Faculty Fortnight | 8 April 2025 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.

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FACULTY NEWS

Autumn Graduation - Friday 4 April 2025

The Faculty was thrilled this last Friday to be able to congratulate just under 300 graduates on whom Law degrees were conferred. What an achievement - for all our grads, and especially for the nine new Doctors who were awarded their PhDs.

The Faculty celebrated at two pre-grad events, to acknowledge and recognise all of our students. The 2pm event was held to celebrate our nine PhDs and three research Master's graduates, while the 4pm event was an opportunity to congratulate over 140 Master's grads, 12 postgraduate diploma grads and 113 LLB graduates.

Of particular note were staff members being awarded degrees. These colleagues include:
Dr Ghati Nyehita - postdoctoral fellow under the SARChI Chair in Intellectual Property, Innovation and Development - who was awarded her PhD
Patricia Phillips - Acting Faculty Manager - who was awarded her MPhil
Nikki Campbell - Administrator in Private Law - who was awarded her PG Dip in Library and Information Studies
Rene Carlse - Principal Library Assistant - also awarded her PG Dip in Library and Information Studies.

Graduation Day really is a high point in the Faculty's annual calendar, where all staff are able to witness the results of our collective hard work!

All the celebratory images - of the Faculty's
pre-celebration events, the Law Graduation,
and our colleagues who graduated in
Humanities!

Staff News - Visiting Scholar

Vincent Hoppmann, a PhD researcher at
the Max Planck Institute for Comparative
and International Private Law, is visiting
the Corporate Law and Corporate
Governance Unit in the Department of
Commercial Law, from 31 March to 25
April. Vincent is currently working on his
doctoral thesis, titled Insights from the
Global South on a Sustainable Corporate
Law, under the supervision of Professor
Holger Fleischer. His research focuses on
the comparative perspective of
sustainability in corporate law, specifically
examining the norms within the corporate
laws of the Global South.

Notably, he explores provisions such as South Africa's Social and Ethics Committee, the right of employees to bring derivative actions, and the Broad-Based Black Economic Empowerment Act. During his stay, Vincent will be based in office 5.10 and will be available for consultation. He will also be presenting a lunchtime seminar in the coming weeks, where he will share insights from his research on sustainability in corporate law.
We look forward to welcoming him and encourage everyone to attend his seminar for a fascinating discussion on sustainability and corporate law - details to follow.

FACULTY CALENDAR

9 April | Lunchtime seminar with Prof Bill Dixon on Defunding the Police in South Africa 10 April | Launch of 2024 Acta Juridica – 17h30 OR Moot Court, with refreshments afterwards - Guest Speaker Judge President Dunstan Mlambo
12 April | UCT OPEN DAY 10h00 - 15h00: Law events will be held at Kramer.
28 – 30 April | Rounding the Cape Storms or Good Hope for the Law at Sea? – international conference hosted by IMEL
29 – 30 May | Race, Refuge and Repair: Rethinking migration from the Global South
- two-day international colloquium.

FORTHCOMING CONFERENCES, SEMINARS AND EVENTS

Please join us for the launch of the 2024 Acta Juridica, titled Constitutionalism and Labour Law in Times of Transition

Guest speaker: Judge President Dunstan Mlambo

RSVP to mailto:gaby.ritchie@uct.ac.za

You are welcome to join ONLINE on MS TEAMS

UCT Judicial and Academic Exchange series

The next presentation in the UCT Judicial and Academic Exchange series will be held online on Wed 23 April 2025 at 16h30. Assoc Prof Afton Titus will speak on the topic May an investment in interest-bearing securities constitute a trade for the purposes of the Income Tax Act?

UCT Law has initiated this judicial and academic exchange series where academics at the Law Faculty present their work on recent court jurisprudence, inviting input from judicial officers on their research. The aim of this initiative is firstly to enhance academic research, infusing it with the perspectives of judges who have to make practical decisions in concrete cases, and secondly to promote judicial consideration of academic research that has implications for future cases, and may contribute to principled and coherent legal development. The initiative also aims to bring together the academy and the judiciary to promote rigorous exchange, alongside serious reflection on contemporary topics in legal development.

