight
Shaping the future
@UCTLaw

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 NEWS

NEW NRF RATINGS FOR FACULTY ACADEMICS

Two of our colleagues have just received new NRF ratings!

Professor Danwood Chirwa, Dean of Law, has been awarded a B1 rating. The NRF's description of the B1 rating is as follows: *All reviewers are firmly convinced that the applicant enjoys considerable international recognition for the high quality and impact of his/her recent research outputs, with some of them indicating that he/she is a leading international scholar in the field.*

Says Professor Jaco Barnard-Naude, Faculty Director of Research: *This is a truly excellent outcome and I hope that you will join me in congratulating Prof Chirwa, whose achievement is all the more extraordinary given the huge administrative time burdens on him as the Dean, which obviously constrains research time considerably. Since his previous rating already, Prof Chirwa has belonged to a very small, but growing, number of Faculty researchers who are B rated. He has now improved the previous B rating considerably and ... is now recognised as an international leader in his field.*

The second NRF rating just received is for **Dr Tshepo Mosaka**, Senior Lecturer in the Department of Public Law, who has been informed by the NRF via the Research Office this afternoon that he has been awarded a Y1 rating. This is an excellent outcome, all the more exceptional given that Dr Mosaka has been with UCT for a relatively short period.

The NRF's description of the Y1 rating is as follows: *A young researcher (within 5 years from PhD) who is recognised by all reviewers as having the potential (demonstrated by research products) to establish him/herself as a researcher with some of them indicating that he/she has the potential to become a future leader in his/her field. OR for a young researcher (within 5 years from PhD) who is recognised by all or the overriding majority of reviewers as having the potential to establish him/herself as a researcher of considerable international standing on the basis of the quality and impact of his/her recent research outputs.*

Congratulations, Dr Mosaka!

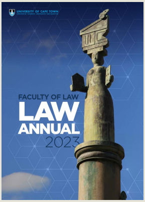
STAFF FAREWELL

The Faculty bids farewell to **Lauren Kohn**, who left UCT Law this month. In farewell, Professor Chirwa commented:

This ends a significant period of Lauren's association with this university, first as an undergraduate student who graduated magna cum laude, as a teaching assistant and LLM student, and eventually as a lecturer and senior lecturer in the Department of Public Law ...

I can say without a doubt that Lauren took teaching and learning very seriously and developed a caring relationship with her students. She spent a lot of time preparing for each and every lecture in order to give the best tuition to her students. Over the years, students have consistently valued her insights, dedication and contribution in this sphere. Lauren was also a productive researcher who won several awards including the Law Faculty research award (several times) and the junior Fellows award. At the time of resignation, she was a participant in the UCT Future Leaders Programme and was completing her doctoral research. On behalf of the Faculty, I thank Lauren for the remarkable contribution she has made to teaching and research in this university over the 12 years she was employed here. I wish her the best in the next phase of her career.

FACULTY LAW ANNUAL 2023 - Available now!



The Law Annual for 2023 is finally available. This publication offers a packed 65 pages of information about Faculty activities during the 2023 academic year. Have a browse - book format online or download the pdf - to read about staff appointments and farewells, the achievements of our colleagues, the Faculty's research ratings, publications from colleagues, conferences and seminars attended or hosted by Faculty academics and research units, distinguished lectures, our PhD graduates and their thesis topics, student mooting, international visits, a range of news bytes about things that have happened during 2023, and much more (*as always, if you spot errors or omissions, please email* gaby.ritchie@uct.ac.za).

STUDENT NEWS

Our newest Rhodes Scholar

The University of Cape Town (UCT) continues to shine as a beacon of academic excellence and leadership, with seven of its graduates named among the 11 recipients of the prestigious **Rhodes Scholarship** for 2025 in the Southern African cohort. This remarkable achievement underscores UCT's reputation as a premier institution that nurtures not only academic talent, but also future leaders committed to making a global impact.

