



# FACULTY OF LAW **LAW** ANNUAL 2022

Fees Office  
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UNIVERSITY OF CAPE TOWN  
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

# VALUES STATEMENT

We, the staff and students of the Faculty of Law of the University of Cape Town, recognise that we are a community of scholars, striving for excellence in all that we do. We are conscious of the fact that we are part of broader South African society, and also the African and international academic community.

We acknowledge the role played by the law in creating a society that was characterised by oppression and remains deeply divided by inequality. We commit ourselves to the following goals:

- teaching and research which is of the highest quality
- developing all staff and students to their fullest potential
- promoting an institutional culture founded on mutual tolerance, respect, understanding, integrity and openness - one which values our common humanity and which celebrates and promotes diversity.

In the pursuit of all these goals we hope to contribute to redressing the inequality and disparity that continues to exist within South African society. We recognise that the realisation of these goals requires:

- Scholarship that is critical and compassionate, and which explores the potential of the law as a means to achieving justice for all;
- Leadership that is effective and promotes the values of the Faculty;
- Accountable, inclusive and transparent decision-making in which staff and students are given the opportunity for effective participation;
- Open and critical debate that protects and promotes academic freedom and university autonomy;
- Provision to staff and students of opportunities and resources necessary for their optimal development.

We will strive to live these values and achieve these goals in our daily activities and exchanges with one another.

## Cover photograph:

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# MESSAGE FROM THE DEAN

## PROFESSOR DANWOOD CHIRWA

I am very pleased to share with you the 2022 UCT Law Annual. This annual publication provides a valuable landing space where we can catch our collective breaths, reflect on the past year's challenges and achievements, and congratulate our students, new graduates, fellow Faculty members and alumni on their successes.

2022 was the first year since the start of the COVID-19 pandemic that we were able to teach face-to-face full-time. The resumption of in-person teaching and learning brought with it a renewed connection with our students as we shared knowledge and engaged in meaningful discussions about the law and its impact on society.

We are most proud of the *Shaping the Future @ UCT Law* process which saw the Faculty and many of our supporters produce a Vision 2030 document which outlines the Faculty goals, and plans for achieving them, for the next seven years. The energy and engagement with which everyone approached the process and adopted the final document is testament to the pride we all have in our Faculty and in our capacity to contribute to the University and, more broadly, to society.

The biggest highlights of any year are our graduations. In three different ceremonies during 2022, we conferred 12 Postgraduate Diplomas, 151 LLB degrees, 166 Master's degrees and 21 PhD qualifications. This is a magnificent achievement on the part of our graduates, who achieved these degrees through the difficult covid years. We are enormously proud of all of them.

Our attention is seldom far from our curriculum and the ways in which we can ensure that our degree programmes are socially engaged, contextually responsive, and as educationally holistic as possible to both students and law professionals. In 2022 we

launched a new postgraduate diploma in *Judicial Studies* offered to professionals across the African continent who are currently serving as judges and magistrates, as well as those earmarked for the judicial track.

Our Faculty academics and researchers produce innovative research and scholarship that advances our understanding of the law and its impact on society. Our researchers explore and publish on a wide range of topics, including (amongst many other areas) intellectual property law, the intersection between law and technology (increasingly relevant with the rapid rise in matters related to AI), legal history, jurisprudence, criminology, corporate law and governance, tax law, human rights, and public law. We are also active in promoting interdisciplinary research and collaborating with scholars from other faculties and universities to address complex legal issues. Through the Faculty's research and teaching, we have been able to share with our students a wide range of perspectives on contemporary legal issues, comparative law, and international law, among other subjects.

New staff bring fresh perspectives to the Faculty and a regenerative quality that ensures innovation in our teaching, learning and research. In 2022 we made several new appointments, and we look forward to the contributions that these colleagues will make to our research and teaching project.

Another great highlight of 2022 was the 60th "birthday" of the UCT Law Library. The library collection started with a donation by Gideon Brand van Zyl in 1949 of his family's library, and the Brand Van Zyl Law Library was formally established as a UCT Branch Library in 1962. The staff and researchers of the UCT Law Library have provided stellar service to the law community for six decades and continue to do so as the library enters its seventh decade.





Our students continue to be seriously affected by South Africa's National Student Financial Assistance Scheme (NSFAS) decision to withdraw all support for students in our graduate LLB programmes. These are students who have already completed undergraduate degrees, either with law as a major or without any law courses, and who are now completing their LLB as a graduate qualification. While the LLB was previously recognised as a key qualification by NSFAS, this is no longer the case – meaning that only students pursuing their law degree through the four-year undergraduate LLB are now supported by NSFAS. In an effort to mitigate the effects of this decision, the Faculty sourced a once-off amount of R1,5m to support 24 NSFAS-affected students with fee scholarships for the 2022 academic year. We are unable to repeat this kind of support, and the need for scholarship funding becomes ever-more critical.

In spite of these challenges, the past year was especially rewarding with regard to our students, who excelled in various academic and extracurricular activities. It is our alumni who are demonstrating

the impact of a legal education from the University of Cape Town. We are proud of our graduates who have secured prestigious positions in law firms, government agencies, and non-government organisations both locally and internationally; and we are proud of our alumni who continue to serve the law and society with integrity. We are confident that they will continue to make a positive contribution to our world.

The achievements of 2022 would not have been possible without the support of the broader UCT community, our alumni, our donors and friends, and our partners in the legal profession. I would like to express my gratitude to my colleagues, and to our students and alumni, whose dedication and hard work have made the Faculty of Law at UCT one of the premier law schools on the continent.

As we move forward, we remain committed to excellence in legal education, research, and community engagement. We will continue to explore new avenues to expand our reach and impact in our efforts to address the evolving challenges of the legal profession and society.

# UCT LAW VISION 2030



**Our vision** is to lead in building legal knowledge and capabilities to realise a sustainably just and equal society.

**Our mission** is to attract intellectually curious students and research partners interested in Africa-informed knowledge and a unique, diverse and socially engaged scholarly community shaping the future.

**We seek to be distinctive by offering:**

- teaching and learning that is critical, innovative, participatory, research- and skills-based, and grounded in both theory and practice;
- an intellectual space that connects and enables a diverse community of students, scholars, and alumni to pioneer Africa-informed research and advocacy that understands and solves legal and social problems;
- a people-centred, agile, and effective administration to support a vibrant scholarly community and workplace; and
- a culture of re-imagining and expanding our legal academic impact to foster collaborative, proactive and responsive societal engagement.

**To realise our mission and vision, we need to build and improve the following capabilities and systems:**

- the capability to curate, host and provide access to Africa's largest and most diverse legal information collection;
- a system that stimulates and sustains specialised, integrated research clusters and expertise, networks and partnerships;
- a faculty culture that is caring, inclusive, connected and supportive of staff and students, and that values both academic freedom and responsibility through transparency, accountability and equity;
- an engaged network of alumni, donors, funders and other partners that supports a flourishing intellectual community;
- a community of teaching and learning practice that co-creates high-quality innovative, research-informed, skills-based participatory learning and critical thinking;
- a continually improving staff culture that creates a dynamic work environment that is people-centred and able to constantly evolve in line with technological changes and provide streamlined effective administrative systems; and
- infrastructure and financial resources to enable the achievement of the Faculty's core functions.

**To measure achievement of the strategy and its impact, we will, annually:**

- consider a pipeline of successfully implemented improvement projects;
- administer a student survey of the Integrative Assessment Moot;
- review alumni participation in faculty events, alumni feedback and external funding; and
- consider the scholarly and community expert interactions of academic staff.





# UCT LAW VISION 2030

## DEVELOPING OUR DIRECTION

The University of Cape Town embarked on a reflective and creative process that re-examined the University vision and culminated in a recalibrated vision for the University. UCT's Vision 2030 was launched in 2021 and was followed by an invitation to all faculties to embark on a similar faculty-based vision process.

The Law Faculty process – *Shaping the Future@UCT Law* – took a year of engaged and animated discussion, wide consultation and feedback sessions. Our staff, students, and many external stakeholders were invited to join us in reflecting on our commitment to i) preparing our graduates and researchers for a world in which the pace of change continues to accelerate; and ii) ensuring that UCT Law is proactively at the forefront of legal education and research in South Africa and on the continent.

**The process was streamed along three themes:**

- Research & Teaching
- Administration
- Faculty Culture

One of the most valuable aspects of the process was that it gave the Faculty the opportunity to consider several complex questions regarding the future of law in society and the relationship between the LLB curriculum and the knowledge and skills required for our graduates to contribute to ensuring a just and equitable society. The process also helped us address one of the key challenges highlighted in the UCT *Inclusivity Survey 2019/2020*, ie. the need to improve inclusivity and diversity in our university community.

The UCT Law Vision 2030 document was formally accepted and adopted at the Faculty's Board meeting of October 2022. It includes an incisive vision statement and outlines the key objectives that will guide the Faculty's thinking, planning and implementation for the next seven years. It is aligned with the University's mission to *unleash human potential* and serves as a clear indication of the goals UCT Law has set for 2030 and the broad steps that will be undertaken to achieve these goals.

The Dean wishes to thank everyone who participated and brought so much thoughtfulness and creative energy to the process.



# OUR FACULTY COMMUNITY IN 2022

Each year the Faculty attracts new colleagues and bids farewell to others; and we register first-time entrants and new postgraduates, while we applaud those across our LLB and postgraduate programmes who graduate with their law degrees. The number profiles below provide an indication of the current size and shape of the Faculty of Law, in the key areas of staff roles and qualifications; and of our student numbers.

## FACULTY STAFF

**114** Academic staff

**20** Professors | **14** Assoc Professors | **20** Senior Lecturers

**25** Lecturers | **35** Teaching Assistants/Tutors

**77** Research, management, and administrative support staff

## Faculty qualifications profile

**30** PhD | **21** Degree/Advanced Diploma | **11** Higher Certificate  
**55** Masters | **4** Postgraduate Diploma | **10** Certificate  
**19** Honours | **11** Diploma | **13** Other tertiary qualification

## NATIONAL RESEARCH FOUNDATION RATINGS

The South African National Research Foundation (NRF) awards ratings on the basis of a researcher's recent research output and impact as perceived by international peer reviewers. These ratings are an important reflection of the quality of research produced by Faculty academics, and of the esteem in which these researchers and their work are held. NRF-rated researchers are counted as leaders in their fields of expertise.

### NINETEEN FACULTY OF LAW STAFF HAVE BEEN AWARDED NRF RATINGS, AS FOLLOWS:

<b>Amien, Waheeda</b> Professor (Public Law)	C2
<b>Barnard-Naudé, Jaco</b> Professor (Public Law)	B2
<b>Bennett, Tom</b> Professor Emeritus (Public Law)	B2
<b>Chirwa, Danwood</b> Professor (Public Law)	B3
<b>Corder, Hugh</b> Professor Emeritus (Public Law)	B2
<b>Darch, Colin</b> Dr (Public Law)	C1
<b>De Vos, Pierre</b> Professor (Public Law)	C1
<b>Fagan, Anton</b> Professor (Private Law)	B3
<b>Glazewski, Jan</b> Professor Emeritus (Public Law)	C1
<b>Himonga, Chuma</b> Professor Emeritus (Private Law)	C1
<b>Hutchison, Andrew</b> Professor (Commercial Law)	C2
<b>Louw, Michelle</b> Professor (Commercial Law)	B2
<b>Mostert, Hanri</b> Professor (Private Law)	B2
<b>Ncube, Caroline</b> Professor (Commercial Law)	B2
<b>Ordor, Ada</b> Professor (Commercial Law)	C2
<b>Price, Alistair</b> Adjunct Associate Professor (Private Law)	P
<b>Salazar, Philippe-Joseph</b> Distinguished Professor (Private Law)	A1
<b>Van Zyl Smit, Dirk</b> Professor (Public Law)	A2
<b>Woolaver, Hannah</b> Associate Professor (Public Law)	Y1



## NEW APPOINTMENTS

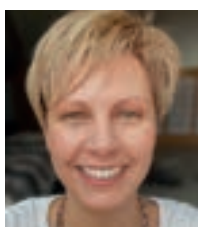
During 2022, the Faculty welcomed a number of new colleagues. We share their details below.



