UCT Law Faculty News & Updates
12 December 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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NEXT ISSUE: 18 February 2025

FACULTY NEWS

STAFF NEWS

Farewell to Associate Professor Graham Bradfield (top), Professor Jaqui Yeats (centre), and Dr Helena Stoop (bottom).

The Faculty bids a sad farewell to three colleagues in the Department of Commercial Law. Our very best wishes go to **Associate Professor Graham Bradfield**, who has been a part of the Faculty for almost three decades sharing his expertise in many areas of Commercial Law - but he will remain best known for the Faculty's Shipping Law Unit and for his great expertise in this field.
A postgraduate Shipping Law prize was recently established in Prof Bradfield's name, by alum Dr Ukattah who sought to recognise Prof Bradfield's reputation in and contribution to the field of shipping law.

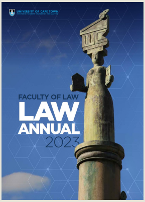
We also wish **Professor Jacqui Yeats** the very best for this next part of her career journey. Having delivered her inaugural lecture as a Professor in September 2023, Prof Yeats recently established the *Corporate Law and Governance Unit* in the Department of Commercial Law, now leaving this in the capable hands of Dr Mikovhe Maphiri. The Faculty is very sorry to bid farewell to this recipient of UCT's *Distinguished Teacher Award*. Go well, Prof Yeats and we hope to see you at Corporate Law and Governance events!

Also a member of the *Corporate Law and Governance Unit*, **Dr Helena Stoop** is departing from the Faculty to take up a position in the private sector. Helena has taught Insurance Law, Law of Payment Instruments and Corporations Law to LLB students. She has also taught Company Law and Business Law to non-law students. Dr Stoop is well-known for her engaged approach to teaching, her interest in the scholarship of teaching and learning, and for the particularly successful efforts made during the pandemic to ensure that her online classes included as much value to her students as her in-person classes. Wishing you all the best, Dr Stoop!

SIMON'S SWIM

We have a number of long-distance and cold water swimmers amongst our staff and alumni, with likely the most notable being extreme-cold-water-swimmer Lewis Pugh (LLB Class of 1994) who swims with the express purpose of raising awareness about the need to preserve our oceans and freshwater sources. Most recently, on Weds 4 December, **Simon Thompson** (LLB Class of 2019, and Private Law Lecturer) joined this growing group of distance swimmers amongst our alums by completing the 7.4km "Robben Island swim" - the crossing from Robben Island to Blouberg Beach. Simon was able to complete his swim on a "perfect weather" day, with the calmest waters. Congratulations, Simon!

FACULTY LAW ANNUAL 2023



In case you missed the announcement in the last Faculty Fortnight, here is the 2023 Law Annual - 65 pages packed with info, facts, activities, achievements, publications and more. You can also find the 2023 donor funding report on the Faculty's main site.

FACULTY CALENDAR

The 2025 academic year looks set to be busier than ever. We will keep you posted on upcoming events in the Faculty Fortnight, so keep an eye out here - but please also share your event information with Law Marketing.

A shortlist of events taking place in the first couple of months of 2025:

6-7 February 2025 | Notre Dame Law School seminar with Centre of Criminology

10 – 14 February 2025 | Orientation Week – LLB and Postgraduate students

Tuesday 11 February 2025 | Postgraduate Lunch – come and meet our new postgraduate cohort (13h00 in the Pius Langa Quad)

12 – 14 February | Alchemical Tales: a conference in honour of Albie Sachs

13 – 14 February | International Law conference (A/Prof Hannah Woolaver)

17 February 2025 | Start of TERM 1

28 February 2025 | Start of the month of Ramadaan

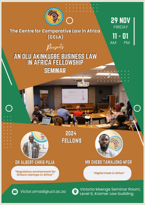
Please join us for lunch
during the
School for Advanced Legal Studies Orientation
Tuesday 11 February 2025
13h00
Pius Langa Quad
Be part of building our Faculty community
Come and welcome our new cohort of postgrads
Meet our 2025 POSTGRADUATE cohort

LECTURES, CONFERENCES, SEMINARS & EVENTS

PUBLIC INTEREST LITIGATION - A COMPARATIVE PERSPECTIVE

On 5 - 6 December, the Centre for Law and Society hosted a workshop with researchers from Utrecht and Tilburg Universities on *Public interest litigation from a comparative perspective: legitimacy of judicial lawmaking*. Researchers, litigators, civil society organisations and judges convened for an intensive engagement on the arguments, methods and strategies used by South African courts to justify their decisions in public interest litigation cases. The workshop formed part of an international research project into public interest litigation, comparing South Africa, the Netherlands, India and the United States.

