

FACULTY OF LAW

# LAW ANNUAL 2021



UNIVERSITY OF CAPE TOWN  
IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD



**Cover photograph:**  
Je'nine May Photography  
jenine.may@gmail.com  
082 722 6446

# CONTENTS

Values & Goals	3	The DGRU's JIFA initiative signs new MoU with IARMJ and UNHCR	38
Foreword – Dean	4	Centre for Law and Society – International Research Collaboratives	38
Our Law Faculty Community	6	Appointment to the South African Law Reform Commission Advisory Committee	39
Teaching and Research	12	Law and Society Association appoints Co-ordinator of Global Activities	39
Awards	14	IFA appoints General reporters for 2024 congress	40
UCT College of Fellows Acknowledges Two Law Faculty Scholars	16	Submission on the draft Children's Amendment Bill, 2020	41
Grants	18	Evidence to the Zondo Commission on State Capture	41
Conferences, Symposia and Seminars	19	Frack Free Namibia – NGO Established	42
Publications	26	Altum Sonatur	42
Engaged Scholarship		UCT Libraries wins Diversity, Equity and Inclusion Award for Constitutional Law text book	43
Centre for Comparative Law in Africa marks 10 years	32	Events	44
LARC provides support for landmark case on customary rights	33	Annual Public Lectures	46
Centre for Rhetoric Studies receives re-accreditation	34	Supporting Law at UCT	48
The UCT Law Clinic – three decades of service, training and knowledge production	35		
Refugee Rights Unit: 15 years of assisting refugees and asylum seekers	36		
Faculty of Law strengthens ties with the Permanent Court of Arbitration in the Hague	37		









## VALUES & GOALS

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.



## MESSAGE FROM THE DEAN

It bears repeating that 2020 and 2021 fully tested our capacities at the university and in the Faculty. Our ability to be flexible, to respond effectively to challenges, to engage timeously with problems as they arose, and to devise solutions to previously unimagined obstacles related to teaching and research in a significantly altered operating context were all extensively tested in the past two years.

As we moved to fully remote teaching in 2021, with less of a sense of emergency and more of an understanding of what the remote mode required, we made a number of adjustments to the way the Faculty worked to ensure that we continued to deliver on our mandate of teaching and research, and that we provided our students with the best

possible support during the sustained pandemic conditions. And we did more than simply survive. Faculty staff and students, it is fair to say, triumphed.

In this 25<sup>th</sup> year of the South African Constitution, publication output levels continued and, in some instances, increased.

We held graduation celebrations in July and December of 2021, giving the Faculty and our students and their families the opportunity to celebrate the significant achievement of completing a degree in the most difficult of circumstances. We responded innovatively to the challenges of the restrictions on movement and gatherings of any size, of successive infection waves, and the appearance of multiple new Covid variants.



As we moved to fully remote teaching in 2021, with less of a sense of emergency and more of an understanding of what the remote mode required, we made a number of adjustments to the way the Faculty worked to ensure that we continued to deliver on our mandate of teaching and research.

We launched a number of new initiatives. These include, amongst many others, a new MoU between our Democratic Governance and Rights Unit and Judicial Institute for Africa, and partner organisations the International Association of Refugees and Migration Judges and the United Nations High Commissioner for Refugees; a new MoU between the Faculty and the Permanent Court of Arbitration in The Hague; the launch of a new research unit, the Corporate Law and Governance Unit; and the award to Distinguished Professor Philippe-Joseph Salazar of the UCT Book Award for 2021. Our Land and Accountability Research Centre was integrally involved in a landmark court case regarding traditional leadership and community access to land. And we celebrated 10 years of our Centre for Comparative Law in Africa.

These moments are all detailed in this 2021 Law Annual.

As a Faculty we are fortunate to have an extremely committed staff complement. Our administrative support and research and academic staff ensured that we not only maintained our work, but in some areas experienced growth. Many colleagues were involved in professional and academic bodies locally and internationally, and staff contributed regularly to legislative and policy considerations. We welcomed a number of new staff during 2021 and are looking forward to further recruitment in 2022.

Although mindful of the serious challenges presented during 2020 and 2021, we have reason to be hopeful as we move forward with renewed energy and a firm focus on the future.



# OUR LAW FACULTY COMMUNITY

The Law Faculty is home to more than 190 staff and over 1300 students at LLB and postgraduate levels.



## STAFF PROFILE

**98** Academic Staff

**8** Full Professors

**16** Associate Professors

**9** Senior Lecturers

**18** Lecturers

**1** Assistant Lecturer

**36** Tutors

**92** Research and Administrative Staff

## STAFF QUALIFICATIONS PROFILE



PhD  
**30**

Masters  
**55**

Honours  
**34**

Degree/  
Advanced  
Diploma  
**26**

Diploma  
**11**

Higher  
Certificate  
**11**

Certificate  
**10**

Other  
tertiary  
qualification  
**13**





## Promotions

### To full Professor:



Professor  
Johann  
Hattingh



Professor  
Andrew  
Hutchison



Professor  
Jacqueline  
Yeats

### To Associate Professor:



Associate  
Professor Kathy  
Idensohn



Associate  
Professor  
Jameelah Omar



Associate  
Professor  
Fatima Osman

### To Senior Lecturer:



Faadhil Adams

## New Appointments



**Ms Nurina Ally**, a Lecturer in Public Law, is a specialist in constitutional and administrative law and is an attorney of the High Court of South Africa. She recently served as the Executive Director of the Equal

Education Law Centre, and has practised as an associate and senior associate at Webber Wentzel Attorneys. She has also served as a research clerk to Justice Cameron and Acting Justice Mhlantla of the Constitutional Court. Ms Ally holds degrees from Wits (BA and LLB - most distinguished scholar in law), the University of Edinburgh (Masters in African Studies) and Oxford University (MSt in International Human Rights Law). Her expertise and research interests include constitutional and administrative law, public interest litigation, socio-economic rights, and children's rights.