The abstract of Assoc Prof Titus’s presentation is as follows:
The paper examines whether an individual taxpayer, who is not a moneylender, can be considered to be carrying on a trade when investing in interest-bearing securities under South Africa’s Income Tax Act. It critiques existing case law, arguing that the Supreme Court of Appeal has not definitively resolved this issue. The paper highlights inconsistencies in judicial decisions, discusses legislative history, and challenges the assumption that passive income from investments cannot constitute a trade. It suggests a broader interpretation of "trade."
DATE: April 23, 2025 16h30 (SA time)

Register in advance for this webinar at THIS LINK.

Prof Titus' paper was attached to Prof Naude's email of 27 March 2025, and can also be accessed from the SALJ 2016 (133).

Rounding the Cape Storms or Good Hope for the Law at Sea?

Dr Denning Metuge is the UCT Law host for this upcoming international conference, taking place on 28 - 30 April and organised in partnership with Dr Dusty-Lee Donnelly (University of KwaZulu-Natal); Prof Natalie Klein (University of New South Wales); Dr Ntemesha Maseka (Nelson Mandela University) (assistant to the chairperson); Prof Iriniapanicolopulu (School of Oriental and African Studies); Prof Anna Petrig (University of Basel); and Prof Patrick Vrancken (South African Research Chair in the Law of the Sea hosted by Nelson Mandela University) (chairperson).

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th International Conference on Punishment in the Global Peripheries 11 – 13 December 2025, UCT Law Faculty

The Faculty’s Centre of Criminology is this year’s host for this annual international conference. Submit an abstract of up to 300 words and a one-paragraph biography by 15 April 2025 to punishmentperipheries@gmail.com. Contact the Centre of Criminology for more information on this gathering.

Past conferences, seminars & events

Spatial Justice in the Postcolony: Legacies of the Nomos of Apartheid The Cape Town Launch - Tues 25 March 2025

One of many outputs of Professor Jaco Barnard-Naude's project on Spatial Justice in the Postcolony: legacies of the Nomos of Apartheid, developed as part of his NRF-funded research and then his British Academy Fellowship held 2017 - 2020, is a short documentary film on spatial injustice in post-apartheid South Africa. While the original intention for launching the film locally here in Cape Town was interrupted by covid, the film was nevertheless launched in London in January 2020 and Helsinki in 2022, and eventually here in Cape Town on Tuesday 25 March 2025. To a full Avalon Theatre (part of the District 6 Museum's Homecoming Centre), Prof Barnard-Naude presented a fascinating, expertly crafted documentary looking at the origins of apartheid's spatiality that directly challenged the notion of the seeming intractability of this geography.

In his introduction to the film, Prof Barnard-Naude (whose final year elective students were all in attendance) explained a little about the concept of "nomos", saying: "...It is a strange word, but its concept is really quite simple in that it is a word that draws the attention of language to the spatial dimension of law, to how all law is spatial and all space is in one or the other sense ‘lawed’ or lawlike, in the broadest possible sense of the word".

Prof Naude credits the quality of the film to producer Kabous Meiring, direct Dian Weys, and the expert editing skills of Mandelise van Loggerenberg. What is clear, though, is that it is Professor Barnard-Naude's particular perspectives and insights that make this film a fascinating (albeit too brief and deeply discomforting) journey through Cape Town's spatial history.

Prof Barnard-Naude introduces the film, left,
and the audience enjoys refreshments after
the screening.

Director of the National University of Singapore, Centre for Banking & Finance Law visits the Department of Commercial Law

On 25 March 2025, Dr Sandra Booysen visited the Department of Commercial Law. Dr Booysen is an Associate Professor at the Faculty of Law, National University of Singapore (“NUS”). The Department was very pleased to host Dr Booysen for a lunch-time research seminar titled “Regulatory Protections against Payment Fraud: An International Perspective”. Payment fraud is an escalating worldwide problem with individuals, businesses and other entities cumulatively losing billions of dollars annually to fraudsters. A high percentage of these frauds involve digital communications and payment mechanisms. Aside from the substantial, sometimes devastating losses, victims also suffer emotional harm in the form of distress, anxiety, embarrassment, and shame. As a result, governments are under pressure to respond to this societal problem. The seminar examined different approaches that have been taken or initiated recently in the United Kingdom, Australia and Singapore. Dr. Booysen’s presentation on trends and international protections for victims of payment fraud was both eye-opening and thought-provoking. The stark contrast to South Africa’s current approach underscored the urgent need for the country to take similar steps to better protect its citizens from the rising tide of payment fraud.