Nurina Ally, Centre for Law & Society Director, will continue working with **Professors Rob van Gestel** and **Elbert de Jong** on this research collaboration.


The Centre for Comparative Law in Africa (CCLA)
Presents
AN OLU AKINKUGBE BUSINESS LAW IN AFRICA FELLOWSHIP SEMINAR
29 NOV
FIRIDAY
11 - 01
AM PM
2024 FELLOWS
DR ALBERT-CHRIS PUJA
"Regulatory environment for fintech startups in Africa"
MR CHEBO TAMAJONG-NFOR
"Digital trade in Africa"
Victor.amadi@uct.ac.za
Victoria Mxenge Seminar Room; Level 6, Kramer Law building

FINTECH STARTUPS AND DIGITAL TRADE IN AFRICA

CCLA hosted its roundtable presentations with its 2024 cohort of CCLA Fellows on Friday 29th November 11am to 1:00pm, with a focus on *Fintech startups and digital trade in Africa*.

HUMAN RIGHTS & ACCOUNTABILITY CONFERENCE

A number of colleagues presented papers at the recent Stellenbosch-hosted conference on Human Rights and Accountabilty. These colleagues included **Nurina Ally** and **Tatiana Kazim** (Research Associate, Centre for Law and Society), as well as **Nolundi Luwaya** (Director, LARC) and **Monica de Souza Louw** (Deputy Director, LARC) who presentd the following papers:

Tatiana Kazim | Regulatory Design and Accountability

Nurina Ally | The role of apology as a remedy for breach of public authority duties

Nolundi Luwaya | Customary Law, the Ethic of Ubuntu and Constitutional Accountability

Monica de Souza Louw | South Africa's Traditional Courts Act: Why Allowing Opting Out of Traditional Courts will Support Accountability.

INTERNATIONAL NETWORK FOR HATE STUDIES
Biennial Conference

Izu Sichinga, a PhD candidate at the Faculty's Centre of Criminology, recently attended the *International Network for Hate Studies* (INHS) biennial conference in Century City, Cape Town. The INHS, held from 25 - 28 November 2024, was co-hosted by the University of South Africa and Psychology Society of South Africa and brought together leading scholars in the field of hate studies.

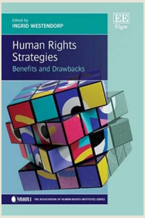
Izu Sichinga was awarded the *Best PhD Presenter Award* at this conference. Congratulations, Izu!

"I had the privilege of presenting work coming out of my Master's field work, *The Untold Stories: An exploration of policing LGBTQI+ hate crimes in Cape Town* and I was humbled to have received the *Best PhD Presenter* award. To have a win at my first ever international conference was humbling and motivating considering the calibre of presentations I saw. I would also like to use this opportunity to thank the *Max & Lillie Sonnenberg Scholarship* through the UCT PostGraduate Funding Office, who provided part-sponsorship for me to attend this international conference. Ndiyabonga!".

Izu Sichinga is a PhD candidate currently exploring how LGBTQI+ Police Officers navigate their identity in the South African Police Service.

INHS
International Netw
for Hate Studies
PsySSA
UNISA
150

PUBLICATIONS



Nurina Ally has published a co-authored chapter on *Legal Mobilisation and State Incapacity* in ***Human Rights Strategies: Benefits and Drawbacks***, an edited collection published by Edward Elgar Publishing. The chapter considers the role of multi-pronged legal mobilisation strategies in responding to state incapacity. Reflecting on the case of *Equal Education v MEC for Education: KwaZulu Natal and Others*, the authors explore the role of strategic litigation, used in combination with social movement mobilisation, to improve access to scholar transport and advance the realisation of the right to basic education. The case sought to secure immediate scholar transport provisioning to 12 schools, as well as broader structural reforms. Drawing on and contributing to legal mobilisation theories, the authors argue that the almost 4-year long case, embedded in a campaign which has been running for 7 years, resulted in a clear policy impact, as well as expanded the space for democratic participation on issues relating to scholar transport provisioning. The campaign demonstrates the value of combining strategic litigation with sustained social movement mobilisation when responding to a State's structural incapacity to realise constitutionally guaranteed rights.