### **Associate Professor Irvin Kinnes**

is an Associate Professor of Criminology. He holds a HDE from UWC, a MSc. in Criminology from the London School of Economics and a PhD in Criminology from UCT. He previously served as Police Training Programme

Manager at the Centre for Conflict Resolution; served on the Boards of the Trauma Centre (for victims of violence and torture) and RAPCAN; and has held membership of the *Committee of Inquiry into Racism in the South African Police Service*; and served on the *Independent Committee of Inquiry* into the underlying conditions for instability and violence in the Western Cape Minibus Taxi Industry. He has also previously worked as the Content Adviser for the *Portfolio Committee on Police* in Parliament and is a member of the editorial board of *Acta Criminologica: African Journal of Criminology and Victimology*. Associate Professor Kinnes is a recipient of the *United Nations Vienna Civil Society Award* from the United Nations Office for Drugs and Crime. His research interests are policing and gang governance, and organised violence.



### **Professor Michelle Louw**

joined the Department of Commercial Law after serving as Professor of Law at the University of South Africa (UNISA) from 1999- 2022. Prof Louw has served as a legal advisor for Nedcor Bank Ltd and as a prosecutor in the

magistrates' courts. She holds a BLuris (*cum laude*), LLB, LLM (*cum laude*) and LLD degrees (UNISA); a Diploma in Insolvency Law & Practice (SARIPA)(UJ) as well as certification for an advanced short course in Outcome-Based Assessment in Higher Education and Open Distance Learning (UNISA 2009); and has completed a short programme in Construction Contracts (UP 2019). Prof. Louw has published widely in the fields of insolvency law, banking law and consumer credit law, and her research has been cited with approval by the South African courts, including the Constitutional Court, the Supreme Court of Appeal, and a Namibian High court on several occasions. She is a South African NRF-rated researcher with a B2 rating.



### **Mr Gaopalelwe Mathiba**

is a senior lecturer in the Department of Private Law. He holds an LLB degree from North-West University; an LLM degree (with distinction) from the University of the Western Cape and his PhD is under examination at the University

of Cape Town. Before joining UCT, Mr Mathiba was a lecturer at Rhodes University (Grahamstown) and at UNISA (Pretoria). He serves on several local law journal editorial committees, including the *Journal of Law, Democracy and Development* and the *South African Journal on Human Rights*; and he is a member of the *Scientific Network on Eviction and Housing Rights* (SNEHR). Mr Mathiba's broad research interests include constitutional aspects of property law, eviction law, mining law, comparative law, and related aspects. He teaches Property Law.



### **Ms Sapna Mesthrie**

is a lecturer in the Department of Commercial Law. Ms Mesthrie received a BA in History and Psychology (with distinction) and an LLB (*magna cum laude*) from UCT. She is an admitted Attorney of the High Court of South Africa and is

currently completing her LLM in Public Law with a focus on criminal justice and sexual offences law. Her research interests and expertise include regulatory law, banking law, financial inclusion and the informal sector, the contractual and regulatory aspects of insurance law, and commercial transactions within different African legal regimes. She lectures final year LLB students in Commercial Transactions Law.



### **Mr Lindani Mkhwanazi**

is a lecturer in the Department of Commercial Law. He holds an LLB from the University of the Western Cape and an LLM (specialising in Labour Law) from the University of Cape Town. Prior to re-joining the Department of Commercial

Law, Mr Mkhwanazi clerked at the Supreme Court of Appeal of South Africa. He lectures in Individual Employment Law (postgraduate) and Law for Engineers modules (undergraduate).



**Dr Simphiwe Phungula** is a senior lecturer in the Department of Commercial Law. His area of specialisation is corporate law with interests in labour law. Dr Phungula has published articles in both Corporate Law and Labour Law. He is an admitted Advocate of the High Court of South Africa. He holds an LLB, LLM and PhD from the University of Kwa-Zulu Natal.



**Dr Nhlanhla Sono** is a senior lecturer in the Department of Private Law. He obtained his LLB from the University of Venda, and his LLM and Doctoral degrees from the University of Stellenbosch. Dr Sono spent five years (2013-2017) as an intern and assistant researcher for the SARChI Chair in Property Law, hosted by Stellenbosch University under the guidance of the late Prof AJ van der Walt. He has previously lectured LLB students and successfully supervised postgraduate (LLM) students at the University of the Western Cape and the University of South Africa. Dr Sono's research interests are in property law, constitutional property law, law of succession, real security law and family law.



## FAREWELLS

We are always proud when colleagues choose to pursue new paths in their careers and life journeys. In 2022 we bid farewell to:



**Associate Professor Debbie Collier**, formerly in the Department of Commercial Law at UCT, is now Director of the Centre for Transformative Regulation of Work, and Professor of Mercantile and Labour Law at the University of the Western Cape.



**Dr Emma Fergus**, formerly Director of the Labour, Development and Governance Research Unit at UCT, emigrated to Australia with her family.



**Ms Sinikiwe Mzezewa**, formerly a lecturer in the Department of Commercial Law, completed her contract.



**Mr Christopher Oxtoby**, formerly a Senior Research Officer in the Democratic Governance and Rights Unit, is an independent legal researcher and consultant.



**Ms Rozetta Ferguson**, Faculty Senior Finance Officer, retired after more than 13 years in the Faculty Finance Unit, and 22 years serving the university.



## FACULTY STUDENTS

### ENROLMENTS

Our students come from across South Africa, the continent, and the world, and our LLB and postgraduate student cohorts bring a richness of cultural and geographic diversity to UCT Law.

There are three different options for completing the LLB qualification, namely a four-year undergraduate LLB, a two-year graduate LLB for students with an undergraduate Law major, and a three-year graduate LLB for students who did not study Law in their undergraduate degree programme.

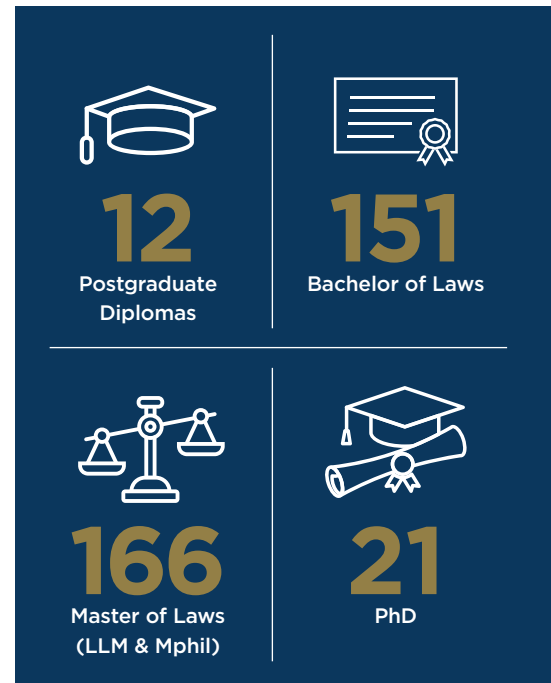
Our postgraduate programmes offer eight different diplomas (including from 2023 our brand new Postgraduate Diploma in Judicial Studies); 18 LLM and MPhil programmes with coursework and dissertation requirements; 11 Professional Masters programmes with coursework only; LLM and MPhil options by research only; and PhD opportunities for research students.

The table below reflects enrolment for 2022.

Qualification	Enrolment
LLB	637
Postgraduate Diploma	21
LLM (Professional Masters)	222
LLM/MPhil (coursework & dissertation)	236
LLM/MPhil (dissertation)	43
PhD	163
<b>TOTAL</b>	<b>1 322</b>

### GRADUATIONS

Graduation is the most joyful event on the Faculty calendar when staff, students, alumni, family and friends celebrate the results of all the hard work and sacrifice that results in our students attaining their qualifications. We conferred 12 Postgraduate Diplomas, 151 LLB, 166 Masters and 21 PhD qualifications in 2022.



## PhD Graduates and Dissertations 2022

The commitment required to complete and be awarded a doctoral degree is enormous. In acknowledgement of this effort, we specifically mention below the thesis titles of our 2022 PhD graduates.

NAME	THESIS TITLE
Agbo-Ejeh, Christiana Inebu	<i>Asymmetrical power relations: a legal analysis of the European Union and Economic Community of West African States Economic Partnership Agreement.</i>
Brink, Raphael Grant	<i>The case for assisted dying/euthanasia in specific cases in South Africa with reference to the development of the South African and Canadian jurisprudence under a human rights political order.</i>
Chipo, Irene Rushwaya	<i>The protection of the rights of families of origin in inter-country adoption: an African context.</i>
Chuma-Okoro, Helen	<i>Promoting creative economies in Nigeria and South Africa through communal and collaborative intellectual property rights strategies.</i>
Choate, Julia	<i>The taxpayer's right to finality – a critical analysis of legislation and practice in South Africa.</i>
Babatunde, Elkanah Oluwapelumi	<i>The distribution of rights and responsibilities under international climate change law: an examination of the equity approach advanced by African states.</i>
Essop, Fatima	<i>The intersection between the Islamic law of inheritance and the South African law of succession.</i>
Gondwe, Ruth Dinah	<i>Financial cooperatives: regulatory and supervisory answers for South Africa and Malawi.</i>
Kariem, Adnaan	<i>An analysis and critique of secured lending in South African law, including cession in securitatem debiti as a means to secure the repayment of loans for consumption.</i>
Lorizzo, Concetta	<i>Non-state forms of conflict resolution: opportunities for improving criminal justice – a case study of community courts in Mozambique.</i>
Mavhuru, Luck	<i>A comparative analysis of the regulations governing mobile money services in South Africa and Zimbabwe and their impact on sustainable financial inclusion of the poor and vulnerable people.</i>
Mubaiwa, Pretty	<i>Human rights, modernity and culture: understanding the position of lobola as a form of VAW and the current human rights normative standards and discourse on VAW.</i>
Mutungi, Simon Muhairwe	<i>Regulating financial technology: lessons for Uganda from the South African and English experience.</i>
Mvulane, Sebolelo Constance	<i>National Council of Provinces Rhetoric in overseeing the implementation of South Africa's National Development Plan.</i>
Ndebele, Zandile	<i>A critical tax theory approach to income tax relief for black middle-class taxpayers contributing to the support of family.</i>
Nkoala, Sisanda Bukeka	<i>Persuasion and the “mediatisation” of culture: a rhetorical criticism of South African television news reports on crime and the criminal justice system.</i>
Pein, Rebecca-Lee	<i>The ‘formalisation dilemma’ of artisanal and small-scale mining: an analysis with reference to the Democratic Republic of the Congo.</i>
Rahman, Zarina	<i>A missed opportunity: the rhetoric of social cohesion in parliamentary debates - 1994–2014.</i>
Singoei, Abraham Korir	<i>The impact of government decentralisation on the development and implementation of benefit-sharing laws in Kenya's extractive sector.</i>
Sinkala, Ruth Mulenga	<i>Protection of traditional knowledge, an incomplete victory? Towards inclusion of gender considerations in traditional knowledge protection: a Zambian perspective.</i>
Turay, Paul	<i>Prolonged and arbitrary arrest and detention: an access to justice dilemma for South Sudan.</i>



# TEACHING AND RESEARCH

The Faculty comprises three departments, 13 research units and two community-serving law clinics.