Final Year LLB student **Phemelo Matie** has just been announced as one of these 2025 Rhodes Scholars. Phemelo was selected after a rigorous and competitive process and will join more than a hundred scholars from around the world at the University of Oxford in October 2025. As Rhodes scholars, these students will undertake fully funded postgraduate studies and become part of an esteemed international network devoted to creating a positive difference in the world. The Rhodes Scholarship, established in 1903 and widely regarded as the most prestigious graduate fellowship, has awarded nearly 1 000 scholarships to Southern African students over its 121-year history. This year, UCT's dominance within the region's selection process reaffirms its role in producing scholars who excel in academics, leadership, service and innovation.

Phemelo Matie joins a long history of Rhodes Scholars amongst our Law Faculty staff and students, and is a great reflection of the Faculty's excellence amongst our community of law academics and students. Congratulations on this great achievement, Phemelo!

Prof Chirwa commented: *There were three UCT law students in the final round of applicants for this scholarship. She is the only one who has been awarded the scholarship. Congratulations to Phemelo! And gratitude to everyone who has played a role in the academic journey of Phemelo at UCT. Special thanks to those who submitted references in support of her application.*

STUDENT MOOTING
African regional competition for the World Moot on International Law and Animal Rights

We are thrilled to share that the UCT

student team competing in the World Moot on International Law and Animal Rights was awarded as the **overall winner**, and **Kyla Damonse** was honoured as best speaker of the competition.

Celeste Viljoen, final year Environment Law student, commented to A/Prof Murcott: *We want to express our heartfelt gratitude for your environmental module, which truly sparked our interest in environmental law and animal rights. The knowledge and insights we gained from your course were invaluable, and we heavily relied on what we learned last semester to tackle some of the trickier questions from the bench*.

The team has confirmed that, having won the regional competition, they're eligible to compete in a global round of the moot next year. Watch this space!

Pictured: Kyla Damonse (top right); Celeste Viljoen (centre right); Daena Damonse (bottom left); Ayanda Kunene (bottom right).

LECTURES, CONFERENCES, SEMINARS & EVENTS

INVITATION FROM UNISA
2024 UNISA FOUNDER'S ENGAGEMENT

INVITATION

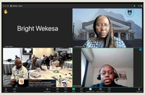
Professor Puleng LenkaBula, Principal and Vice-Chancellor together with Professor Mpfariseni Budeli-Nemakonde, Executive Dean of the College of Law, cordially invite you to the engagement with the **Lady Justice Meaza Ashenafi Mengistu**, *Former President of the Federal Supreme Court of Ethiopia.*

Friday, 29 November 2024
09:00
MS Team Meeting (JOIN HERE)
Kindly click here to confirm your attendance by Wednesday, 27 November 2024

Enquiries
Dr LB Mhlongo, Email: mhlonlb@unisa.ac.za
Mr NC Mokgotho, Email: mokgocj1@unisa.ac.za

EVENT ROUND-UP FROM THE SARChI IP CHAIR

The initiatives under **Professor Caroline Ncube** and the SARChI Chair in Intellectual Property, Innovation and Development have seen a very busy period over the last few weeks. Some of these activities are shared below.



AfCFTA IP Protocol Webinar

On the same day, as part of the Nelson Mandela School of Public Governance's webinar series on the African Continental Free Trade Agreement (AfCFTA) Protocols, we co-hosted a webinar on the Protocol on Intellectual Property Rights. The session featured Prof Chidi Oguamanam, Research Chair in Sustainable Bio-Innovation, Indigenous Knowledge Systems and Global Knowledge Governance at the University of Ottawa and Dr Fikremarkos Birhanu, Senior Expert on IP at the AfCFTA Secretariat. The webinar was moderated by **Dr Tebogo Lefifi** who is a Junior Research Fellow at the IP Chair. There is an event report about the webinar on the IP Chair website.

On 31 October 2024, **Prof Caroline Ncube** and PhD student **Hanani Hlomani** virtually attended the Regional Policy Forum hosted by the AERC on *Political Economy and Institutional Structure of Data Policy and Governance in Africa: Opportunity and Challenges*, where they presented and participated in a Q&A session based on their paper titled 'Data Regulation in Africa: Free Flow of Data, Open Data Regimes and Cyber Security' published in 2022.