Dr Booysen also presented a guest lecture “Singapore’s Financial Regulatory Framework” to students on the Master's-level Banking & Finance Law and Regulation course. It was captivating to learn that Singapore’s financial framework is a pillar of strength in the sector and that there is a strong culture of banks adhering to financial regulations.

** Dr Booysen is Director of the NUS Centre for Banking & Finance Law, Chief Editor of the Singapore Journal of Legal Studies and Co-Editor-in-Chief of Brill Research Perspectives in International Banking and Securities Law. Her research interests are in private law, particularly contract, banking and consumer protection. Prior to joining academia, she practised law in London and Johannesburg, with a focus on commercial litigation. She is admitted as a solicitor in England and Wales, and as an attorney and notary in South Africa. She is a member of the International Academy on Commercial and Consumer Law.

International Visiting Researcher: Exploring Bankruptcy,
Banking Law and Navigating Research

The Faculty of Law recently funded Dr Virginia Torrie as an International Visiting Researcher for a month’s visit - in line with the Director of Research of Law, Prof Jaco Barnard-Naudé and the Dean of Law, Prof Danwood Chirwa's continued support of international researchers/academics visiting UCT to contribute to growing the Faculty's international research footprint. Dr Torrie was hosted by the Department of Commercial law where she presented two lunch-time seminars that were both very well attended. She also shared her vast knowledge on the regulation of Canadian Banks with LLM students on the Banking & Finance Law and Regulation course.

Her first seminar at the Faculty of Law took place on 3 March 2025, titled “Navigating Academic Journal Publishing as a New Scholar”. The seminar was invigorating, well attended and was of great value to new, emerging and seasoned academics and law scholars with insights into avoiding common writing pitfalls, improving the manner of writing one’s research, and ensuring a better publication process.

In Dr Torrie’s lunch-time seminar “A Model Framework for Small Farm Insolvencies: ADR in a Sectoral Context” presented on 20 March she focused on a model framework for small farm insolvencies. The seminar presented early-stage research proposing a model law for the use of alternative dispute resolution (ADR) mechanisms in small farm enterprises. The research project draws on insights from extensive, empirical research on ADR-driven restructurings of small owner operator farms in Canada; an approach to farm insolvency which has been in use for 90 years. Key insights included the effective use of ADR-based approaches to debt compromise, the utility of approaching insolvency from a sectoral perspective, the importance of restraining secured creditor enforcement, the efficiency of using administrative law mechanisms to restructure large numbers of small businesses, and the effectiveness of aligning debt service payments to harvest cycles.

No law research trip to UCT is truly complete without a side of Cape Town’s natural beauty. So, CML decided to take banking and insolvency law on a field trip… straight to the penguins and seals. "Because, let’s face it," says Prof Michelle Louw, "nothing says “legal expertise” like discussing banks, cryptocurrencies, bankruptcy and money with a side of adorable waddles and slippery flippers!"

** Dr Virginia Torrie is the former Estey Chair in Business Law at the University of Saskatchewan College of Law, and Associate Dean (Academic) at the University of Manitoba Faculty of Law. She is the Editor-in-Chief of a leading international commercial law journal: Banking & Finance Law Review (www.bflr.ca). A recognized expert in her field, Dr Torrie is the author of over 40 publications on banking, insolvency and fintech and is a member of the International Academy on Commercial and Consumer Law. An active member of the legal community, Dr Torrie has served as an elected member of bar council for the Manitoba Bar Association and Chair of its Insolvency Section, as well as on the Executive of the Insolvency Section of the Canadian Bar Association. Dr Torrie has addressed audiences at universities, financial institutions, labour groups, alumni associations, professional conferences and the Senate Committee on Banking, Commerce and the Economy.

Lives on the Line by David Africa

This book launch was held on 27 March
2025, with energetic discussion on the
topic between Adv Hermione Cronje and
author David Africa.

Marking 10 years of collaboration:
the IBFD and the UCT Tax Unit
Over the course of three days, from the 10 - 12 February, the International Bureau of Fiscal Documentation delivered an in-depth introduction on tax treaties to Master's students from the UCT's Master of Commerce and Master of Law programs specialising in International Taxation. The teaching week ended with a public conference jointly organised by IBFD and the UCT Tax Unit (Commerce & Law), focused on UN tax developments and the taxation of cross-border services. Professor Johann Hattingh introduced the conference, highlighting the main outcomes of the ten years of cooperation between IBFD and UCT. The week was a great opportunity to reflect on the past 10 years, and to give consideration about potential for continued collaboration into the future.