Our departments are:

## COMMERCIAL LAW



(2022 Head of Department:  
Professor  
Caroline  
Ncube)

## PRIVATE LAW



(2022 Head of Department:  
Professor  
Jaco Barnard-  
Naude)

## PUBLIC LAW



(2022 Head of Department:  
Professor  
Pierre de Vos)

## OUR RESEARCH UNITS INCLUDE:



Centre for  
Comparative Law  
in Africa (CCLA)



Centre of  
Criminology



Centre for Law &  
Society (CLS)



Centre for Rhetoric  
Studies



Corporate Law and  
Governance Unit



Democratic Governance  
& Rights Unit (DGRU)  
incorporating AfricanLii,  
Judges Matter and  
Magistrates Matter



iNtaka Centre for Law  
& Technology and the  
LawTech Lab



Intellectual Property Unit  
(IP Unit)



Institute of Marine &  
Environmental Law  
(IMEL)



Labour, Development and  
Governance Research Unit  
(LDG)



Land and Accountability  
Research Centre (LARC)



Mineral Law in Africa  
(MLiA)



Refugee Rights Unit

## OUR COMMUNITY-SERVING LAW CLINICS INCLUDE:



Refugee Rights Unit  
(also a research unit)



UCT Law Clinic



“As we move forward, we remain committed to excellence in legal education, research, and community engagement. We will continue to explore new avenues to expand our reach and impact in our efforts to address the evolving challenges of the legal profession and society.”

**- Prof Danwood Chirwa: Dean Faculty of Law**







## FACULTY RESEARCH

For any research university, its research outputs are one of the key factors by which the quality of the institution is assessed and recognised. Research contributes to the expansion of knowledge, improvements in teaching and the quality of education, enhancement of reputation, and encourages curiosity and engagement in a discipline. UCT Law is known for its innovative thinking and the high quality of our research. Research discussions, presentations and explorations occur, both formally and informally, forming the bedrock of the research energy in our Faculty.

Some of the research initiatives that took place during 2022, under the leadership of the Faculty's Director of Research Professor Hanri Mostert, were:

- Two writing retreats where both emerging and established academics were afforded dedicated time and space to write. Participants remarked that the retreats led to the development of a sense of community, an increased motivation to write, and increased productivity.
- An invitation from the Faculty Research Office to academics and researchers to share work in relation to the theme of "Power" at an afternoon of research presentations. The interpretation of "power" was open and the presentations proved to be highly creative and thought-provoking.
- Participation in the University's on-going inter-faculty research initiative that encourages cross-disciplinary research and discussion. More than 40 colleagues with whom faculty members have research relationships attended a lunch in August 2022, hosted by UCT Law's Director of Research.
- The Criminal Justice Winter School for postgraduate researchers, which took place in June 2022, with participants from across the country connecting online to share their research work.
- An informal weekly seminar in which academics from across departments came together to present research-in-progress or published work for discussion.
- Regular monthly seminars, organised by the Faculty's postgraduate teaching assistants, to facilitate discussion between postgraduate students across the Faculty departments to help in overcoming the isolating practice that immersive postgraduate research can sometimes become. These "Friday Seminars" provided an engaging space for discussion and fostered a sense of community among the students.



## RESEARCH SPOTLIGHT

### CENTRE FOR LAW AND SOCIETY: TWO INTERNATIONAL RESEARCH PROJECTS

The Centre for Law and Society (CLS) is a leader and participant unit in two projects constituted as International Research Collaboratives (IRCs) within the Law and Society Association: The *Project on Autocratic Legalism* and the *Mapping the Pasts and Futures of Law and Society Scholarship in Africa* project.

The *Project on Autocratic Legalism* (PAL) is a multi-component scholarly initiative that centres on how political leaders use law to undermine democracy and how law can be enlisted to resist these moves, both nationally and transnationally. PAL currently involves over 50 researchers conducting studies on Brazil, India, South Africa, the United States, and Hungary, as well as on transnational efforts to combat authoritarianism through the use of law. There are a number of Law Faculty colleagues, adjuncts and honoraries participating in this project, including Professor Dee Smythe, Professor Waheeda Amien, Dr Nomfundo Ramalekana, Nurina

Ally, Mbekezeli Benjamin, Judge Dennis Davis, and Adjunct Associate Professors Sindiso Mnisi-Weeks, Michelle Le Roux and Melanie Judge.

The *Mapping the Pasts and Futures of Law and Society Scholarship in Africa* project aims to address the absence of Africa and African perspectives in law-and-society scholarship, and to provide a wide-ranging view of the conceptualisation, methods and currents of scholarship on law and society in Africa, contributing to charting new directions and imaginaries, while creating space for new voices, especially of scholars located in Africa. The project currently involves collaboration of African scholars from 10 countries – Zambia, Zimbabwe, Malawi, Nigeria, Egypt, Tanzania, Ghana, Kenya, Sudan, and South Africa – working towards the production of three key outputs, including *A Research Handbook on Law and Society in Africa*; *A Critical Reader on Law and Society in/on/from Africa* – intended as a course reader for students; and *An Online, Open-Access Repository of African Law and Society Scholarship* hosted in the Faculty's CLS Repository.







## AWARDS



Our staff and students are regularly awarded for their innovation and excellence in teaching, research, ideation, engaged scholarship and leadership.

### Dr Tshepo Mosaka, Senior Lecturer in Public Law

The *College of Fellows Young Researcher Award* is bestowed annually in recognition of outstanding scholarly work by young UCT academics who have made significant independent contributions to research in their field. In 2022 five young researchers were recognised, including UCT Law's Dr Tshepo Mosaka, Senior Lecturer in Public Law.

Dr Mosaka specialises in the Law of Evidence, Legal Coloniality and Criminal Jurisprudence. He holds an LLB (with distinction) from Wits University, an LLM (with distinction) from the University of Cape Town and a PhD from the University of Nottingham. Since joining UCT in July 2020, Dr Mosaka has published 11 peer-reviewed articles – all within 18 months – earning him a Research Incentive award as an active researcher in the Faculty of Law. His

doctoral research focused on the evidential proof of witchcraft in Africa, and he currently teaches the Law of Evidence and Criminal Law. His first book, co-authored with Pamela-Jane Schwikkard, *Principles of Evidence* 5th ed (Juta), is due for release in early 2023. Before joining UCT, Dr Mosaka gained professional experience doing his articles of clerkship at ENSAfrica. Besides his academic work, Dr Mosaka donned the number 11 shirt for three seasons as a football player for the Bidvest Wits Football Club.

Dr Mosaka also received the *Law Faculty Research Award* for 2022 for his paper titled *A Decolonial Legal Method*, published in the *SA Law Journal / SALJ* (2021). Review commentary noted that the article was extraordinarily well referenced and evidenced a familiarity with a considerable literature; that its originality lay in the way it distinguished decolonial legal method (DLM) from 'Africanisation' and 'Transformative Legal Education'; and that DLM was a practical heuristic to develop the way academics and practitioners think about and teach law – and in that sense it has the potential to impact on the development of the law.



## SPECIAL GRANTS

The UCT Law research environment is vibrant and attracts funding from a variety of different sources. As an example, we highlight the international funding granted to two of our research groups in 2022.

### **iNtaka Centre for Law & Technology receives a Schmidt Futures grant**

In recognition of the importance of the iNtaka Centre for Law & Technology, Schmidt Futures – a philanthropic initiative founded by Eric and Wendy Schmidt that bets early on exceptional people who try and make the world a better place – provided a substantial grant. This grant will enable the iNtaka Centre to grow and to contribute to programming for the *Schmidt Futures' International Strategy Forum (ISF)* African network. One of the centre's first contributions was to host a gathering in July 2022 of leading technologists, policy-makers, and innovators from across the continent.



### **Global Risk Governance Programme receives several international grants**

The GRGP received a KU Leuven *Global Minds Grant for Multispecies Justice and Repair* funded by the University of Leuven, Belgium. This project was delayed by COVID-19 and fieldwork was completed in July 2022.

The GRGP was also awarded funding from USAID and DSIGRG for a 1-year project, *Friction and flows: understanding Covid-19 impacts on the wildlife economy in southern Africa: National Academies Partnerships for Enhanced Engagement in Research (PEER) Program*. The project commenced in November 2022.

The GRGP is a participant in a 5-year research project led by Meredith Gore from the University of Maryland that has been successfully funded by the US Department of Defense. The project, *Reducing security risks from the intersectionality of wildlife trafficking and biosafety from zoonotic pathogens in Africa's Greater Limpopo Transfrontier Conservation Area*, is expected to start in early 2023.

# CONFERENCES, SYMPOSIA AND SEMINARS

**A**cademics, research staff and postgraduates in the Faculty of Law participate regularly in local and international forums both to share expertise and develop new knowledge. Some of these forums and gatherings are included below.

## **4<sup>th</sup> ECPR Standing Committee on Organised Crime**

Dr Annette Hübschle (Public Law): The Links between Environmental Crime and Illicit Markets. July 2022.

## **30 Years of Academic Excellence for Transformative Leadership in Africa**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Leveraging intellectual property policies to engender inclusive and innovative research outputs. African University. October 2022.

## **Administrative Justice Association of South Africa**

Mitchell de Beer (Public Law): Foundations for the Judicial Review of Public Power. Annual Conference. August 2022.

## **AfCFTA Secretariat IP Protocol Brainstorming Session**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Session member. The IP Protocol. The African Continental Free Trade Area (AfCFTA). February 2022.

## **Africa Accelerating Conference**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Panel discussant. Realising the African Continental Free Trade Agreement: Canada's ongoing role as a trusted third-party partner for long-term prosperity. Canada-Africa Chamber of Business. Johannesburg. October 2022.

## **African Perspectives on Green Criminology**

Dr Annette Hübschle (Public Law): Training workshop for authors for Special Issue titled "Green criminological dialogues: Voices from Africa" in the International Journal for Crime, Justice and Social Democracy. September 2022.

## **Annual UCT Tax Unit & IBFD Public Seminar**

Professor Johann Hattingh (Commercial Law): "OECD Pillar Two and USA GILTI – Policy, Design and Concerns". Online. February 2022.

## **Appointment of the new Chief Justice**

Nurina Ally (Public Law). Facilitated a Faculty conversation on the appointment of the new Chief Justice of South Africa, with discussants Professor Danwood Chirwa, Dan Mafora, Mbekezeli Benjamin and Tanveer Jeewa. March 2022.

## **ARD and Corruption Watch Education Workshop**

LARC representatives' presentation on the new guidelines on Mining resettlement and LARC's work on community trusts in the platinum belt. Northwest Province. May 2022.

## **Centre for Humanities Research (UWC) Colloquium**

Professor Pierre De Vos (Claude Leon Foundation Chair in Constitutional Governance): This is not a burial, it's a resurrection: transformative constitutionalism, neo-colonialism, and the decolonisation of death. Online colloquium on Transformative Constitutionalism: What human is imagined in the 'Human Rights' contained in the South African Constitution? May 2022.

## **Chemonics VukaNow Activity**

Dr Annette Hübschle (Public Law): Impact of COVID-19 on poaching and trafficking hotspots in Southern Africa. Presentation. December 2022.

## **Clashing Forms of Regulation and Right**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Discussant. New theoretical approaches and practical ways to be applied to regimes to address societal changes. Talk by Professor Abbe Brown, Scottish Law and Innovation Network. Aberdeen. December 2022.

## **Constitutional Court Review Conference 2022**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Panel discussant. Disability Rights: an analysis of the Constitutional Court's decision in *Blind SA V Minister of Trade, Industry and Competition and Others* [2022] ZACC 33. December 2022.

## **Department of Basic Education, SA**

Nurina Ally (Public Law): Early Childhood Development Health, Safety and Environmental Standards Study. Presentation of report. October 2022.

## **Dispute Resolutions under Tax Treaties and Beyond**

Professor Johann Hattingh (Commercial Law): "Dangerous Transplantation: Importing Big Government Into Art 3(2) of the 2017 OECD Model Tax Convention". Università Cattolica del Sacro Cuore and Fondazione Maisto, Milan, Italy. November 2022.







#### **Eastern Southern African Anti Money Laundering Group (ESAAMLG)**

Dr Annette Hübschle (Public Law): The illegal wildlife trade and linkages to money laundering and illicit financial flows, and terrorist financing (take homes): Illegal Wildlife Trade and Money Laundering. ESAAMLG Judicial Training. Livingstone, Zambia. June 2022.