Internal Governance, Ethics and Resilience

SSHW
Schweizer Schriften zum Handels- und Wirtschaftsrecht
Band 368
Herausgegeben von Prof. Dr. Peter Forstmoser
Sebastian Krafzik
Die Mitwirkungspflicht der Verwaltungsratsmitglieder einer Aktiengesellschaft
Eine vergleichende Untersuchung des schweizerischen und französischen Rechts
DIKE

Sebastian Krafzik, postdoctoral fellow in Commercial Law, is very pleased to share that his doctoral thesis has been published - in both paperback and open access. This publication is focused on the participation duties of Board of Directors members in public limited companies, comparing Switzerland's more relaxed regulatory approach to France's stricter model. Krafzik's publication is focused on how internal governance help to create ethical and resilient companies. While this may be better suited to those fluent in German, it is significant that the publication is part of the most prestigious business law series in Switzerland. More details can be found on the SSHW site.

RESEARCH

CALL FOR EXPRESSIONS OF INTEREST

Prof Francois du Toit recently shared a **call for expressions of interest from early-career researchers**, from **Dr Julie Reeves of Southampton University**, to participate in a collaborative online research initiative.

Dr Reeves is looking at the possibility of creating an online resource for early career/postdoctoral researchers and were very fortunate to be allocated some funding from the University's Research Culture funds. She is now looking for ECRs/postdocs to form a working group to co-create the resource. This will be voluntary work, as most of the funding will be for making the resource and for the hosting costs.

If there are any ECR's/ postdocs who might like to be involved with this project ... we are very interested in creating a global group of ECRs to create this resource. I would welcome any expressions of interest from postdocs/ECRs. If interested, please can people reply to me via email by the 17 December 2024.

If you are interested please include the following in an email to J.D.Reeves@soton.ac.uk

- *Name and contact details*
- *Suggestions for what they would like included in a training resource for ECRs.*
- *What you would, ideally, like to contribute or be involved with e.g. scoping needs, creating content, writing content, making short films, podcasts etc.*

The project will last until June 2025 and Dr Reeves will be holding a scoping meeting in January.

ANNUAL PUBLICATION COUNT

The central UCT Research Office invites the academic community to submit their 2024 research publications for submission to the Department of Higher Education and Training (DoHET). This process results in the DoHET awarding subsidy to UCT for articles in DoHET-accredited journals, peer-reviewed research books (including chapters in books) and peer-reviewed conference proceedings.

Final Faculty Deadline for submitting publications: 05 February 2025.
This is the final closing date for all outstanding publications, as well as all books (and chapters in books), to be captured online and to reach the Faculty Research Office.

Please contact lamize.viljoen@uct.ac.za with queries relating to the above process.

INTERNATIONALISATION

Innovations in the Legal Regime of Duties and Liability of Multinational Companies

On the 21-23 November 2024, **Dr Mikovhe Maphiri** (Director of CLGU, and Senior Lecturer in Commercial Law) particiapted in the seminar on *Innovations in the Legal Regime of Duties and Liability of Multinational Companies* at the University Center of Brasília. Organised by Professors Nitish Monebhurrun and Harvey Mpoto Bombaka, the event convened legal scholars from around the world to explore forward-looking approaches to corporate accountability in multinational enterprises. Dr Maphiri presented on Panel 4: Innovations in the Legal Regime of Duties and Liability of Multinational Companies from a Stakeholder Perspective, on the topic "*South Africa's Take on Shareholder Activism and MNE Accountability: Moving Beyond ESG*", focused on South Africa's distinctive governance frameworks, rooted in principles like Ubuntu and stakeholder inclusivity, as a means to redefine corporate accountability. Dr Maphiri used the opportunity to highlight the transformative potential of shareholder activism in promoting transparency, ethical practices, and long-term sustainability among multinational enterprises in the region. The seminar's discussions were both enriching and timely, addressing critical global issues such as forced labor, environmental degradation, and gaps in corporate social responsibility. Particularly inspiring, commented Dr Maphiri, were insights shared by **Prof João Hagenbeck Parizzi** on Brazilian enforcement mechanisms and **Issiaka Guindo** on corporate responsibility in African investment codes.