**Dr Leo Boonzaier** is a Lecturer in Private Law. He has served as a research assistant to Professor Reinhard Zimmermann at the Max Planck Institute for Private Law in Hamburg, clerked for Justice Edwin Cameron at the

Constitutional Court of South Africa, and taught for various Oxford Colleges as well as University College, London. Dr Boonzaier holds degrees from UCT (BSocSci LLB) and Oxford University (BCL DPhil). His expertise and research interests include the law of obligations, especially delict/tort, private law theory and general jurisprudence.



**Ms Nondwe de Caires** was appointed Faculty Manager responsible for the academic administration for Law degree programmes from undergraduates through to PhD. Ms de Caires holds degrees from

UCT (BSocSci - Public Affairs and Administration) and UCT's Graduate School of Business (PGDip in Management Practice). She started as a Programme Manager at the GSB, worked as Departmental Manager in the School of Economics, and served as Acting Faculty Manager in the Commerce Faculty for 7 months, before joining Law.



**Ms Donaleen Coue** was appointed as Acting Director for Law@Work, the Faculty's professional development unit offering short courses to those in the legal profession and related areas. Ms Coue worked with the



unit for a number of years as their Communications and Marketing Specialist.



**Dr Tshepo Mosaka**, a Lecturer in Public Law, is a researcher in the fields of evidence, argumentation theory and African Studies. He is a Tiso Foundation scholar and is the recipient of an NRF/UCT Faculty of Law Scholarship, the First Rand

Laurie Dippenaar Scholarship, the Oppenheimer Memorial Scholarship, the Nottingham School of Law Scholarship and the Nottingham Vice-Chancellor's Research Excellence Scholarship. Dr Mosaka holds degrees from Wits (LLB with distinction), UCT (LLM by research with distinction) and the University of Nottingham (PhD). His expertise and research interests include evidence, jurisprudence, legal argumentation and African Studies.



**Dr Nomfundo Ramalekana** is a lecturer in Public Law with a special interest in affirmative action in South Africa. While at Oxford she worked as a graduate teaching assistant for the comparative human rights law

and comparative equality law courses, as a research assistant for the African Oxford Initiative, and was blog editor for the Oxford Human Rights Hub Blog. Dr Ramalekana holds degrees from the University of Pretoria (LLB), Oxford University (Bachelor of Civil Laws, MPhil (Law), PhD). Her expertise and research interests include constitutional law, human rights law, anti-discrimination law, feminist legal theory and critical race theory.

## FAREWELLS

We bid farewell to several colleagues in 2021. We wish them all the best as they pursue new adventures and we hope to continue our strong working relationships with them.

**Ms Zenande Booï**, Land Team Leader @ LARC, took up a post at Fordham University, NYC, USA.

**Professor Loretta Feris**, former Deputy Vice-Chancellor for Transformation at UCT and Professor of Environmental Law, took up a post at the University of Pretoria Law School.

**Associate Professor Tracy Gutuza** took up an Associate Professorship at the Wits Law School.

**Ms Tabile Loqo** took up the role of Faculty Manager in the Commerce Faculty, UCT.

**Ms Fezeka Ntsanwisi**, Research Assistant @ LARC, is pursuing her PhD.

**Mrs Irena Wasserfall** moved into online education strategy and financial advising.

## RETIREMENTS

**Dr Aninka Claassens** is the former founding Director of the Land and Accountability Research Centre (LARC). Dr Claassens holds a PhD in Development Studies from Roskilde University in Denmark. In 2009 she brought the Rural Women's Action Research programme (RWAR) into the (then) Law Race & Gender Unit (LRG) at UCT and in 2015, RWAR became a separate research centre, now known as LARC.

Dr Claassens has been engaged in land issues in South Africa for 25 years. Under her directorship LARC came to form part of a collaborative network, constituted as the Alliance for Rural Democracy, which provides strategic support to struggles for the recognition and



protection of rights and living customary law in the former homeland areas of South Africa

Dr Claassens' full bio and publication record can be accessed at <http://www.publiclaw.uct.ac.za/pbl/staff/aclaassens>

**Dr Shane Godfrey** is the former Director of and Senior Researcher in the Labour, Development and Governance Unit (LDG). He is widely published on collective bargaining, worker participation, trade unions, industry policy, the relationship between labour market regulation and small business development, labour market trends and non-standard employment, skills development, and decent work. Dr Godfrey holds a BProc from UNISA and a BA(Hons), MA and PhD from UCT.

Dr Godfrey's full bio and publication record can be accessed at <http://www.ldgru.uct.ac.za/shane-godfrey-0>

**Professor Elrena van der Spuy** holds a PhD from the University of Cape Town and a Masters degree in Sociology from the University of Stellenbosch. She was a member of the Department of Public Law, the Centre of Criminology and a Deputy Dean of Postgraduate Studies. She taught Sociology and Criminology at a number of institutions. Prof van der Spuy is widely published on crime and policing in South Africa, Africa and internationally. More recently she focused on exploring the role of police in peacekeeping on the one hand, and the role of the South African police in the border conflict of the post-1976 period of South African history on the other.

Associate Professor van der Spuy's bio and publication record can be accessed at <http://www.publiclaw.uct.ac.za/pbl/staff/evanderspuy>

## IN MEMORIAM



### **Ms Vanessa Stemmet**

Ms Vanessa Stemmet, Faculty Finance Manager, passed away on 14 July 2021 after a long illness. She was one of the longest serving members of the university community,

having joined the University of Cape Town (UCT) in January 1990, and was an integral part of the Law Faculty. Colleagues describe her as a soft-spoken and unassuming colleague, who was hardworking, diligent and deeply caring of students and staff alike. She had a deep understanding of the intricacies her role and served everyone with equal warmth and professionalism. Ms Stemmet is survived by

her husband, Godfrey; daughters, Megan and Lara; parents, Wilfred and Adelaide Rooks; and sisters, Deborah Platen and Amy Rooks-Smith.