Strengthening Bonds: Commercial Law Teambuilding

On 14 February the Department of
Commercial Law hosted a team-building
event aptly themed “Building Bridges.”
Participants were divided into teams by
drawing colour slips from a hat, each
tasked with constructing the longest
possible bridge using only LEGO blocks
and supported by just two pillars. The
objective was clear: build a bridge that
wouldn’t collapse under pressure. The
victorious Red Team — comprising
Rochelle, Johann, Ada, Ally, Helena and
Michelle — rose to the challenge. Little did
CML know that winning team captain,
Rochelle, harbours a secret talent for civil
engineering, which undoubtedly
contributed to the team’s success!

PUBLICATIONS

IP Fundamentals: The copyright Act of 1978 and Regulations

The fourth handbook in the Juta series IP Fundamentals has just been published, titled IP Fundamentals: The Copyright Act of 1978 and Regulations. All four handbooks
are authored by A/Prof Lee-Ann Tong. The series offers a compact, easy-to-read gateway into South African intellectual property legislation.

The Juta website explains:
The IP Fundamentals Handbook to the Copyright Act 98 of 1978 is designed to be read as an accompaniment to the Copyright Act. Written in a succinct, no-nonsense style, the handbook features a full index, cross-referencing to the Regulations, FAQs and explanations.

It provides an accessible entry point into
understanding the content and structure of
the legislation for anyone needing to
navigate the intricacies of the Trade Marks
Act. The IP Fundamentals Handbook to the
Copyright Act 98 of 1978 is a must-have for
practitioners, academics, students and
anyone wanting a concise overview of the
key elements of the Copyright Act.

Left in Limbo:: The Status of the
Handing Over of the Bride Post Sengadi
v Tsambo

A/Prof Fatima Osman has just had a co-
authored article published in the
Potchefstroom Electronic Law Journal.
Along with Sky Kruger, Jaime Uranovsky
and Micaela Bebington, A/Prof Osman
writes about the Recognition of
Customary Marriages Act and courts' role
in determining the validity of a customary
marriage.

The paper's abstract explains: This entails an assessment of whether certain fundamental rituals and practices occurred. One such ritual that appears frequently in recent jurisprudence is the handing over of the bride to the bridegroom’s family, although courts have differed on whether this is a necessary requirement for a valid customary marriage. In the case of Sengadi v Tsambo, the High Court conceptualised the handing over ritual as an extraneous requirement additional to the Recognition of Customary Marriages Act that could be imposed on an otherwise valid marriage, and ruled it unconstitutional to this extent. This article argues that the High Court's declaration of unconstitutionality, while peculiar for positioning the practice of handing over as extraneous to the statutory provisions, was within its powers, effective without further confirmation, and binding on lower courts within its jurisdiction. Upon appeal, rather than clarifying the matter, the Supreme Court of Appeal did not substantively deal with the High Court’s peculiar conception of handing over and ruled that the High Court should not have pronounced on its constitutionality. In doing so, we argue that the Supreme Court of Appeal may have tacitly overturned the High Court’s declaration of constitutional invalidity.

ENGAGED SCHOLARSHIP

Treasury’s overreach and taxation by
decree – there’s a gap to correct the
Budget process democratic deficit

Ben Cronin recently made written and
oral submissions to the Joint meeting of
the Standing and Select Committees on
Finance in Parliament on the Fiscal
Framework for the 2025 Budget. Ben has
also written an op ed for the Daily
Maverick on the democratic deficit in the
Budget process.

The full article can be read on the DM site.

Rwanda’s economic surge reflects
unseen impact of conflict and critical
raw minerals

Dr Nicola Palmer, recently returned from
a research trip to Rwanda, has shared her
thoughts on the booming mineral trade in
a recent Daily Maverick article. Nicola has
also been interviewed on SABC on the
issue (we will share in the next Faculty
Fortnight).

The full article can be read on the DM site.

Mandatory mediation raises concerns
about the rule of law

Dan Mafora has also written an article for
Daily Maverick on Mandatory mediation
raises concerns about the rule of law.

Dan writes:
“Just before the long weekend, Judge
President Dunstan Mlambo of the Gauteng
Division of the High Court, issued a draft
directive on obligatory mediation together
with a protocol for the directive’s
implementation. The thrust of the directive
is to make mediation mandatory for all
parties seeking civil trial dates in the
Gauteng division.