IP in Africa, Harvard

From 6-8 November 2024, the two 2024 postdocs at the IP Chair, **Dr Charlene Musiza and Ghati Nyehita** attended the *Intellectual Property in Africa* conference held at Harvard University in Cambridge, MA, USA. They were joined by PhD students **Philda Maiga, Judith Kadege and Lynette Keneilwe Mabote-Eyde**. Dr Musiza presented her paper titled *Form and Substance: The Developmental Promises of Geographical Indications in Africa'*

November 08, 2024 12:03 PM

Seminar on Indigenous Knowledge Systems and Bioprospecting, University of Zululand
On 6 November 2024, **Prof Caroline Ncube** partook in the seminar virtually and spoke on pntellectual property issues and protection of indigenous knowledge. The event featured researchers, innovators and postgraduate students with the aim of (1) understanding and being compliant with the IKS Act 6 of 2019 and (2) to be able to apply for funding opportunities for IKS research.

2024 Science Granting Councils Initiative (SGCI) Annual Forum, Gaborone, Botswana
On 11 - 12 November **Prof Caroline Ncube** participated in the *2024 SGCI Forum and the Sub-Saharan African Regional Meeting* in Gaborone. Alongside Prof Erika Kraemer-Mbula of the University of Johannesburg, they presented their paper titled *The role of innovation agencies in enhancing Africa's innovation ecosystems: a deep dive into intellectual property*. The paper was a collaboration of the DST/NRF/Newton Fund Trilateral Research Chair in Transformative Innovation, the 4th Industrial Revolution and Sustainable Development and the DSI/NRF SARChI Intellectual Property, Innovation and Development. The paper was developed under the auspices of the SGCI for sub-Saharan Africa and partially supported by a grant from the Canadian International Development Research Centre (IDRC).

4th Annual International Conference on Corporate & Financial Markets Law (CFML), University of Botswana
From 6 – 8 November 2024, LLM Researcher under the IP Chair in 2024, **Nate Gotora** attended the 4th iteration the CFML conference where he engaged with leading scholars, practitioners, and experts in corporate and financial law from across Africa and beyond. Under the theme "Embracing Corporate Governance, Ethics, Fintech and AI to Combat Financial Crime and Promote Reputable Financial Institutions, Organisations and Financial Markets," the conference addressed pressing challenges and opportunities in the field. Nate and postdoc Ghati Nyehita are co-authoring a full paper on 'Strengthening Corporate Governance through Intellectual Property Management: Navigating Ethical Challenges and Enhancing Financial Integrity' with lessons from this exceptional event.

Community-Centred Security Governance: From Cape Town to Oakland a story of Peace Committees

This seminar was held online on Weds 20 November.

Presenters: Khariyyah Shabazz, **Clifford Shearing** and Mayssa Sultan
Chaired by **Irvin Kinnes**, Associate Professor at the Centre of Criminology, University of Cape Town.

Abstract

This joint presentation tells the story of the journey of Peace Committees, a restorative inspired, community-centred safety initiative that reimagines community conflict resolution. The journey begins with the 1994 South African elections, is supported by the Mandela and Mbeki governments, is brought to a halt by the Zuma government, and is currently entering a new phase in Oakland, California. It is a story relevant to the defund the police movement, calls to decolonialise security and justice, security budgets, and community-led governance.

Security and Justice Futures Webinar Series, hosted by the Scottish Centre for Crime and Justice Research in collaboration with the Global Risk Governance Programme, Centre of Criminology, Faculty of Law, the University of Cape Town, the Kenyan National Crime Research Centre and the University of Nairobi.

Queer and Quotable

At the recent Toyota Stellenbosch Woordfees, **Prof Jaco Barnard-Naude** interviewed two young pioneers of South African queer literature on 4 October, by way of launching their latest books at the festival. *Alistair Mackay* writes in The Child about a gay couple who want to start a family by adopting a child. However, the process is accompanied by the unravelling of the main character's life, marriage and identity. In The Queer Book of Revelation, *Siya Khumalo* describes a future dominated by technology, where the government suppresses human emotions with the help of artificial intelligence. The event discussion was presented by Kwela, an imprint of NB Publishers. The event was billed as '*Queer and Quotable*' and was one of very few English language events at the Woordfees in its effort to promote diversity. Prof Barnard-Naude talked to the authors about busting the genre, psychoanalysis, sex, law and everything else.