The UCT News memorial article about Ms Stemmet can be read at <https://www.news.uct.ac.za/article/-2021-07-22-vanessa-stemmet>

### **Mr Raymond de Wet**

Mr Raymond de Wet, who joined the Faculty as a departmental assistant in 1991, passed away in January 2021. For more than two decades Mr de Wet ran the Faculty's printing operation for course materials and other requirements. Both staff and students remember him with great fondness for his kindness and the soft spot he had for new students who he always helped.



## STUDENT PROFILE

The Law Faculty attracts students from across the globe to its LLB and postgraduate programmes. These programmes include three different options for completing the LLB qualification, namely a four-year undergraduate LLB, a two-year graduate LLB for students with a Law major, and a three-year graduate LLB for students who did not study Law in their undergraduate qualification. For postgraduate programmes, we offer seven different diplomas; 18 LLM 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 2021.

Qualification	Enrolment
LLB	661
Postgraduate Diploma	26
LLM (Professional Masters)	208
LLM/MPhil (coursework & dissertation)	246
LLM/MPhil (dissertation)	45
PhD	164
<b>TOTAL</b>	<b>1350</b>



## Graduation 2021

Due to Covid restrictions on indoor gatherings UCT graduation ceremonies were held virtually in 2021. In his virtual address the Dean, Professor Danwood Chirwa, congratulated all graduates and reminded them that "to graduate from UCT Law is to accept the unique responsibility of serving the law and justice with distinction. It is, in short, about a lifelong commitment to justice, fairness and equity."

The following degrees were conferred in the Faculty of Law:

### July 2021

#### LLB

145 Bachelor of Laws degrees

#### Postgraduate

9 postgraduate diplomas

127 Masters degrees – including Master of Laws; Master of Laws in Commercial Law; in Dispute Resolution; in Environmental Law; in Intellectual Property Law; in Labour Law; in Marine and Environmental Law; in Shipping Law; in Tax Law; and Master of Philosophy

11 Doctoral degrees

### December 2021

#### LLB

3 Bachelor of Laws

#### Postgraduate

1 postgraduate diploma

71 Masters degrees (LLMs and Mphil degrees)

16 Doctoral degrees





## Scholarships

The Faculty's investment fund, supported for more than 20 years by alumni, friends and foundations, is able to fund approximately R2,3million in student scholarships each year.

### Excellence in Law Scholarships for LLB students

The Excellence in Law Scholarships for LLB students are awarded expressly for fees and in 2021 this fund disbursed a total of R1 360 000 for LLB scholarships.

Category	M/F/Non-binary	Census Grouping	LLB Programme
Excellence in Law - renewals	3 Female	3 Black	3 x 4yr LLB
	3 Male	3 Coloured	3 x graduate LLB
Excellence in Law - new awards	8 Female	9 Black	
	5 Male	3 Coloured 1 Indian	4 x 4yr LLB 9 x graduate LLB
MacFarlane Leadership Scholars	2 Female	2 Black	1 x 4yr LLB
	2 Male	2 Coloured	3 x graduate LLB
Giles & Debra White Scholarship	1 Female	1 Black	1 x 4yr LLB
Linklaters Scholarship	1 Male	1 Black	1 x 4r LLB

### Summary LLB Scholarships Awarded in 2021

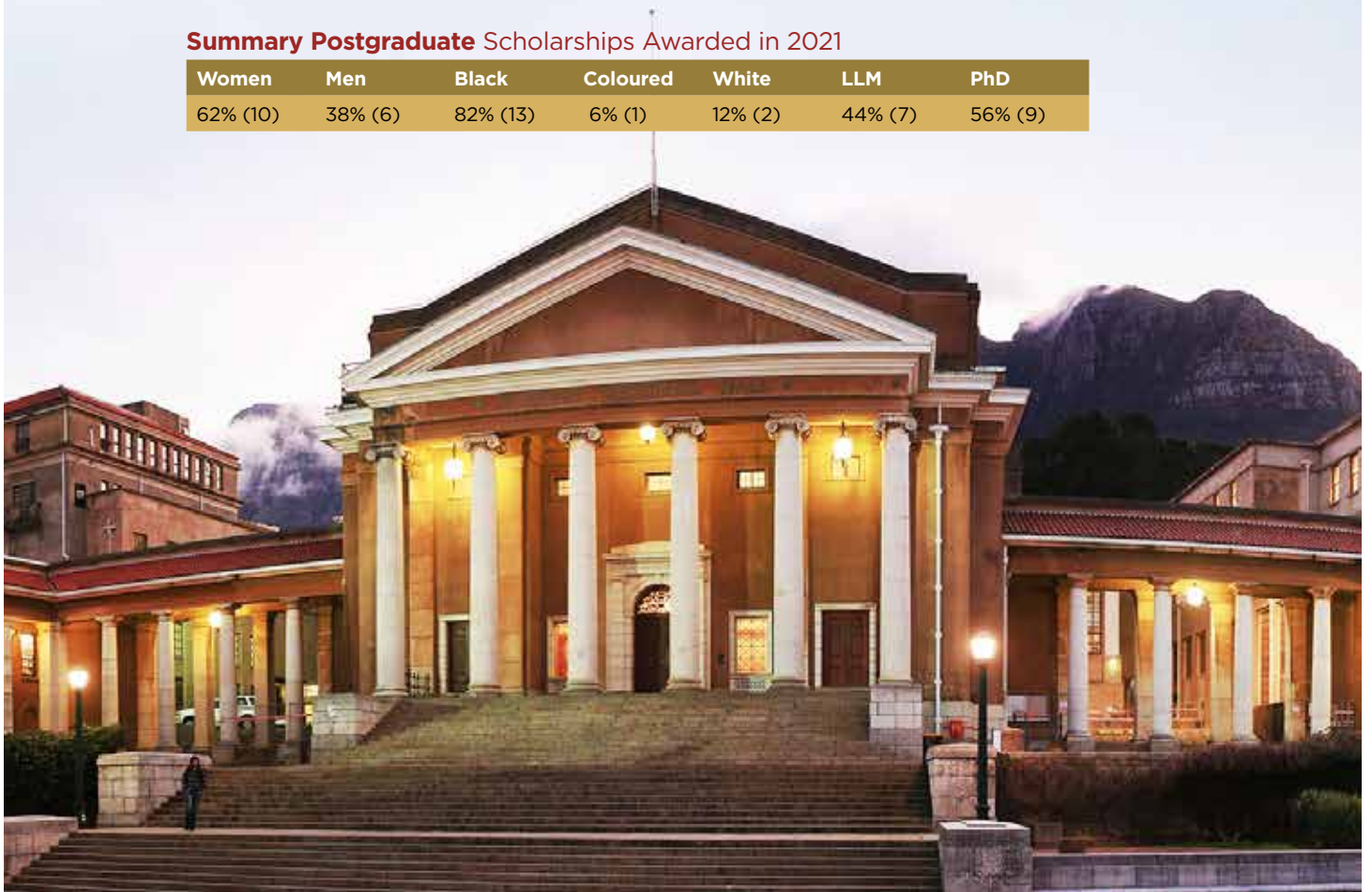
Women	Men	Black	Coloured	Indian	4yr LLB	Grad LLB
56% (14)	44% (11)	64% (16)	32% (8)	4% (1)	40% (10)	60% (14)