#### **Eastern Southern African Anti Money Laundering Group (ESAAMLG)**

Dr Annette Hübschle (Public Law): Recovery of Proceeds of IWT – Seizure/Freezing, IWT and terrorist financing, Money laundering and illicit financial flows from IWT. Training workshop for magistrates. Dodoma, Tanzania/hybrid. September 2022.

#### **Eastern Southern African Anti Money Laundering Group (ESAAMLG)**

Dr Annette Hübschle (Public Law): Recovery of Proceeds of IWT – Seizure/Freezing/confiscation, IWT and terrorist financing, Local, regional and global chains supported by the IWT. Training workshop for High Court judges. Dar es Salaam, Tanzania /hybrid. November 2022.

#### **Edwin Cameron Colloquium – Faculty of Law, UCT**

Nurina Ally (Public Law): Making Accountability Work - Accountability in Edwin Cameron's jurisprudence. Cape Town. December 2022.

#### **Empowering Youths in Africa's Creative Industry: The role of collective management**

Dr Edward Kwakwa, Assistant Director General, Global Challenges and Partnerships Sector, World Intellectual Property Organization, keynote address.

Hosted by UCT Law's Intellectual Property Unit. April 2022.

#### **Environmental Association of South Africa Annual Conference**

Professor Alexander Paterson (Institute of Environmental and Marine Law): Preparing for the Post-2020 Global Biodiversity Framework - Possible Tweaks to South Africa's Law and Policy Framework Governing Protected Areas. UWC, Cape Town. September-October 2022.

#### **Fauna and Flora International Wildlife Trade Working Group**

Dr Annette Hübschle (Public Law): Innovative partnerships: how criminologists and conservationists are testing new approaches to wildlife crime. November 2022.

#### **Global Initiative against Transnational Organised Crime**

Dr Annette Hübschle (Public Law): Convergence: Interfaces between the licit and illicit. Invited speaker. UNTOC. October 2022.

#### **Hermanus Fyn Arts Festival**

Professor Pierre De Vos (Claude Leon Chair in Constitutional Governance): The South African Constitution: between promise and practice. Hermanus. June 2022.

#### **Holding Shell Accountable: Lessons from a comparative analysis of climate litigation.**

Nurina Ally (Public Law): Facilitated a Faculty seminar with Professor Melanie Murcott (University of Pretoria). UCT Law. April 2022.



#### **Intellectual Property and the SDGs Regional Workshops**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Regional workshops on intercontinental book project on IP and sustainable development goals. July 2022.

#### **IP & Innovation Researchers of Asia (IPIRA) Network Conference 2022**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Plenary member. IP and sustainable development. IPIRA. Online. February 2022.

#### **JIFA Environmental Law**

Professor Alexander Paterson (Institute of Environmental and Marine Law): Conceptualised and conducted Climate Change Law Course for 25 judges from southern and eastern Africa. Magaliesberg. August 2022.

#### **Land Conference 2022**

LARC (Land and Accountability Research Centre): The Failed Promise of Tenure Security: Customary Land Rights and Dispossession. Convenors: Land and Accountability Research Centre (LARC), UCT, Legal Resources Centre (LRC), Institute for Poverty, Land and Agrarian Studies (PLAAS), UWC, Society, Work and Politics Institute (SWOP), Wits, Alliance for Rural Democracy (ARD). August 2022.

#### **Law and Society Global Meeting**

Professor Dee Smythe (Public Law) and Adjunct Assoc Prof Melanie Judge (Public Law): Panel discussants. Lisbon. July 2022.

#### **Law and Society Global Meeting**

Professor Pierre De Vos (Claude Leon Foundation Chair in Constitutional Governance): On Christian privilege and the constitutional limitation of religious freedom in South Africa. Lisbon. July 2022.

#### **Law, History and Power: The Constitution of South Africa and the (im)possibility of Justice**

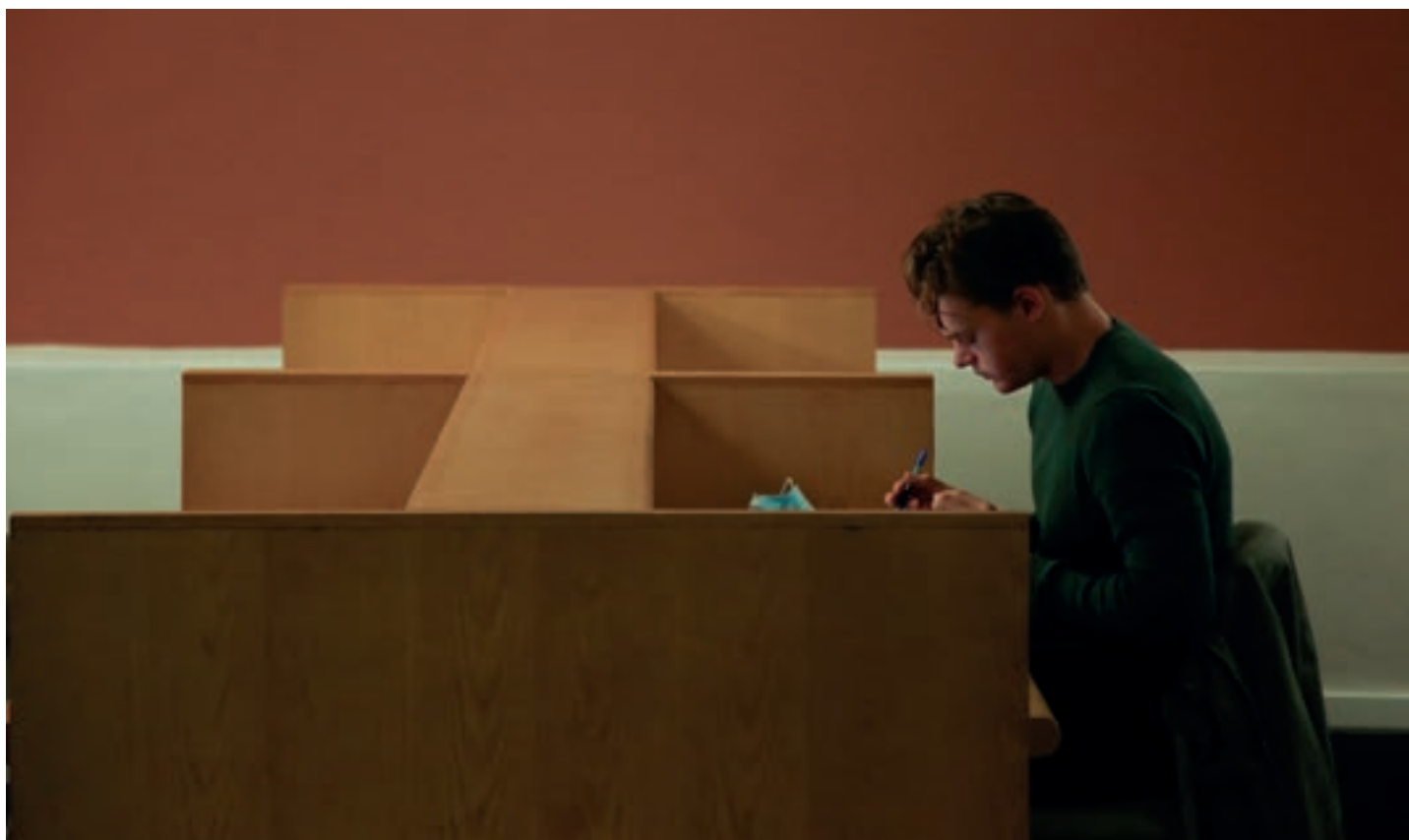
Sky Kruger (Teaching Assistant): "The Constitution as Aspirational Whiteness: A TWAIL Perspective". Postgraduate Jurisprudence Conference. University of Pretoria. August 2022.

#### **Mineral Law in Africa Colloquium VII**

Professor Hanri Mostert (SARCHI Research Chair: Mineral Law in Africa): Critical Minerals and the Just Transition. University of Cape Town. Cape Town. October-November 2022.

#### **Peace Parks Foundation DIRCO Strategic Planning Retreat**

Dr Annette Hübschle (Public Law): Conservation and Peace. Presentation and advice on strategic planning. August 2022.





### **Regional Teaching and Learning Conference**

Nurina Ally (Public Law): Enter the Matrix – Bridging theory/practice divides in the teaching of administrative law. September 2022.

### **Rethinking Expropriation Law: Takings for Climate Justice and Resilience**

Professor Hanri Mostert (SARCHI Research Chair: Mineral Law in Africa) and Dr RH Cramer: The Duty of the State to Expropriate Property that has Accrued a Negative Value due to Climate Change. University of Groningen, Groningen. September 2022.

### **Resilience in Energy, Infrastructure and Natural Resources Law**

Professor Hanri Mostert (SARCHI Chair: Mineral Law in Africa), C. Adomako-Kwakye, K.M.C. Chisanga & H.M. Van den Berg in discussion on Chapter 17 of *Resilience in Energy, Infrastructure, and Natural Resources Law*. Hosted by the Energy and Mining Law Institute, External de Colombia University. Online. June 2022.

### **South African Law Reform Commission Workshops**

Professor Mohamed Paleker presented three workshops on alternative dispute resolution in family matters and collaborative lawyering. 2022.

### **Slow Intimacy Conference**

Professor Pierre De Vos (Claude Leon Foundation Chair in Constitutional Governance): We hope he will be dead by tonight: shared estrangement in the ICU waiting room. STIAS. Stellenbosch. October 2022.

### **South African National Biodiversity Institute**

Dr Annette Hübschle (Public Law): Input on livelihoods to combat illegal plant poaching across the Succulent Karoo. Workshop on succulent trafficking. Robertson. September 2022.

### **South African Wildlife Management Association Annual Congress**

Dr Annette Hübschle (Public Law): Researching the illegal wildlife trade through a green criminological and southern lens. Keynote address. Bonamanzi Game Reserve, KwaZulu-Natal. September 2022.

### **Symposium for Contributors to Research Handbook on Law and Technology**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development), and Thabiso Phiri (LLM Researcher): Voices Shaping Law and Technology in Research Handbook on Law and Technology. Online. November 2022.

### **The Conservation Symposium**

Professor Alexander Paterson (Institute of Environmental and Marine Law): Reflecting on the Importance of Public Consultation in the Conservation

Context – A Tale of Three Recent Cases. Keynote Address. Scottburgh, KwaZulu-Natal. November 2022.

### **UCT Law**

Nurina Ally (Public Law): State incapacity and legal mobilisation. Paper presented at Faculty's Department of Public Law research day. 2022.

### **University of Ottawa Centre for Law, Technology and Society: Distinguished Lecture**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property Innovation and Development): Africa United as Never Before: The AfCFTA, Development, Industrialisation, and Value Chains. In collaboration with the OpenAIR partnership. October 2022.

### **USAID and Chemonics VukaNow Activity**

Dr Annette Hübschle (Public Law): Pragmatic conservation. 16th Special Platform for Action, Reflection and Collaboration in Community Engagement in Conservation (SPARCC 16). Kasane, Botswana/hybrid. August 2022.

### **WIPO-UNIGE Summer School on IP**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Panel discussant. Recent Trends and Hot Topics for IP Students and Practitioners. University of Geneva, World Intellectual Property Organisation. Geneva. June 2022.

### **World Congress on Constitutional Law**

Nurina Ally (Public Law) and Ms Lauren Kohn (Public Law): Co-presenters on the theme of constitutional amendment. December 2022.

### **World Congress on Constitutional Law**

Nurina Ally (Public Law): Panel discussant. Litigating children's rights. December 2022.

### **World Science Forum South Africa**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Moderator. Establishing an African knowledge democracy for increased social justice and development. Cape Town, December 2022.