It notes that the division is setting down
civil trials as far ahead as 2031 and
acknowledges that the situation is
intolerable."
The full article is available on the DM site.

Refugee Rights Unit (RRU) hosts advocacy events

On 20 March 2025, the RRU hosted an advocacy event on ‘Detention and Deportation’ as part of the Know Your Rights series, for asylum seekers from Burundi, Somalia, Tanzania, and the Democratic Republic of Congo (DRC). The event took place at the Philippi East Library, hosted by Niall Marinus, RRU attorney, and Ellie Viljoen, RRU candidate attorney. The event was aimed at the prevalent issues that asylum seeker communities are facing due the Cape Town Refugee Reception Office’s (CTRRO) failure to process new asylum applications and consequent detention and deportation. The event provided a platform for more than 90 affected asylum seekers to share their experiences and challenges while trying to regularise themselves in South Africa. Presently, the refugee community and stakeholders await judgment from the Western Cape High Court regarding the resumption of services at the CTRRO (Scalabrini and Others v Minister of Home Affairs and Others).

In addition, Africa Unite invited Niall Marinus, to speak at their forum Understanding Section 22 and Section 24 Permits – Challenges for Refugee and Asylum-Seeking Youth in South Africa on 22 March 2025. The event aimed to raise awareness, provide practical support, and advocate for clearer policies that directly impact young migrants. There are many challenges that refugee and asylum-seeking youth are faced with. But through community advocacy they are increasingly able to access opportunities more than before.

Climate Justice Centred-Approach to Environmental Impact Assessment in Rural Southern Africa (EIA4ClimateJustice)

In March 2025, the African Synthesis Centre for Climate Change, Environment and Development (ASCEND) hosted the EIA4ClimateJustice synthesis team for a 5-day workshop at UCT’s Hasso Plattner School of Design Thinking Afrika (d-school). The EIA4ClimateJustice team is one of seven synthesis teams funded by ASCEND to produce actionable research on reducing the impacts and risks of climate change in Africa.
The EIA4ClimateJustice team is an interdisciplinary research team co-led by A/Prof Melanie Murcott and Ncedo Mngqibisa. The team comprises colleagues from the Centre for Environmental Rights, Zimbabwe Environmental Law Association, University of Fort Hare, Sekhukhune Combined Mining-Affected Communities, Seinoli Legal Centre, Natural Justice, and the University of Cape Town. UCT Law Faculty is pleased to have two of its PhD candidates (Wandile Zondo and Fezeka Ntsanwisi), A/Prof Melanie Murcott, and LARC researchers Ncedo Mngqibisa, Katlego Ramantsima, and Nokwanda Sihlali as members of the team. The 5-day workshop was very successful, facilitating a collaborative environment for team building and laying the legal and theoretical foundations for their project. The project explores the adequacy of environmental impact assessments in addressing climate justice concerns of rural communities in Southern Africa, focused on Lesotho, South Africa, and Zimbabwe. The team will meet again at the d-school in September 2025 to plan and collaborate on the next steps of their project outputs. For more information on the ASCEND EIA4ClimateJustice project and team members, click HERE.

LARC Learning Workshop: Young Lawyers’ Think Tank meeting

On 20 March 2025, the Land and Accountability Research Centre (LARC) hosted a Learning Workshop with Public Interest Litigation Organisations (PILOs) to explore ways of working pertaining to training the next generation of lawyers entering the sector. Representatives from various PILOs attended the Think Tank meeting, including colleagues from the UCT Centre for Law and Society, the UCT Law Clinic, the
UCT Refugee Rights Unit, and the Stellenbosch University Law Clinic. The idea for the Workshop stemmed from LARC identifying a shortage in accessing legal practitioners specialising in specific areas of law, and how this could be improved upon based on the methodologies applied by colleagues from PILOs.

Rich discussions were held around developing and maintaining capacity in the public interest litigation sector. Attending colleagues shared similar experiences around the need for creative ways to secure this capacity. Through brainstorming exercises, practical ideas were presented on how to build a cohort of “new lawyers”.

The Workshop served as a valuable space for LARC to learn, network, and build on existing relationships.

ANNOUNCEMENTS

PROFESSIONAL DEVELOPMENT SHORT COURSES
UCT staff and students get 50% discount off Law@work course fees (excluding 2-hour webinar courses and mediation courses). Review courses at https://law.uct.ac.za/law-at-work/courses/course-overview.

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!

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.