### Excellence in Law Postgraduate Scholarships

The postgraduate Excellence in Law Scholarships, awarded to 16 recipients in 2021, totalled R1 000 000. This includes the Alexander Burman Memorial Scholarship which awards R100 000 per annum to a South African woman student. The scholarships were divided between LLM and PhD students.

### Summary Postgraduate Scholarships Awarded in 2021

Women	Men	Black	Coloured	White	LLM	PhD
62% (10)	38% (6)	82% (13)	6% (1)	12% (2)	44% (7)	56% (9)



# TEACHING AND RESEARCH

## DEPARTMENTS AND RESEARCH UNITS

THE FACULTY COMPRISES THREE  
DEPARTMENTS:



**Commercial  
Law**



**Private  
Law**



**Public  
Law**



THE FACULTY IS HOME TO 13 RESEARCH UNITS AND TWO COMMUNITY-SERVING LAW CLINICS:



Centre for  
Comparative Law  
in Africa (CCLA)



Centre for  
Corporate Law &  
Governance (CLGU)



Centre of  
Criminology



Centre for Law &  
Society (CLS)



Centre for Rhetoric  
Studies



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



iNtaka Centre for  
Law & Technology  
and its Law  
Tech 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 (also a  
research unit)



UCT Law  
Clinic



## NATIONAL RESEARCH FOUNDATION RATINGS

The National Research Foundation (NRF) ratings are a key driver for building a globally competitive research system in South Africa, and are a valuable tool for benchmarking the quality of South African researchers against the best in the world. NRF

ratings are awarded on the basis of a researcher's recent research output and impact as perceived by international peer reviewers. NRF rated researchers are counted as leaders in their fields of expertise.

No	Title	Initials	First Name	Surname	Department	Faculty	Rating 2022	Re-application date
1	Assoc Prof	W	Waheeda	Amien	Dept. of Public Law	Law	C2	2024
2	Prof	J	Jaco	Barnard-Naude	Dept. of Public Law	Law	B2	2023
3	Emer Prof	TW	Tom	Bennett	Dept. of Public Law	Law	B2	2023
4	Prof	D	Danwood	Chirwa	Dept. of Public Law	Law	B3	2023
5	Emer Prof	HM	Hugh	Corder	Dept. of Public Law	Law	B2	2024
6	Dr	CM	Colin	Darch	Dept. of Public Law	Law	C1	2024
7	Prof	P	Pierre	De Vos	Dept. of Public Law	Law	C1	2024
8	Prof	A	Anton	Fagan	Dept. of Private Law	Law	B3	2023
9	Emer Prof	JI	Jan	Glazewski	Dept. of Public Law	Law	C1	2024
10	Emer Prof	C	Chuma	Himonga	Dept. of Private Law	Law	C1	2022
11	Prof	A	Andrew	Hutchison	Dept. of Commercial Law	Law	C2	2022
13	Prof	H	Hanri	Mostert	Dept. of Private Law	Law	B2	2023
14	Prof	C	Caroline	Ncube	Dept. of Commercial Law	Law	B2	2026
15	Prof	AO	Ada	Ordor	Dept. of Commercial Law	Law	C2	2026
16	Adj Assoc Prof	A	Alistair	Price	Dept. of Private Law	Law	P	2023
17	Dist Prof	Ph-J	Philippe-Joseph	Salazar	Dept. of Private Law	Law	A1	2024
18	Assoc Prof	H	Hannah	Woolaver	Dept. of Public Law	Law	Y1	2025



## AWARDS



ur staff and students are regularly awarded for their innovation and excellence in teaching, research, leadership and ideation. We list here some of the awards received by colleagues and students during 2021.



### **Distinguished Professor of Rhetoric, Philippe-Joseph Salazar**

was awarded the 2021 UCT Book Award for his work: *Words are Weapons: Inside Isis's Rhetoric of Terror*. The book is described as the first to offer "a rigorous,

sophisticated analysis of ISIS's rhetoric and why it is so persuasive". The UCT Book Award recognises outstanding publications by UCT academics.

<http://www.law.uct.ac.za/news/uct-book-award-2021-law-professor>



**Jameelah Omar** was recognized as one of the M&G's 200 Young South Africans for 2021 for her role in coordinating the final year programme for UCT's LLB degree, and convening the Faculty's LLB community service

programme. Ms Omar was recognised for the extent to which social justice pervades her legal outlook.