Dr Maphiri left the seminar energised by the collective commitment to advancing corporate governance and accountability, and she shares a big thank you to the organisers and participants for facilitating such a dynamic exchange of ideas. "Here's to ongoing collaboration and innovation in this vital field! ", said Dr Maphiri.

VISITING CHINA

Em Professor Evance Kalula shared some brief reflections on his recent visit to China:

- I am here to honour pre-COVID invitations to give guest lectures at several universities in Xiangtan and Guangzhou.
- The visit also made it possible for me to accept in person an appointment as Lifetime Honorary Professor at Xiangtan University. This was awarded during COVID and I could not travel then. It was an affirming and humbling experience.
- It is good to be back to this amazingly complex and interesting country. I took advantage to again visit Shaoshan, the late Chairman's homestead which bears his memorial.

Congratulations on your Lifetime Honorary Professorship, Prof Kalula!

Monique Carels, Lecturer in Commercial Law, attended an international conference - *From Local to Global: the Impact and Reflection of conflict in our lives* - on 11-13 November at Creighton University, Omaha, Nebraska in the USA. Monique presented a paper on family mediation on Day 1 (11 November), titled *A discussion on the Development of Family Mediation in South Africa*. Monique also delivered a lecture at Fordham Law School on the *Landscape of Mediation in South Africa,* on 19 November 2024.

FORDHAM UNIVERSITY

A DISCUSSION ON THE DEVELOPMENT OF FAMILY MEDIATION IN SOUTH AFRICA

Centre for Law & Society launches project monitoring work of SAHRC and SALRC

The Centre for Law and Society has launched a project to monitor the work of the South African Human Rights Commission and South African Law Reform Commission. The research, led by CLS research associates, Tatiana Kazim and Rebecca Gore, together with Nurina Ally, will review projects undertaken by the SAHRC and SALRC over a specified period of time and consider the nature and impact of those interventions. The research is supported by ten UCT intermediate law students.

STATELESSNESS

The Faculty's **Refugee Rights Unit (RRU)** recently hosted the annual *Statelessness Conference* in collaboration with the United Nations High Commissioner for Refugees (UNHCR) Bureau, bringing together focal government units from across Southern Africa Development Community (SADC) countries. The conference marked the launch of UNHCR's new Global Alliance campaign, succeeding the highly impactful "I Belong" campaign, which concludes end-2024. The event provided a platform for critical discussions on the challenges of statelessness in the region and globally. The conference was led by the UCT RRU team, headed by RRU Director **Professor Fatima Khan**, with key contributions from attorneys **Shazia Sader** and **Niall Marinus** alongside **Mariya Voloshkevich**, *Statelessness Officer of UNHCR Bureau*. The RRU presented its research on the pledges made at the Global Refugee Forum, a significant international event aimed at strengthening the protection of refugees. Alongside **Prof Khan**, RRU presenters included **Shazia Sader** and **Sky Kruger**, both recent LLM graduates of UCT Law Faculty, who together offered invaluable insights into the intersection of statelessness and refugee protection. The event highlighted the ongoing need for collaborative, regional, and global solutions to the issue of statelessness, while reinforcing the critical role of legal frameworks and international cooperation in addressing the rights of displaced persons.

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.

IF YOU ARE PLANNING A SYMPOSIUM OR CONFERENCE IN THE FACULTY
As the Faculty gets progressively busier, our resources are likely to become strained. Please bear in mind that although we are able to hold conferences and gatherings in the Faculty, we are nevertheless not a conference centre and can be constrained by some pratical limits. Conference hosts must ensure that they have sufficient staff support for events to run smoothly. For those hoping to use the **Level 4 staff kitchen** please come and consult with the Dean's PA and the Marketing Office about what facilities are actually available (eg. overnight storage etc) as we need to ensure that staff are able to access the kitchen regardless of conference-related catering activities, while also ensuring that your catering is well-accommodated and provided without a hitch. If you need a Faculty-specific checklist of key logistics items that should be on your planning schedule for your conference, please ask Law Marketing as this can provide a useful guide for those less familiar with UCT systems and processes. Let's work together to ensure that we are always able to put our best Faculty foot forward!

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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.