### **World Trade Organisation 12<sup>th</sup> Ministerial Conference**

Professor Caroline Ncube (SARCHI Research Chair in Intellectual Property, Innovation and Development): Member of NGO delegation. Geneva. June 2022.

### **World Trade Organisation Seminar**

Dr Edwini Kessi (WTO): The Multilateral Trading System at Crossroads: The Preparation for the 12<sup>th</sup> Ministerial Conference. Hosted by UCT Law's Intellectual Property Unit. May 2022.



# PUBLICATIONS

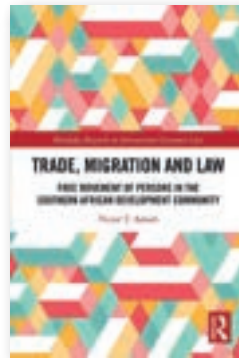
Each year Faculty academics, researchers and associates contribute an enormous amount of quality, responsive research to the field of Law. Work is published in – amongst other publication types – books, book chapters, articles in journals and research reports. Some of these publications are included below.

*\*This is not a complete list, but rather an indication of the breadth and scope of scholarship in the Faculty.*

## BOOKS



Abe, O. 2022. *Implementing Business and Human Rights Norms in Africa: Law and Policy Interventions*, 1<sup>st</sup> ed. Routledge, London.



Amadi, V. 2022. *Trade, Migration and Law: Free Movement of Persons in the Southern African Development Community*, 1<sup>st</sup> ed. Routledge, London.



Banet, C, Mostert, H, Paddock, L, Pardo, MFM & Del Guayo, I. (eds). 2022. *Resilience in Energy, Infrastructure and Natural Resources Law: Defining Legal Pathways for Sustainability in Times of Disruption*, Oxford University Press.



Barnard-Naudé, J. (ed). 2022. *The Incomprehensible: The Critical Rhetoric of Philippe-Joseph Salazar*, Acta Juridica, Juta.



Barnard-Naudé, J. (ed). 2022. *Decolonising the Neoliberal University: Law, Psychoanalysis and the Politics of Student Protest*, Routledge, Abingdon.



Gastrow, V. 2022. *Citizen and Pariah: Somali Traders and the Regulation of Difference in South Africa*, Wits University Press, Johannesburg.







Judge, M, and Smythe, D. (eds). 2022. *Unsettling Apologies: Critical Writings on Apology from South Africa*, Bristol University Press.



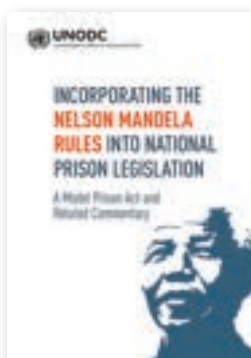
Monye, O. 2022. *Digital Financial Inclusion and Regulation*, 1<sup>st</sup> ed. Routledge, London.



Tong, L-A, and Nyeihita, G. 2022. *IP Fundamentals: The Designs Act 195 of 1993 and Regulations*, Juta.



Van Zyl Smit, D, and Appleton, C. 2022. *Life imprisonment: A global human rights analysis*, Spanish translation, Harvard University Press.



Van Zyl Smit, D. 2022. *Incorporating the Nelson Mandela rules into National Prison Legislation: A model prison act and related commentary*, United Nations Office on Drugs and Crime.



## CHAPTERS IN BOOKS

Ally, N, and Williams, K. 2022. 'Penance and Punishment: Apology as a Remedy for Hate Speech' in Judge, M, and Smythe, D. (eds). *Unsettling Apologies*. Bristol University Press.

Banet, C, Mostert, H, Paddock, L, Montoya, MFM & Del Guayo, I. 2022. 'Conclusion - Managing Disruption and Reinventing the Future: Resilience as Requirement for Legal Framework' in Banet, C, Mostert, H, et al, (eds). *Resilience in Energy, Infrastructure and Natural Resources Law: Defining Legal Pathways for Sustainability in Times of Disruption*. Oxford University Press.

Banet, C, Mostert, H, Paddock, L, Pardo, MFM. and Del Guayo, I. 2022 'Introduction' in Banet, C, Mostert, H, et al, (eds). *Resilience in Energy, Infrastructure and Natural Resources Law: Defining Legal Pathways for Sustainability in Times of Disruption*. Oxford University Press.

Claassens, A, and Sihlali, N. 2022. 'Dilemmas and Issues Confronting Socially Engaged Research within Universities' in Bezuidenhou, A. et al, (eds). *Critical Engagement with Public Sociology: A Perspective from the Global South*. Bristol University Press.

de Beer, M. 2022. 'South Africa' in *Civil Liability for Human Rights Violations | A Handbook for*

*Practitioners*. Bonavero Institute. Oxford University and Oak Foundation.

de Vos, P. 2022. "'Lock your doors!'", or "the beginning of after"" in Barnard-Naudé, J. (ed). *Decolonising the Neoliberal University: Law, Psychoanalysis and the Politics of Student Protest*. Routledge. Abingdon.

de Vos, P, and Barnard-Naude, J. 2022. 'War by other means: the law and politics of sexual minority freedom in post-apartheid South Africa' in Jjuuko, A. et al (eds). *Queer Lawfare in Africa: Legal strategies in contexts of LGBTIQ+ criminalisation and politicisation*. Pretoria University Law Press (PULP).

Dore, A, Hübschle, A. and Batley, M. 2022. 'Towards environmental restorative justice in South Africa: How to understand and address wildlife offences', in Pali, B, Forsyth, M, and Tepper, F. (eds). *The Palgrave Handbook of Environmental Restorative Justice*. Palgrave Macmillan. London.

Hattingh, J. 2022. 'An "International Tax Language" for Tax Treaty Interpretation: Its Histories in Common and Civil Law Discourse' in Pistone, P. (ed). *Building Global International Tax Law: Essays in Honour of Guglielmo Maisto*. IBFD. Amsterdam.



Hattingh, J. 2022. 'Treaty Interpretation' in *Global Tax Treaty Commentaries*. IBFD. Amsterdam.

Hirsch, A, and Amadi, V. 2022. 'Can Africa Accelerate Initiatives towards the Freer Movement of Africans in Africa?' in Mangeni, F, Atta-Mensah, J, & United Nations Economic Commission for Africa (UNECA) (eds). *Existential Priorities for the AfCFTA*. UNECA. Addis Ababa.

Maphiri, M. 2022. 'Food Security in South Africa: Lessons from the COVID-19 Pandemic on Creating Sustainable Value Chains Through Corporate Social Responsibility (CSR)' in Idowu, S, and Schmidpeter, R. (eds). *Case Studies on Sustainability in the Food Industry: Dealing with a Rapidly Growing Population*. Springer International Publishing.

Mostert, H, Adomako-Kwakye, C, Chisanga, KMC, & Van den Berg, HM. 2022. 'How strong can you stand if you're on your knees? – Financing Crises in Africa: Implications for the Natural Resource and Energy Sectors' in Banet, C, Mostert, H. et al, (eds). *Resilience in Energy, Infrastructure and Natural Resources Law: Defining Legal Pathways for Sustainability in Times of Disruption*. Oxford University Press.

Mostert, H. 2022. 'Custodial Resource Holding as an Expression of Constitutional and Economic Intent in Africa' in Fombad, C, and Steytler, N. (eds). *Constitutionalism and the Economy in Africa*. Oxford University Press.

Mostert, H, and Mathiba, G. 2022. 'The Mine Community Displacement and Resettlement Conundrum in South Africa: Mapping the Conceptual, Infrastructural and Institutional Flaws' in Graham, N, Davies, M, & Godden, L. (eds). *Handbook of Property, Law & Society*. Routledge.

Ncube, CB. 2022. 'Limiting Access to Life-Saving Medications: Three South African Case Studies' in Bonadio, E. and O'Connell, A. (eds). *Intellectual Property Excesses: Exploring the Boundaries of IP Protection*. Hart.

## JOURNAL ARTICLES

Ally, N, and Boonzaier, L. 2022. The Constitutional Court's Efficiency: Statistics from the Mogoeng Era, 2010–2021. *Constitutional Court Review* 12(1).

Ally, N, Parker, R, and Peacock, TN. 2022. Litigation and social mobilisation for early childhood development during COVID-19 and beyond. *South African Journal of Childhood Education* 12(1).

Amien, W. 2022. Freedom of religion and places of worship during Covid-19. *South African Journal on Human Rights*.

Chidede, T. 2022. The role of intellectual property rights' protection in advancing development in South Africa. *Law, Democracy & Development* 26.

## BOOK REVIEWS



Kinnes, I. 2022. Review of *Police Integrity in South Africa* by Ivković, S.K. et al. *International Criminology*, 3.



Paleker, M. 2022. Review of *The Supreme Court of Namibia* by Petrus T Damaseb. *South African Law Journal* 139, No. 3.



dos Santos, F, Ncube, CB, and Ouma, M. 2022. Intellectual property framework responses to health emergencies – options for Africa. *South African Journal of Science* 118 (5-6).

Hattingh, J, and Avery Jones, J. 2022. Oppenheimer v HMRC: Determining Centre of Vital Interests. *British Tax Review* 3.

Hübschle, A. 2022. Sustainable livelihoods and community engagement. *UNODC module on Wildlife Crime*.

Kelly-Louw, M. 2022. Beneficiary fraud and demand guarantees. *Potchefstroom Electronic Law Journal* 25. Special edition *Festschrift for Professor Carl Hugo*.

Kelly-Louw, M. 2022. Fraud in the wide sense and demand guarantees. *Journal of Contemporary Roman-Dutch Law* 85.

Kinnes, I. 2022. Innovative violence prevention programs and police partnerships from around the world. *Envisaging the future of policing and public health series*. Global Law Enforcement and Public Health Association.

Mosaka, TB. 2022. An introduction to proof in South Africa. *South African Law Journal* 139(4).

Mosaka, TB. 2022. Here is a table: A prolegomenon to a future new evidence scholarship in Africa. *International Journal of Evidence & Proof* 26(2).

Mosaka, TB. 2022. Wenzeni uZuma: The criminal jurisprudence of corruption in Africa. *South African Journal of Criminal Justice* 35(3).

Nanyemba, T, and Maphiri, M. 2022. The Social and Ethics Committee and the Protection of Non-Shareholder Constituencies: Teething Problems or No Teeth At All? *Stellenbosch Law Review* 33(3).

Ncube, CB. 2022. Intellectual property and the African continental free trade area: lessons and recommendations for the IP protocol. *Journal of International Trade Law and Policy* 21(2).

Ndlebe, Z, and Tilley, A. 2022. Judicial Appointments in South Africa. *British Journal of American Legal Studies* 10(3).

Paterson, AR. 2022. Protected Areas, Community Rights and Affirmative Action: The Plight of Uganda's Batwa People. *African Human Rights Law Journal* 22.

Ramalekana, N. 2022. A Critique of the Stigma Argument Against Affirmative Action. *University of Oxford Human Rights Hub*.

Kengni, B, and Mostert, H. 2022. Regulation and Remediation of the Impacts of Mine Wastes on Land and Water in South Africa. *Journal of Energy & Natural Resources Law*.



# ENGAGED SCHOLARSHIP

**Professor Alexander Paterson** (Institute of Marine & Environmental Law) was appointed to the Board of the Biodiversity Law Centre. The Biodiversity Law Centre uses the law to protect and restore biodiversity in Southern Africa.

**Professor Pierre de Vos** (Claude Leon Foundation Chair in Constitutional Governance)

- served as Deputy Chairperson of the UCT Vaccine Mandate Panel, which produced a report and provided advice to the UCT Council on the legal and ethical issues surrounding the adoption of a vaccine mandate at UCT;
- served on the Board of the *PEN South Africa*; and
- was a member of the advisory council of the *Council for the Advancement of the South African Constitution (CASAC)*.

**Dr Nomfundo Ramalekana** (Public Law)

- was appointed an Editor for the *Constitutional Court Review Journal*. This is an accredited peer-reviewed journal that focuses on South African Constitutional Law; and
- was appointed to the Board of NGO *Ndifuna Ukwazi*, an activist organisation and law centre that challenges the reproduction of spatial apartheid in Cape Town and promotes social, economic and racial justice through increased access to land and dignified homes.