### **Dr Leo Boonzaier and Lauren Kohn**

shared the UCT Law Faculty Research Committee Staff annual research prize for 2021.

Dr Boonzaier was recognised for his paper 'Rereading *Botha v Rich*' (2020) published in the

*South African Law Journal*, Vol.137(1). Ms Kohn was awarded for 'The quest for "reasonable certainty": Refining the justice and equity remedial framework in public procurement cases' (2020) published in the *South African Law Journal*, Vol. 137(4).



**Lauren Kohn** was named as one of UCT's Future Leaders for 2021-2022. She is the first member of the Faculty of Law to be named to the group. The UCT 2030 Future Leaders Programme was launched in 2018 and underlines

Vice-Chancellor Professor Mamokgethi Phakeng's commitment to nurture up-and-coming scholars from various Faculties with a view to securing sustainable future leadership for the university.





**Mikovhe Maphiri** received the Vice-Chancellors Black Academic Advancement Programme (BAAP) award (PhD track) for 2021 - 2023, awarded by the NRF. The substantial grant assisted with the sabbatical

period required for completion of Ms Maphiri's PhD, titled *Promoting Labour Relations Stability Under Company Law: A Critical Analysis of Internal Corporate Social Responsibility In South Africa*.



**Dr Tabeth Masengu** is the inaugural recipient of the *Christof Heyns Memorial Thesis Award* presented by the Pretoria University Law Press (PULP) in 2021 for the best thesis completed in 2020 by an African

doctoral candidate. Dr Masengu's thesis, titled *What lies beneath the complex nature of appointing women judges in Zambia and South Africa*, will be published by PULP. Professor Hugh Corder (UCT) and Professor Eva Brems (University of Ghent) were co-supervisors for the thesis.

<http://www.law.uct.ac.za/news/dr-masengu-wins-prestigious-memorial-award>



**Ms Lerato Motaung**, a LLB student in the Faculty, was one of 20 students chosen from across the world as a recipient of the Schmidt Futures' global *Reimagine Challenge 2020*.

Ms Motaung's project proposal titled *Guardian Angel: a gender-based violence app centred in South Africa* assists partner organisations that work in the GBV environment to streamline access to and availability of services. Recipients were each eligible for scholarships of up to \$25 000.

**Katleho Ntahale**, Master of Laws (LLM) in Commercial Law candidate, won the 2021 Chinese Bridge Competition. This prestigious competition tests Chinese language proficiency for foreign college students. Mr Ntahale, who represented South Africa at the global competition, submitted a video in which he introduced Cape Town to the world in Mandarin.

<http://www.law.uct.ac.za/news/uct-law-masters-student-wins-chinese-proficiency-competition>

## UCT COLLEGE OF FELLOWS ACKNOWLEDGES TWO LAW FACULTY SCHOLARS



### PROFESSOR HANRI MOSTERT WAS INDUCTED INTO THE COLLEGE OF FELLOWS IN OCTOBER 2021.

Induction to the College of Fellows at UCT is one of the highest recognitions an academic staff member can receive for their work. It signals original, distinguished academic work that merits special acknowledgement and is awarded to academics who have broken boundaries and reached an esteemed level of success in their respective fields.

#### Extract from Professor Mostert's citation

Mining? No other economic activity has been as central to the making of modern South Africa as mining. Mining provided the capitalist infrastructure for the nation's industrial take-off, upon which the superstructure of ideological apartheid was built. Mining is at the iron core of South Africa's rise as a modern state. It is also the dark core of social and inhuman engineering. It is also, in Africa, a potential exemplar of the social promises that a well-regulated and human-oriented industry holds. This complexity of ideas is at the crux of Professor Mostert's signal and unique scholarship

in the field of Law. The hallowed South African legal tradition, and remarkable, adaptative legal innovation that have characterized the interplay of the mining and economic infrastructure within the ideological constructs, has "force" as philosopher Bourdieu famously wrote. This force is seen when it investigates uncompromisingly how juristic thought and judicial practices intersect with the reality of mining. Therein lies Professor Mostert's distinguished achievement in Mining Law, worthy of the conferment of a Fellowship.

Professor Mostert is a Professor in the Faculty of Law, a position she has held since 2008. She holds the prestigious NRF/DST SARCHI Research Chair for Mineral Law in Africa (MLiA), a Research Chair sponsored by the National Research Foundation and the Department of Science and Technology.

*Professor Mostert's citation was prepared by Philippe-Joseph Salazar, Distinguished Professor, Faculty of Law and UCT College Fellow.*

The full citation can be accessed at <https://www.news.uct.ac.za/features/fellows/2021/>





### **LAUREN KOHN (PUBLIC LAW) AWARDED PRESTIGIOUS UCT COLLEGE OF FELLOWS YOUNG RESEARCHER AWARD**

The UCT College of Fellows recognises outstanding scholarly work by young academics who have made significant independent contributions to research in their field with the annual College of Fellows' Young Researcher Award.

#### **Extract from Ms Kohn's citation**

Lauren Kohn, senior lecturer in the Department of Public Law has become a leading administrative and constitutional law scholar in SA. Her work consistently breaks new ground and has been widely endorsed by the courts (including the Constitutional Court) and academics, locally and abroad.

Ms Kohn attained her BBusSci (Distinction, Law); LLB (Magna Cum Laude); and LLM (Distinction) (UCT), all with a suite of class medals, special awards and scholarships, and is presently a PhD candidate

(and fellow) at Leiden, pursuing a project that is already feeding into the governance-enhancing endeavour in SA.

Since joining academia in 2013, she has won three Law Faculty Research prizes with the anonymous judges each time commending her scholarship for its originality, insight, rigor and tangible impact on legal development, through judicial endorsements and policy reform. Lauren is also an admitted Attorney of the High Court with over a decade of cutting-edge public-law advisory, and legislative drafting, contributions to her name (typically pro bono). She is a passionate educationalist and a dedicated social justice advocate who weaves her knowledge and incisive understanding of the practical workings of the law into her research and teaching – the impact of which is felt in the lecture-hall and beyond with her scholarship prescribed in public-law curricula at universities across SA.