PUBLICATIONS

Nate Gotora, LLM researcher under the SARChI Chair in Intellectual Property, Innovation and Development, has recently had published a paper titled *Unmasking deception: deepfake regulation in the context of South African law, could a rethinking of performers' protection rights be the answer?'*. This paper was published 9 November 2024 in the *International Journal of Law and Information Technology*. Keeping in mind the so-called "pacing problem' between innovation and regulation (which suggests that innovation driven by science and technology is accelerating while regulation falls behind), this timely article considers how non-consensual deepfakes can be regulated under existing South African legislation. It ultimately considers whether the Performers' Protection Act 11 of 1967 and the provisions of the Performers' Protection Amendment Bill may contain some relief. The paper is available open access here.

Prof Waheeda Amien has just had published an article titled *Codifying religious family laws in South Africa: reframing the debate within the paradigm of substantive gender equality* in the journal *Culture and Religion* (1–30). .

Full article: Codifying religious family laws in South Africa: reframing the debate within the paradigm of substantive gender equality

Article Abstract

After 1994, South Africa adopted a constitution that enables the state to enact legislation to recognise religious marriages. The question facing the state is how to afford recognition to the diversity of marriages in South Africa? Should it advocate a uniformisation of marriage laws and require all marriages to comply with the same set of requirements and have the same consequences apply to them? Or should it pursue a more hybrid approach to recognise the diversity of marriages in South Africa? What would be the effects of these positions on minority religious communities and women within those communities? The author explores three approaches for the recognition of religious family laws: assimilation, accommodation, and integration. She argues that none of the three approaches provides sufficient protection for women's rights. She suggests that the plurality of marriage forms should be recognised and regulated in a way that enables minority communities to practice their religion in a manner that does not undermine women's rights. Anything else runs the risk of undermining the religious identity of marriages while enabling the privatisation of gender-discriminatory practices within those marriages. To prevent this, a Gender-Nuanced Integration approach is supported for the recognition and regulation of religious marriages.

REPORT ON "BREAKWATER" CONFERENCE Faculty of Law, University of Cape Town 26 – 28 January 2024

The "Breakwater Declaration", adopted during February 1993 at a conference of administrative lawyers in Cape Town, made an important contribution to the development of administrative law in post-apartheid South Africa. The conference which took place under the theme "Administrative Law for a future South Africa" agreed on key principles for administrative law reform in South Africa. Among these were effective parliamentary control and supervision of delegated power; a genuinely consultative and participatory rule-making and decision-making process; the duty to give reasons; open government, access to official information and limiting the scope of official secrets legislation; maximum access to administrative justice; training of public servants and the provision of accessible, appropriate and adequate remedies for maladministration, including both judicial review and alternative dispute resolution procedures. These principles served as important signposts for the reform of administrative law which took place during the democratic era.

During January 2024, just over three decades after the adoption of the Breakwater Declaration, a second gathering took place in Cape Town under the theme "Breakwater Revisited". The purpose of the gathering was to reflect on the growth and development of administrative law over the preceding three decades, with specific reference to the areas that were identified in the Declaration as requiring further consideration, as well as new themes which have since emerged. This report summarises the key topics which emerged from the "Breakwater Revisited" gathering.

The report can be downloaded from the Faculty website.

FACULTY OF LAW

WITS SCHOOL OF LAW

SOUTH AFRICAN RESEARCH CHAIR IN EQUALITY, LAW & SOCIAL JUSTICE

ILCR

Call for Abstracts
Equality Law Jurisprudence in Africa Symposium and Book Project

We are pleased to announce a call for abstracts to participate in an online symposium to discuss a proposed edited volume on Developing Equality Law Jurisprudence in Africa.

This volume seeks to explore equality and anti-discrimination law across selected African jurisdictions, including Ghana, Nigeria, Senegal, Kenya, Namibia, South Africa, Tanzania, Uganda, Zimbabwe, and Botswana. In recent decades, many African countries have enshrined equality rights in their constitutions, while others have utilised international and regional norms to develop rich equality jurisprudence.