**Nurina Ally** (Public Law)

- was appointed co-editor of the *Journal of Human Rights Practice*, an international journal providing a forum for discussion and exchange for a host of actors concerned with human rights practice; and
- served as guest editor for a Special Issue of the *South African Journal on Human Rights* on the rights of children in early childhood.

**Professor Caroline Ncube** (SARCHI Chair in Intellectual Property, Innovation and Development)

Professor Caroline Ncube, holder of the SARCHI Chair in Intellectual Property, Innovation and Development, was appointed to the Trade and Industrial Development Advisory Council of the African Continental Free Trade Area (AfCFTA), one of the African Union's flagship projects. She is one of only three South Africans to be appointed to the Council.

The area covered by AfCFTA is the world's largest free trade area and brings together the 55 African Union countries along with eight Regional Economic Communities. AfCFTA's overall mandate is to create a single continental market with a population of some 1.3 billion people and a combined GDP of US\$34 trillion.

Professor Ncube's appointment is testament to the high regard in which her work has been held on the continent and in the rest of the world.

Professor Ncube has held the SARCHI Chair in Intellectual Property, Innovation and Development based in the Department of Commercial Law since 2018. Under her leadership a growing team of researchers, post-doctoral research fellows, doctoral candidates, masters and undergraduate students, as well as research affiliates, conduct a wide range of research activities that are unified by a central focus on promoting public interest and alignment to national development and its core aims of elimination of poverty and reduction of inequality by 2030.

The research initiatives under the auspices of the Chair concentrate on raising employment through faster economic growth; improving the quality of education, skills development and innovation; and building the capability of the State to play a developmental, transformative role.



## RESEARCH CITATIONS BY SOUTH AFRICAN COURTS

Research (i.e., Govender, S and Kelly-Louw, M “Delivery of the compulsory section 129(1) notice as required by the National Credit Act of 2005” PER/ PELJ 2018 (21) -<http://dx.doi.org/10.17159/1727>) was cited by the High Court of South Africa, Northern Cape Division, Kimberley in *Bridge Taxi Finance no 5 (Pty) Ltd v Mongala* (973/2022) [2022] ZANCHC 81 (6 September 2022) para 6 and footnote 1.

Research (i.e., Kelly-Louw, M “A credit provider’s complete defence against a consumer’s allegation of reckless lending” (2014) 26 SA Merc LJ 24-59) was quoted by the High Court of South Africa, Gauteng Local Division, Johannesburg in *Landrover Financial Services, a product of Wesbank, a Division of Firstrand Bank Limited v Phiri* (13690/2021) [2022] ZAGPJHC 394 (5 May 2022) para 15 and footnote 10.

## OPINIONS AND MEDIA

Ally, N. Time for in-person ConCourt hearings to resume. Op ed. *Daily Maverick*. May 2022.

Ally, N., Moul, K., and Beere, R. School to prison pathways raise a red flag. Op-Ed. *New Frame*. March 2022.

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# FACULTY NEWS HIGHLIGHTS

## THE BRAND VAN ZYL LAW LIBRARY – 60 YEARS

The Dean of UCT Law, Professor Danwood Chirwa, and the Executive Director for UCT Libraries, Ujala Satgoor, joined Faculty staff, friends and librarians to celebrate 60 years since the opening of the Brand Van Zyl Law Library at UCT. This dedicated law library opened on 24 September 1962 to serve students and academics by providing them with distinctive resources for teaching, learning and research in law – a commitment to service excellence that remains the hallmark of the Law Library.

A panel discussion on *The Future of libraries in service of Law* was one of the highlights of the

event. Panel members included Anthea Paulsen (Law Library librarian), Mariya Badeva (Director of the AfricanLII), and Dr Reggie Raju (Director of Research and Learning Services at UCT Libraries). Associate Professor Tobias Schonwetter (Director of iNtaka Centre for Law & Technology) moderated the discussion.

In her opening address Ujala Satgoor remarked that the library had evolved into a dynamic, contemporary service that enables students and researchers to navigate between traditional modes of study on site and relevant digital and online resources. Keeping pace with significant technology developments in the field, librarianship and access to



Professor Chirwa congratulated the library on its service and longevity. “Law libraries are central to law academics, researchers, students, and legal professionals. Law librarians equally are central to the pursuit of justice through the provision and preservation of law information and resources.”



knowledge has resulted in a multi-format collection that caters for a wide variety of academic needs, research and learning styles.

For Anthea Paulsen, one of the library's strengths is that it has kept pace with the changing needs of students and researchers over the past six decades and, in so doing, has contributed significantly to the transformation process at the University.

Dr Raju spoke about the services that contribute to the changing role of the law library, one of which is publishing. To date UCT has published 23 books under open book publishing, including a constitutional law textbook written for students by students published in March 2020. The textbook which has been downloaded more than 120,000 times across South Africa and in 80 other countries has assisted in addressing the challenge of the high cost of textbooks and ensures that UCT content is accessible globally.

As the Faculty reflected on the past 60 years, academics, librarians and law students were encouraged to think ahead and explore how the library can continue its outstanding contribution to Law for the next 60 years.

An exhibition highlighting a timeline of significant events in the history of the Brand van Zyl Law Library was on display during the celebratory event, and a permanent exhibition has been erected at

the entrance to the Law Library which includes a chronological timeline of the library's growth and the stories of its collections. An online exhibition is also available on the [UCT Libraries main website](#).

*Extract from UCT News 22 September 2022.*

*Original story by Niemah Davids. Photo: Lerato Maduna*

### History of the Brand van Zyl Law Library

The Brand van Zyl Law Library is named after the Right Honourable Major Gideon Brand van Zyl, who was Governor-General of the Union of South Africa from 1946 to 1950. He donated his family's library to the University of Cape Town in 1949.

The Law Library became a separate branch library of the UCT Libraries system in 1962. At that time, the Library was situated on the University's Orange Street campus in central Cape Town. The Library moved to the University's upper campus on the slopes of Devil's Peak in the 1970s, before moving down the hill to its current location on UCT's middle campus in July 2000. Seating more than 250, it occupies the two lowest floors of the Wilfred and Jules Kramer Law School Building, on middle campus.



### A NEW FREE ONLINE LAW RESOURCE

The African Legal Information Institute (AfricanLII), under the direction of Mariya Badeva, launched a free-to-access law knowledge resource – [LawLibrary.org.za](http://LawLibrary.org.za). This brand new platform – a fully searchable resource for, *inter alia*, case law, judgements and statutes (with full amendment histories) – is an initiative of the DGRU, AfricanLII, JIFA and Laws.Africa.

AfricanLII at UCT is one of 16 African LIIs, a collaborative group of organisations and individuals in Africa dedicated to free access to law on our continent. Launched in 2010 AfricanLII supports legal information institutes across the continent to collect and upload statutes and judgments online so that the public can access them.

[AfricanLII](http://AfricanLII) publishes the law and policy of the African Union and supports searching across all open access African national statutes and case law that are available through the Open Law Africa community of LIIs. AfricanLII and its partners subscribe to the principles of the *Montreal Declaration on Free Access to Law*.









Mr Geoff Budlender receives his Honorary Doctorate from UCT Chancellor Dr Precious Moloi-Motsepe. July 2022

## LAW ALUMNI AWARDED HONORARY DOCTORATES

Each year the University of Cape Town confers honorary doctorates on individuals who have made exceptional contributions to a specific field, or to society or humankind in general. In 2022 UCT awarded these degrees to six distinguished individuals, of which two were alumni of the Faculty of Law.

### Mr Geoffrey Budlender SC: Doctor of Laws (*honoris causa*)

Mr Geoffrey Budlender is a towering figure in the South African legal profession, respected throughout Africa and beyond. His record of struggle for the greater good, social justice and human rights began as a student at UCT.

Mr Budlender has been pushing for social justice and human rights since the early 1970s when he was the president of the UCT Students' Representative Council and, later, chair of the Council of the National Union of South African Students that led student protests against the apartheid regime. He later became the co-founder of the Legal Resources Centre (LRC) where he was the director between 1993 and 1996 helping the poor and marginalised.

Between 1996 and 2000, Budlender served as director general of South Africa's Department of Land Affairs during Nelson Mandela's presidency. Here, he was integral to the process of re-incorporating homelands into the new South Africa, and in the revision and reform of various laws. He returned to the LRC between 2000 and 2004, where he was involved in some of the most profound and ground-breaking decisions the Constitutional Court has produced to date. His work received international acclaim and inspired many countries throughout the world to constitutionalise socio-economic rights and to introduce judicial means of enforcing them.

Recently, he received the Pro Bono Award from the International Bar Association in recognition of his immense contribution to social justice and public interest litigation.

These contributions, and his dedication to helping those less fortunate, are among the many reasons why Mr Budlender has been honoured by his *alma mater*.

The full citation for Mr Budlender is available on the [UCT News site](#).



**Sir Franklin Berman QC:  
Doctor of Laws (honoris causa)**

Sir Franklin Berman has made an immense contribution to the growth and development of international law and international dispute resolution. A graduate of UCT with a BA and BSc Mathematics, Sir Frank joined the British Foreign Office in 1965, where he served in various capacities, including: legal adviser to the British military government in Berlin, legal counsellor to the Foreign and Commonwealth Office, counsellor to the UK Mission to the United Nations, and legal advisor to the Foreign and Commonwealth Office. In these roles he was able to contribute to the settlement of international disputes and to the development of various laws.

Sir Frank led the UK delegation negotiating the drafting of the Statute of the International Criminal

Court, which set up an historic mechanism for addressing impunity for international crimes. He has also served as an *ad hoc* judge of the International Court of Justice – the only court that issues binding decisions in international law.

In 1996 Sir Frank was knighted by the Queen of England and was recognised by Queen's Council in 2006. He has not only flown the UCT flag high on the international stage, but also directly contributed significantly to increasing alumni engagement with and support to UCT.

The full citation for Sir Frank Berman is available on the [UCT News site](#).

*Original story: Helen Swingler (UCT News).  
Photographs: Je'nine May*



Sir Frank Berman receives his Honorary Doctorate from UCT Chancellor, Dr Precious Moloi-Motsepe. July 2022

## GRADUATE ESSAY ON PLASTIC WASTE WINS SILVER AT COP27

Kirsten Barratt's master's thesis in environmental law examines legal regulations around plastic waste and suggests incentives to reuse, recycle, and reduce this useful but pervasive commodity. An essay which she co-authored with fellow UCT student Koaile Monaheng (who is about to complete his MPhil in Climate Change and Sustainable Development) and Rhodes University's Megan Mannion won a silver medal in the COP27 Climate Law and Governance Day essay competition in November 2022. The essay was based on Kirsten's Masters' dissertation which explores the options available to policymakers to improve and expand market-based instruments that promote better recycling, reuse, and reduction of plastics in a circular waste economy.

Kirsten is adamant that more must be done to incentivise change. Because South Africa is a developing country with limited resources, market-based incentives offer more cost-effective means of tackling the problem than the traditional command-and-control approach entrenched in law.