The full citation can be accessed at <https://www.news.uct.ac.za/features/fellows/2021/>

# GRANTS

**Annette Hubschle** (Public Law) was awarded the KU Leuven multi-stakeholder grant for the "Multispecies justice and repair: Forging epistemic encounters between Belgium and South Africa" project.

**Dr Fatima Osman** (Private Law) and **Ms Salona Lutchman** (Public Law) were awarded R150 000 seed funding to develop a proof of concept for a collaborative project with Dr Amir Khalil (Law and Public Administration), Birzeit University, Palestine.

**Professor Caroline Ncube**, SARCHi Chair in Intellectual Property, Innovation and Development, received an NRF Grant for 2021-2026: Incentive Funding for Rated Researchers, as well as a UCT Seed Funding grant in recognition of her improved NRF B2 rating. The NRF also awarded Professor Ncube R1.6m for eight postgraduate bursaries (one postdoctoral research fellow, one doctoral candidate, six LLM students) in 2021.

**The Open African Innovation Research Network (Open AIR)** received a Queen Elizabeth Advanced Scholars Award of CAD\$20 000 for student researchers for two doctoral students.

**The Centre for Law and Society (CLS)** was awarded core funding from the Constitutionalism Fund for the 2022-2024 period in support of the work undertaken under the CLS *Africa Law and Society Programme*.





## CONFERENCES, SYMPOSIA AND SEMINARS

**T**he Faculty's academic and research staff regularly share their research findings and expertise with colleagues locally and internationally. We list some of these instances below to provide insight into the scope and breadth of the work underway in the Faculty.

### **1st Pan African Dialogue on People in Lockdown, Extractives in Business.**

Dr Annette Hubschle (Public Law): "Okavango Gas and Oil project". WoMin African Alliance. Online. February 2021.

### **Academic Days on Open Government and Digital Issues**

Ms Lauren Kohn (Public Law): "Teaching Administrative Justice *and* Open Governance". Associate Professor Richard Calland (Public Law): Chair. Conference hosted by IMODEV & the Sorbonne, Paris. Online. November 2021.

### **Ageing Gracefully? The 1951 Refugee Convention at 70**

Associate Professor Fatima Khan (Refugee Rights Unit): "States and the Refugee Convention: Circumventing, but not Blatantly Disregarding". Final Keynote address. The Refugee Law Initiative, University of London, UK. June 2021.

### **Annual University of Cape Town Tax Unit & IBFD Public Seminar**

Professor Johan Hattingh (Commercial Law): "Taxpayer Rights and Risks: The implications of data gathering for privacy and constitutionally protected taxpayer rights of the proposed Pillar 1 source rules for the taxation of the digital economy". Online. March 2021.

### **Association of Law Teachers**

Dr Helena Stoop (Commercial Law): "Connectivity Issues: The Challenges of Emergency Remote Teaching in a Developing Economy". Aston University, United Kingdom. April 2021.

### **Bedroht die Ölförderung in Namibia das Okavango-Delta? Deutsche Umwelthilfe & Saving Okavango's Unique Life.**

Dr Annette Hubschle (Public Law): "Öl und Gas Bohrungen in Namibia: Überblick". Online. April 2021.

### **Bubom Sana Womxn Empowerment Conference**

Ms Lauren Kohn (Public Law): Keynote address on women's rights. 11 December 2021.

### **Chemonics VukaNow Activity**

Dr Annette Hubschle (Public Law): "Impact of COVID-19 on poaching and trafficking hotspots in Southern Africa". 8 December 2021.



#### **Congreso Internacional de Retórica / Encuentro Iberoamericano de Retórica: Conferencia magistral**

Distinguished Professor Philippe-Joseph Salazar (Centre for Rhetoric Studies): “El tiempo es sólo tardanza”... La retórica de la resistencia blanca, o cómo ser en el tiempo”. Keynote address. Buenos Aires. November 2021.

#### **Conservation in Africa Conference**

Dr Annette Hubschle (Public Law): “Local people and wildlife: The future of conservation in times of climate change, species extinction and pandemics”. April 2021.

#### **Constitutional Court Review Conference (XII)**

Ms Lauren Kohn (Public Law): Closing address and co-hosted conference in honour of the jurisprudence of former Constitutional Court Judge J Froneman. December 2021.

#### **Corporate & Financial Markets Law Conference**

Dr Helena Stoop (Commercial Law): “The Role of Voluntary Corporate Governance Codes in the Interpretation and Application of the Statutory and Common Law Duties of the Company Director: A South African Perspective”. North West University, South Africa. October 2021.

#### **Corporate Social Responsibility: Sustainability, ethics and governance**

Mikovhe Maphiri (Commercial Law): “CSR in South Africa’s Banking Sector, a theory of non-effect”. Global Corporate Governance Institute. Online. June 2021.

#### **Department of Forestry, Fisheries and the Environment**

Dr Annette Hubschle (Public Law): Work session on National Response Strategy to South African Succulent Plant Poaching Problem. 24-25 June 2021.

#### **Department of Justice & Constitutional Development Symposium**

Ms Lauren Kohn (Public Law): “The role of the courts in realising the promise of socio-economic rights while ensuring institutional comity vis-à-vis the other branches of state”. Keynote address. December 2021.

#### **Ending statelessness in southern Africa**

Associate Professor Fatima Khan (Refugee Rights Unit): hosted a four-day virtual training on ending statelessness in southern Africa. In partnerships with UNHCR (Emmanuelle Mitte). November 2021.