Despite these advancements, there is currently no single publication that offers a comprehensive, doctrinal, and comparative analysis of equality and anti-discrimination law in Africa. This project aims to begin the work of filling this gap by bringing together scholars across the continent to develop an edited collection on African equality law and jurisprudence.

Themes for Submission

We invite abstracts that address key themes in equality and anti-discrimination law including:

- Approaches to equality (formal vs. substantive)
- Grounds for prohibited discrimination and inclusion of analogous grounds
- Recognition of intersectional and indirect discrimination
- Provisions for affirmative action or positive measures
- Horizontal application of equality rights
- Justiciability and standards of judicial review
- Our goal is to engage contributors who can bring both doctrinal and critical perspectives,
- helping shape a foundational text for understanding African equality law.
- A discussion of any other distinctive equality issues specific to the jurisdiction(s) in focus.

We welcome submissions focusing on a single jurisdiction or which focus on two or more African jurisdictions from a comparative perspective.

Submission Details

Interested participants should submit an abstract of 800 to 1000 words, briefly outlining their proposed contribution to the volume. Please send abstracts, plus a 150 word bio and contact details (all on the same document) to africanequalityjur@gmail.com by **Friday 17 January 2025**.

The symposium will be hosted online on Monday 14 April 2025, allowing participants to share initial chapter frameworks of up to 3000 words, discuss thematic overlaps, and develop comparative insights. A follow-up symposium will be held in the second week of September 2025 on early chapter drafts. In the second week of December 2025, selected contributors will participate in an in-person writing workshop in Johannesburg, South Africa, discussing full drafts of chapters. Finalised chapters will be considered for publication in the edited volume, pending peer review, and should be submitted by 10 February 2026.

We look forward to your submissions and the opportunity to collaborate on this important project. Organisers Prof Cathi Albertyn (University of the Witwatersrand, South Africa), Dr Victoria Miyandazi (University of St Andrews, Scotland), and Dr Nomfundo Ramalekana (University of Cape Town, South Africa).

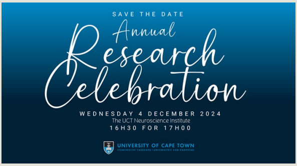
Distinguished Professor Philippe-Joseph Salazar's new book *Contre la rhetorique* has already attracted media attention in France. It was immediately reviewed in the Culture pages of *Le Figaro*, a daily of record, and then by the French equivalent of the British Financial Times, *Le Nouvel Economiste*, which included a long extract from the book.

Distinguished Prof Salazar was this week interviewed on prime time national French broadcaster Sud Radio. This hour-long interview is available on youtube. While reviews and interviews are currently only available in French, English editions will be forthcoming and links will be shared here. Congratulations on your book and this coverage!

RESEARCH

Research Celebration Event

Elevating Ideas: Empowering Futures



SAVE THE DATE

Annual Research Celebration

WEDNESDAY 4 DECEMBER 2024

The UCT Neuroscience Institute

16H30 FOR 17H00

UNIVERSITY OF CAPE TOWN

IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

Join the **UCT Research Office** in celebrating research excellence and UCT's mid-career researchers. This event highlights the university's research achievements, and recognises mid-career researchers who are forging their own unique paths, overcoming challenges, and exploring new opportunities through their work. By etching out new avenues for themselves – and not following a singular path – these mid-career researchers are a key part of the research pipeline and are pivotal to sustaining scholarly excellence at UCT. Their creativity and dedication have led to groundbreaking approaches and initiatives that advance their fields and enhance the wider research community. These efforts contribute to entrenching UCT as a top-tier hub where globally relevant expertise is cultivated within our local context.

You are invited to meet a selection of these researchers who are each writing their own research stories and embracing the opportunities available to them. The UCT Research Office is proud to support and nurture these exceptional individual in their journey toward excellence.

The Annual Research Celebration takes place next Weds 4 December. If you would like to attend, please **RSVP by Thursday 28 November** at the latest for catering purposes.

RSVP HERE

ANNOUNCEMENTS

END OF YEAR BREAK

The University will be closed between 27 December and 1 January, and staff will have this leave without any leave deductions being made off their leave allowance. This is a one-time concession for 2024 only, as negotiated with the unions.

Shaping
the
future
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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.