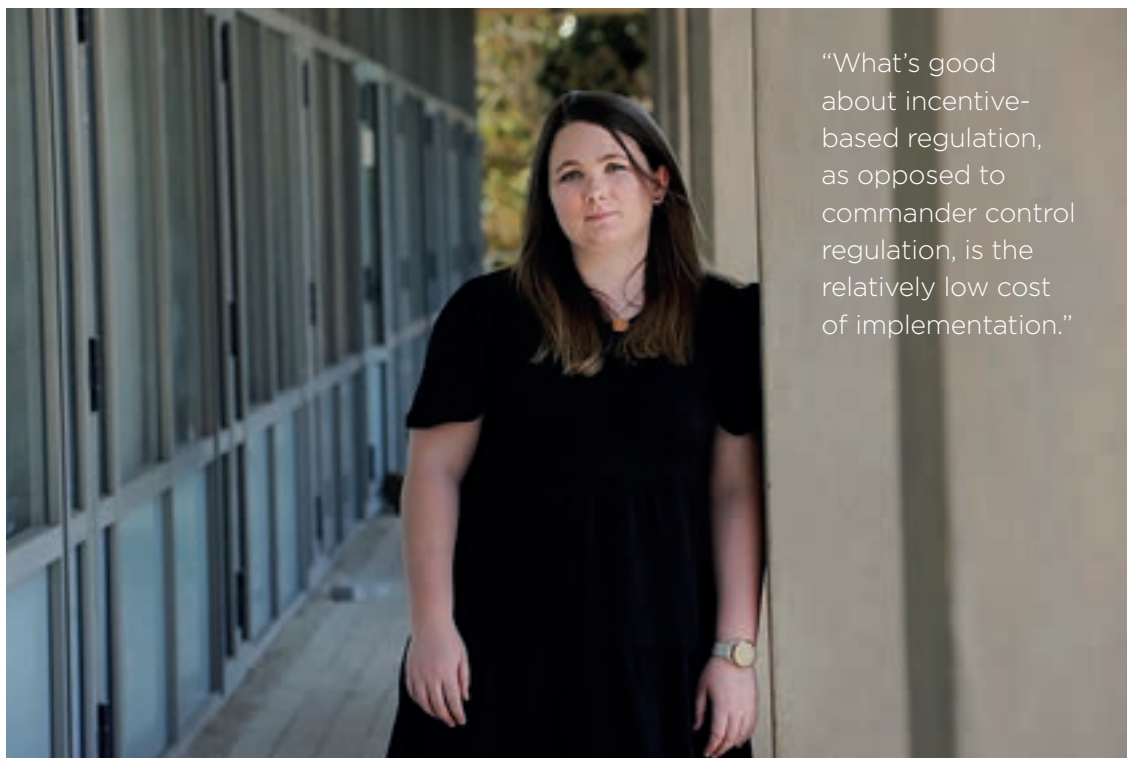
Global plastic waste has reached approximately 6.3 million metric tonnes, most of which ends up in landfills or into the surrounding environment. Ninety-five percent of the waste South Africa produces goes into landfills. But space is running out.

While South Africa has sound domestic legislation regulating plastic, it's not enough to protect the environment from pollution, or foster different attitudes and behaviours. Plastic must be kept in the circular economy for reuse and recycling and legislation must be shaped to do this, particularly incentive-based regulations which can target the downstream or upstream aspects of plastic production.

"What's good about incentive-based regulation, as opposed to commander control regulation, is the relatively low cost of implementation. In many cases, government can raise money if they implement the tax on certain items, for example a plastic bag tax. The advantage is that government can use that money for housing or social security. It should go back into environmental policies, but it often doesn't."

The cost effectiveness of this type of regulation makes it very attractive for developing countries. In September 2022, Kirsten was also a finalist in *Falling Walls Lab Cape Town* with a three-minute pitch, "Breaking the wall of plastic regulation". This highlighted how and where plastic management policy should be focused.

*Extract from UCT News 14 December 2022*  
*Story: Helen Swinger. Photo: Lerato Maduna*



"What's good about incentive-based regulation, as opposed to commander control regulation, is the relatively low cost of implementation."



## THE MACFARLANE LEADERSHIP SCHOLARS

In early 2020 the University of Cape Town and the UCT Faculty of Law signed a grant agreement with the Tambour Foundation, governing the MacFarlane Family's gift of R15million for the endowment of the Everard and Joan MacFarlane Family Leadership Scholarships. This grant was paid to the university in two tranches of R7,5million each, in January of 2020 and 2021 respectively.

The Everard and Joan MacFarlane Family Leadership Scholarships were set at R75 000 per scholar, with an annual inflation-linked increase. These are awarded to intermediate year LLB students from previously disadvantaged groups who could demonstrate financial need as well as evidence of leadership experience and potential for leadership development. These scholarships are renewable for the recipients' final year of their LLB, depending on academic performance.

These scholarships provide support to recipients beyond tuition fee support through a programme of knowledge development and skills-building opportunities, profession-based networking and conversations, and academic mentoring.

The grant agreement specified that at least three new scholarship recipients would be selected each year, with at least one male student and at least one woman (if possible). With the inaugural scholarships being awarded in 2021 and running 2021 – 2022, and the second year of the scholarships awarded in 2022, running 2022 – 2023, from the second year of the programme going forward there would be at least six scholarship recipients each year (three final year students in the second year of the programme, and three intermediate year students in their first year of the programme). 2022 was the first year we had a new intermediate year cohort as well as a final year cohort (in the 2<sup>nd</sup> year of the scholarship programme).

The first cohort of MacFarlane Leadership Scholars, namely Jessica Jaftha, Sabelo Ndlovu and Lwazi-Lwandile Simelane, completed the requirements of the LLB degree – and graduated in March 2023 after starting their respective articles in January 2023.

## NEW FACULTY PROGRAMME: POSTGRADUATE DIPLOMA IN JUDICIAL STUDIES

Applications for the Law Faculty's new postgraduate diploma opened in 2022, for the first full year of the new programme in 2023. The *Postgraduate Diploma in Judicial Studies* is offered to professionals across the African continent who are currently serving as judges and magistrates, as well as those earmarked for the judicial track. This new PG Dip is Africa's first postgraduate qualification in judicial studies, offering access to cutting-edge knowledge that gives participants insight into the concepts, developments, debates and discussion in the judicial sphere across the continent.

The programme comprises four courses: two core course and two electives. The qualification can be completed either full-time over one year or part-time over two years. In addition to a basic qualification in law, applicants are required to demonstrate appointment as a judicial officer (judge, magistrate, or equivalent) or the potential for such appointment in the foreseeable future by including letter of reference from an appropriate official.

Vanja Karth, programme convenor, commented: "This qualification is aimed at ensuring that the new generation of judges on the African continent are practically and theoretically grounded in the art of judging in a constitutional democracy".

This new qualification is offered by the Faculty through its Democratic Governance and Rights Unit and unit partner JIFA, the Judicial Institute for Africa.

Salona Lutchman, Mathabo Baase and Nurina Ally teach jointly on the re-invigorated postgraduate course on International Rights of the Child



# EVENTS

## ANNUAL PUBLIC LECTURES

### BEN BEINART MEMORIAL LECTURE

Inaugurated in 2003, the annual Ben Beinart Memorial Lecture recognises the life, work and contribution to the Faculty of Law by Professor Ben Beinart, who held the WP Schreiner Professor of Law Chair in the Faculty of Law from 1950-1974. Professor Reingard Nethersole, Professor Emerita of Comparative Literature at Wits delivered the 2022 Ben Beinart Memorial Lecture titled *At the Intersection of Law, Rhetoric and Interpretation (with Kafka's Trial)*.

Reingard Nethersole is Professor Emerita of Comparative Literature, the Department she inaugurated at the University of the Witwatersrand in Johannesburg in the mid-1980s. Since 2000 she taught at the Universities of Richmond, Virginia, USA and Pretoria, South Africa. She has published more than one hundred articles and book chapters on European literature and philosophy, cultural history, history of the Humanities, literary theory, world literature, and postcolonial studies. Besides recent concentration on questions of Law and Literature Nethersole is serving on the editorial board of the *Goethe Lexicon of Philosophical Concepts* (GLPC) in the US.

This lecture was held as part of the launch of the 2022 issue of *Acta Juridica* (Juta) (see p41).

### RABINOWITZ VISITORSHIP

An endowment to UCT Law by entrepreneur, philanthropist and social justice activist, Mr Benjamin "Bennie" Rabinowitz, established the annual Rabinowitz Visitorship at UCT Law. The Visitorship focuses on law, democracy, equality and social justice and brings leading lawyers and legal academics to participate in the intellectual life of the Faculty over several days to include the delivery of the Annual Rabinowitz Public Lecture.

The Rabinowitz Visitorship and Lecture did not take place in 2022.

## BOOK LAUNCHES



### CITIZEN AND PARIAH: SOMALI TRADERS AND THE REGULATION OF DIFFERENCE IN SOUTH AFRICA Vanya Gastrow

Authored by Vanya Gastrow, a research associate in the Faculty's Centre for Law & Society, this book traces the entry of Somali shopkeepers into low-income

township neighbourhoods in South Africa, where they have frequently found themselves socially isolated and susceptible to violent crime. The book details how foreign retailers have been politicised and cast as pariahs in the post-apartheid era and have faced growing informal and formal regulatory efforts to curtail their business activities. These phenomena shed light on the nature and workings of xenophobia in South Africa and how democratic and constitutional frameworks can erode in contexts of heightened nationalism, popularism, and economic inequality.

*Publisher:* Wits University Press. 2022.

The book was launched at UCT'S HUMA: Institute for Humanities in Africa on 6 June 2022. The author was joined by discussant Abdikadir Mohamed, Chairperson of the South African Refugee-Led Network (SARLN) and Western Cape Director of the Somali Association of South Africa (SASA).



### UNSETTLING APOLOGIES Melanie Judge and Dee Smythe (eds)

This book explores the multiple ways in which 'sorry' is instituted, articulated and performed, and critically analyses its various forms and functions in both historical and



contemporary moments. Bringing together an interdisciplinary team of contributors, including a number of Faculty colleagues, the book's analysis offers insights into struggles for justice.

*Publisher:* Bristol University Press. 2022

The South African launch of this book was held on 1 December 2022 in Cape Town. The editors, Professor Dee Smythe and adjunct associate professor Melanie Judge, joined contributing authors Nurina Ally, Omowamiwa Kolawole and Sarah Henkeman in discussing the cultural, political and legal role, and value, of an apology.



### ACTA JURIDICA 2022: THE CRITICAL RHETORIC OF PHILIPPE-JOSEPH SALAZAR Jaco Barnard-Naudé (ed.)

With its focus on a current legal issue, the Acta Juridica thematic journal is published annually by Juta for the Faculty of Law. The 2022 edition is edited

by Professor Jaco Barnard-Naudé, Professor of Jurisprudence and co-director of the Faculty's Centre for Rhetoric Studies. This issue of Acta Juridica is a festschrift to honour the work of Centre for Rhetoric's Director, Distinguished Professor Philippe-Joseph Salazar.

The launch of this book, held on 10 November 2022, was combined with the *Ben Beinart Memorial Lecture*, which hosted Professor Reingard Nethersole to deliver this prestigious annual lecture. Event speakers included Judge Dennis Davis, and Distinguished Professor Philippe-Joseph Salazar.

*Publisher:* Juta and Company (Pty) Ltd (Juta's Law Journals), 2022.



### BLOOD AND SILVER: JAN GLASZEWSKI'S EXTRAORDINARY ADVENTURE

Jan Glaszewski is Professor Emeritus in the Institute for Marine and Environmental Law (IMEL) at UCT. He retired in 2018 and embarked upon one of his lifelong dreams – to find his family silver buried in a forest in the Ukraine. *Blood and Silver* is a chronicle of his life, his family's flight from the Ukraine and settlement in South Africa, and the extraordinary adventure he embarked upon armed with a hand-drawn map and his father's words: "on the border of the forest, among the trees, you must look for our silver and my hunting guns".

Glaszewski's life story is by turns fascinating, tragic, extraordinary and ultimately uplifting. He spares nothing as he describes his family's flight from the Ukraine after World War II, the trials of beginning a new life in a new country and his own personal challenges when he discovered that he was HIV positive as a result of receiving contaminated blood products. Despite the negative predictions Glaszewski went on to achieve an exemplary academic and legal career, including being involved in the drafting of the environmental clause in the South African Constitution.

*Blood and Silver* is a fascinating story of identity, emigration, sacrifice, and ultimately, family, told by a born storyteller.

The book is published by NB Publishers, South Africa.