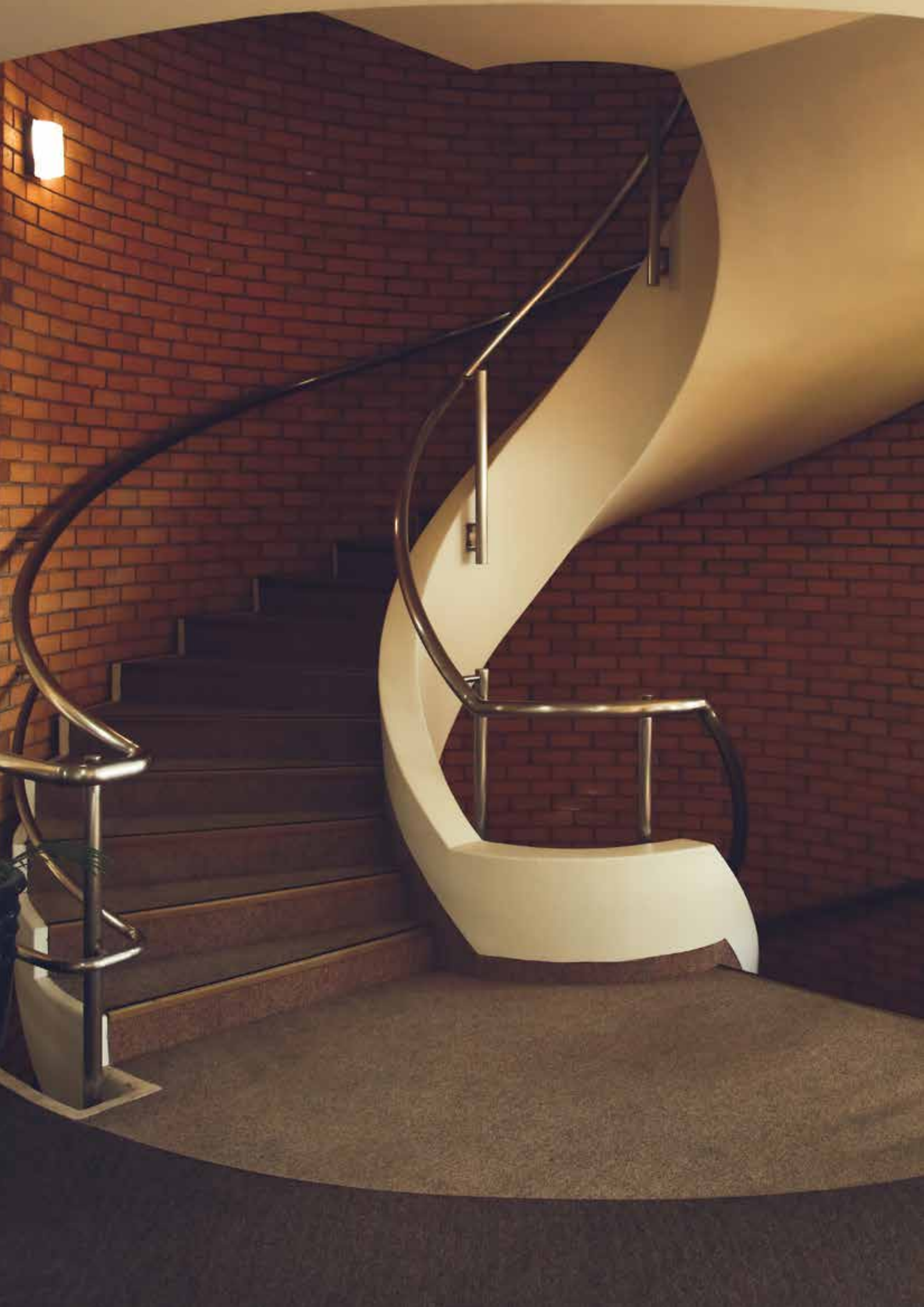
#### **Eastern Southern African Anti Money Laundering Group (ESAAMLG)**

Dr Annette Hubschle (Public Law): Technical assistance on best practices and methods in addressing risks and recommendations identified in the ESAAMLG and FATF reports. 28 July 2021.

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

Dr Annette Hubschle (Public Law): Technical assistance on public-private sector engagement in dealing with and understanding and mitigating IWT/ML risks. 29 July 2021.











### **Environmental Restorative Justice: A new justice framework for preventing and addressing environmental offences**

Dr Annette Hubschle (Public Law) with Ashleigh Dore (Endangered Wild Life Trust): "The applicability of restorative justice to address the harm to landscape in South Africa as a result of wildlife offences". Onati Virtual Workshop. Online. June 2021.

### **Ethics of online research into illicit trade of cultural and natural resources**

Dr Annette Hubschle (Public Law) with Diāna Bērziņa (Maastricht University): "Moving from immersed field-based ethnographies to studying digital marketplaces". Scottish Centre for Crime and Justice Research and Durrell Institute for Conservation and Ecology. Online. August 2021.

### **Higher Degrees Colloquium – UCT Law postgraduate research students**

Dr Tshepo Mosaka (Public Law): Hosted the Faculty's first Higher Degrees Colloquium to provide an opportunity for Law research students to present their research for comment and input. Online. September 2021.

### **Human Rights Strategies**

Ms Nurina Ally (Public Law): "Legal mobilisation and an incapable state – successes and challenges in the struggle for scholar transport in South Africa". Maastricht University AHRI Conference. The Netherlands. August 2021.

### **ICON-S Mundo Conference**

Ms Lauren Kohn (Public Law) and Professor Ymre Schuurmans (Leiden University): "The design and performance of internally and externally orientated administrative law – the Dutch versus South African Models". 9 July 2021.

### **iNTAKA: Centre for Law and Technology**

Kobus Meiring (LLM candidate, Commercial Law): 'Online dispute resolution technologies in South Africa as a means of increasing access to justice'. LawTechLab. Online. 21 November 2021.