The main launch event was held at Exclusive Books, Cavendish Square, Claremont, on 13 October 2022.



# STUDENT SOCIETIES @ UCT LAW

Student societies and organisations are an important element in the life of the Faculty, and in the student learning cycle. These Faculty-based organisations bring students together, help them adjust to university life, provide a focus for student interests in law, connect them to other students and alumni, and support student development. From service societies to student governance to journal production, they all assist in shaping the law school, and in shaping the law school experience for our students, and are an opportunity for law students to foster their personal and professional growth.

## Law Students Council (LSC)

The LSC represents all LLB students in the Faculty and across the University. The LSC is committed to upholding the principles of the University as embodied in the Mission Statement as it prioritises the interests of students. The LSC strives to be a supportive and service-oriented body that contributes to the development of confident, competent, and socially aware law graduates, and is committed to academic excellence, transformation and social balance.

## The UCT Moot Society

The UCT Moot Society plays a vital role in preparing lawyers for public speaking. The society's key annual event is the *Kate O'Reagan Intervarsity Moot Competition* – an opportunity for students from a number of South African universities to put together

heads of argument and present them to a panel of adjudicators, many of whom are Faculty alumni and are either serving on the bench or are retired judges.

## SHAWCO Law

SHAWCO Law is led by UCT law students, and provides the opportunity for Faculty students to teach and mentor Grades 8 and 9 learners from SHAWCO-served community high schools. The aim of this project is to promote responsible citizenship and cultivate informed communities.

## Students for Law and Social Justice (UCT)

Students for Law and Social Justice (SLSJ) is a South African student organisation dedicated to protecting human rights, preventing discrimination, and promoting social justice and has three components: i) a legac referral clinic; ii) a mentorship programme for girls; iii) a research, advocacy & education project.

## The Chamber of Legal Students (UCT)

This project provides support to high school learners and provides an important opportunity for law students to engage in the practical work of a clinic-type advisory service. Law students serve as representatives for learners and attend hearings with the client to ensure that due process is followed, and that the learner's procedural rights are protected.







### **The Black Lawyers Association – Student Chapter (UCT)**

The Black Lawyers Association (BLA) is a voluntary association open to all lawyers in the Republic of South Africa regardless of race, sex, political beliefs, religion or type of practice. Student chapters have been established at several South African Law Schools.

### **CLASI (Constitutional Literacy and Service Initiative)**

The Constitutional Literacy and Service Initiative ('CLASI') is a constitutional law-based programme that takes place in local schools in the Southern Suburbs. The aim of this programme is to teach high school learners about their basic constitutional rights and other constitutional law mechanisms relating to the governance of our country.

### **Altum Sonatur**

Altum Sonatur is the UCT Law student magazine that focuses on high quality student-driven content on topical and important law-related issues.

### **Responsa Meridiana**

This journal provides undergraduate law students at UCT, Stellenbosch University and UWC to use their skills in academic research and writing in the form of a peer reviewed journal.

### **UCT Women in Law**

This society was established in 2021 and aims to provide those who identify as women with a platform and the tools to connect with other women students and lawyers, enhance their skills and give back to the community. WiL aims to support their member students as they navigate their law degrees and prospective legal careers, by creating a safe space where members can learn, share and ask questions as they embark on their journeys. @uctwomeninlaw on both Twitter and Instagram.



## OUR ALUMNI – #ProudUCTLawAlums

Our Faculty Alumni are one of our greatest assets. The experience and insights that our alumni bring as well as the mentorship, networking opportunities and resources they provide help us to offer the best possible study experience to our students. We remain immensely proud of our alumni who serve the law and society with integrity and demonstrate the impact of a legal education from UCT.

A reflection of the extent to which a UCT Faculty of Law education can support one in reaching the top of the legal profession, the recent appointments of three of our alumni are proudly noted below.

### Alumni appointed to the judiciary

We congratulate here two of our Law alumni who were appointed to the judiciary in 2022. The Hon Justice Owen Rogers (LLB Class of 1983) was appointed to the South African Constitutional Court and The Hon Justice Lady Patricia Nyaundi (SC) (LLM Class of 2004) was appointed to the High Court of Kenya.

### Alum appointed at Cambridge

Prof Helen Scott (LLB, Class of 1998, former lecturer, and Honorary Research Associate) has been appointed as the 29<sup>th</sup> Regius Professor of Civil Law at Cambridge University.



The Hon Justice Owen  
Rogers



The Hon Justice Lady  
Patricia Nyaundi (SC)



Prof Helen Scott



# LAW@WORK – THE FACULTY’S PROFESSIONAL DEVELOPMENT UNIT

Law@work, focused on providing short courses for professional law practitioners across a range of topics, is the professional development unit in the Faculty of Law that. Established in 1999 as a professional development project, the unit now annually runs over 50 courses both in person and remotely and is often called upon to present customised courses for other institutions and organisations.

“We are immensely proud of the range of courses that we are able to offer and that through remote courses we are able to accommodate participants from across all of South Africa, and also Africa”, said Donnaleen Coue, Acting Manager of Law@Work.

The annual programme includes courses that tackle hard skills such as corporate governance, finance, risk and due diligence: effective communication and legal writing skills; contract law; estate planning, mediation, environmental governance, technology, and much more. Courses such as “Doing Business in Africa” and those on Chinese Law highlight the expanding skills required by law practitioners as South Africa engages increasingly with new markets and opportunities. There is also the prospect of reflecting more philosophically on the law and its practitioners through offerings such as “21<sup>st</sup> Century Lawyer” - a discussion led by three legal futurists on what it takes for a legal professional to thrive in this century.

Selected partnerships have facilitated the growth of Law@work’s on-line course offerings, which are developing and growing each year.

- with *GetSmarter*: courses on data protection and privacy; occupational health and safety; and compliance management.
- with *Paddocks*: courses on sectional titles schemes management; and homeowners’ associations management.
- with *Africa Legal*: courses on practical corporate governance, practical information governance, and sustainability & stakeholder engagement for lawyers in Africa.

Law@work has been proactive in ensuring that courses are offered in ways that enable participants with different needs and constraints to register. Courses are offered remotely or in person at different locations. A series of courses are available as self-paced on-line courses with no deadlines, and customised courses can be requested to suit an organisation’s specific requirements. “It is an integrated model that allows for learning and skills expansion across every aspect of our law environment and benefits both legal professionals and our students”, remarked Acting Director, Ms Don Coue.

A highlight in 2022 was the opportunity to present all of the courses on the UCT IAPO Global Short Academic Programme that welcomed 30 students and two faculty staff from the Asian Society of Film and Television (ASFT)-Asian Law College (ALC), India.

Profit generated by Law@work is directed to the Faculty’s Scholarship Fund.

Law@work is an approved CPD provider of the Institute of Directors South Africa.

**NCA UPDATE**  
Paul Esselaar

**THE NATIONAL CREDIT ACT UPDATE:**  
Life after the Bayport judgment

Get feedback on the changes to the legislation as well as updates on recent case law related to the NCA, justice orders relating to legal costs and the recovery of them for credit providers after the Bayport decision.

14 CPD points (11 FLS)

28 to 30 November 2022  
9:00 - 11:00 - SAT  
R1450 per person

TO SIGN UP FOR AN ONLINE COURSE:  
Email: [don.coue@uct.ac.za](mailto:don.coue@uct.ac.za)  
Or visit: [www.lawwork.uct.ac.za](http://www.lawwork.uct.ac.za)

**ZOOM WEBINAR**  
UCT Law @ work

**ALTERNATIVE TO TRADITIONAL LAW CAREERS**

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(Free webinars before and after)

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Nicola Bruns

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# SUPPORTING UCT LAW

Law Schools are challenging environments. For most entry into the world of Law is a calling, characterised by a genuine passion for the law and a desire to learn and develop as a legal professional. Our students, who continue to be the focus of all our fundraising efforts, enter our programmes with a strong sense of commitment and an above average determination to complete their studies and succeed in the world of work.

Unfortunately, student financial aid has reached crisis proportions in South Africa. According to Universities South Africa student debt stood at more than R16,5bn in 2022. Despite these sobering statistics, our students persevere.

## EXCELLENCE IN LAW ANNUAL FUND

The Excellence in Law Annual Fund is the backbone of our integrated student support programme. As a result of the funds we raise over and above our government subsidy and fee income, we are able to provide scholarships, emergency funding, mentorship programmes, healthcare assistance and much more, to the benefit of all our students. In 2022 we raised R2.49m into this fund.

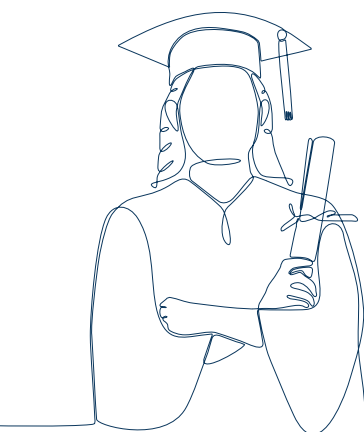
## Scholarships for LLB students 2022

Twenty-eight scholarships from donor-supported funds totalling R1,62m were awarded to LLB students in 2022. In addition, the Faculty was able to source a once-off special amount of R1,5m to assist an additional 24 students affected by the NSFAS withdrawal of support for LLB students.

Corporate Scholarship <b>1</b>	Excellence in Law Scholarships <b>18</b>	McFarlane Leadership Scholarships <b>15</b>
Sir Frank Berman Fellowship <b>2</b>		Special Faculty Scholarships <b>24</b>



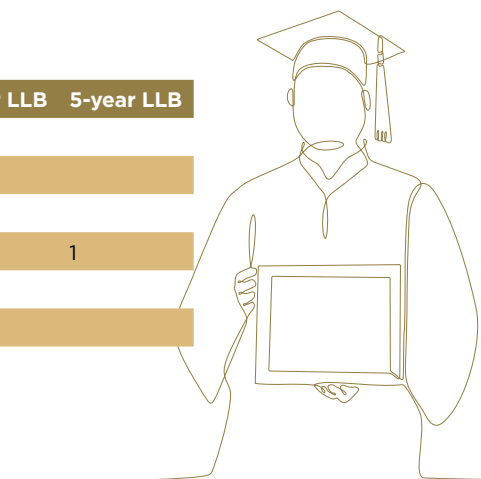




## FACULTY LLB SCHOLARSHIPS AWARDED IN 2022

Census Categories*	TOTAL	2-year LLB	3-year LLB	4-year LLB	5-year LLB
	52				
African Female	15	5	7	3	
African Male	17	2	14	1	
Coloured Female	12	7		4	1
Coloured Male	6	3	3		
White Female	1	1			
White Male	1		1		

\* Note: These categories are as used by the Department of Higher Education and Training for reporting purposes.



## Scholarships for postgraduate students 2022

Thirty-six donor-funded postgraduate scholarships were awarded in 2022.

**36**

Alexander Burman Memorial Grant	1
Basil and Con Corder Scholarship	1
Beric Croome Postgraduate Tax Law Scholarship	1
Dikgang Moseneke Postgraduate Fellowship	2
Excellence in Law Postgraduate Scholarships	13
Sir William Solomon Memorial Scholarship	7
Wilfred Kramer Law Grants	11

In addition to the focus on scholarships, Faculty fundraising supports the critical area of student emergencies.

## Law Students Crisis Fund

This fund enables us to assist students with, amongst other things, medical and travel emergencies. Most often students who are assisted are those whose are away from their families and the communities to whom they would usually have recourse. Students may make application to the fund at any time and need is assessed and appropriately supported within 24 hours where possible to minimise student stress. A total of R27,000 was used to assist students in emergency situations in 2022.

# THANK YOU

We are deeply appreciative of the support we receive from our donors, alumni and friends. Once again in 2022 our staff, alumni, donors, and associates have shown matchless empathy and generosity in ensuring that our students are able to fulfil their dreams of completing tertiary study in law.

Together we can ensure that UCT Law continues to provide the best law programmes and graduates on the continent.









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