### **International Fiscal Association Annual Congress**

Professor Johan Hattingh (Commercial Law): "The Global Tax Agreement: the Two-Pillar Solution - Africa". Online. 30 November 2021.

### **International Fiscal Association - South Africa**

Professor Johan Hattingh (Commercial Law): "International Tax Practice Landmark Court Cases decided in 2020 - 2021". Online. May 2021.

**Konrad Adenauer Foundation Webinar series.**

Dr Klaus Kotzé (Honorary Research Affiliate Centre for Rhetoric Studies): “Violent political language - an attack on the nation? Realising the Constitution in the face of delegitimising rhetoric”. Online. September 2021.

**Law and Development Research**

Professor Ada Ordor (CCLA) and Mr Yakubu Nagu (PhD Candidate): “Budding Democracies, Flowering Jurisprudence: Regional Courts in Africa”. 5<sup>th</sup> Annual Law and Development Research Network. Nelson Mandela University, South Africa. 2021.

**Seminar of the Università Cattolica del Sacro Cuore and Fondazione Maisto**

Professor Johan Hattingh (Commercial Law): “Taxation of Interest under Domestic Law, EU Law and Tax Treaties”. Milan, Italy. November 2021.

**Society for Legal Scholars Annual Conference**

Dr Helena Stoop (Commercial Law): “Artificial Intelligence and the Business Judgement Rule: A Comparative Analysis”. Durham University, North Carolina, USA. September 2021.

**South African Journal on Human Rights Conference**

Ms Nurina Ally (Public Law): “Legal mobilisation for education in the time of Covid-19”. South Africa. January 2021.

**South African Journal on Human Rights Conference**

Ms Nurina Ally (Public Law): co-organised this conference focused on ‘The realisation of the rights of Children to Early Child Development services in South Africa’. December 2021.

**Southern Criminology Colloquium**

Representatives from 16 South African and 6 international universities participated in a colloquium about (South) African / Southern / Postcolonial / Decolonial Criminology in the 2020s. This colloquium was the first in a series of conversations about the

shape of criminology in South African universities and the likely changes that will be made over the next decade. Online. October 2021.

**Students for Law & Social Justice (SLSJ): The impact of the Lockdown Regulations on human-rights-realisation and related social-justice ambitions**

Ms Lauren Kohn (Public Law): Keynote address. Online. 31 March 2021.

**Sustainable Biodiversity Conservation: Sharing lessons in identifying other effective area-based conservation measures**

Professor Alexander Paterson (Institute of Environmental and Marine Law): Legal and Policy Dimensions. World Commission on Protected areas and World Commission on Environmental Law OECM Webinar series. Online. 13 December 2021.

**Sustainable Globalization – How to Ensure Sustainability in a Globalized World**

Dr Helena Stoop (Commercial Law): “Globalisation and the Corporate Objective – Can Company Laws Buttress Sustainability”. Law Schools Global League Academic Conference. Tilburg University, The Netherlands. January 2021.

**The Power of Things**

Dr Annette Hubschle (Public Law): “From doorstopper to Veblen good: Valuation of rhinoceros horn along the time, space and legality continuum”. University of Maastricht, The Netherlands. Online. May 2021.

**WildLife Trade Futures Seminar**

Dr Annette Hubschle (Public Law): “Postcolonialism, wildlife economies and zoonosis”. Online. February 2021.

**Zondo Commission of Inquiry: The deficits of our system of parliamentary oversight**

Ms Lauren Kohn (Public Law): Chair. Emeritus Professors Hugh Corder (Public Law) and Associate Professor Richard Calland (Public Law): Speakers. Online. 19 March 2021.







# PUBLICATIONS

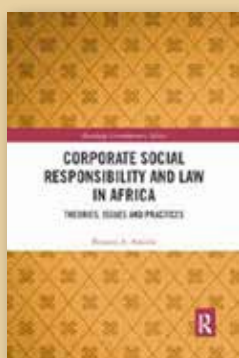
**F**aculty members continued with research and publishing during lockdowns and the adjustment to remote teaching, learning and research. Below is a list of some of the books, chapters in books, journal articles, and opinion and insight pieces written by colleagues. The list provides insight into the scope of work currently being undertaken in the Faculty by academic staff, researchers, postdoctoral fellows and postgraduate research students.



## BOOKS



Amien, Waheeda, (ed), 2021. *Religious Freedom in the Global South*. MDIP: Basel, Switzerland.



Amodu, Nojeem, 2021. *Corporate Social Responsibility and Law in Africa: Theories, Issues and Practice*. Routledge Contemporary Africa.



Bosman, Lise. (Gen Ed), 2021. *Arbitration in Africa: a Practitioner's Guide, 2<sup>nd</sup> Edition*. Wolters Kluwer.



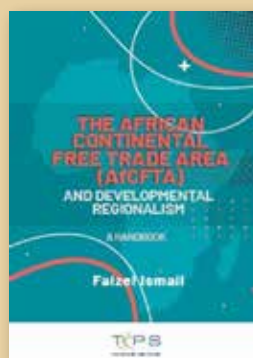
de Vos, Pierre (ed), 2021. *South African Constitutional Law in Context, 2<sup>nd</sup> Edition*. Oxford University Press.



Dziewanski, D., 2021. *Gang Entry and Exit in Cape Town: Getting Beyond The Streets in Africa's Deadliest City*. Emerald Group Publishing.



Hutchison, Andrew (co-ed), 2021. *Research Handbook on International Commercial Contracts*. Edward Elgar Publishing.



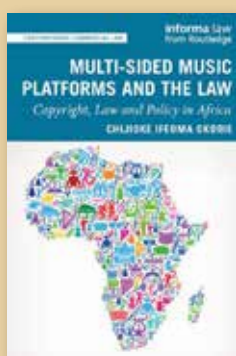
Ismail, Faizel, 2021. *The African Continental Free Trade Area (AfCFTA) and Developmental Regionalism: A handbook*. TRIPS.



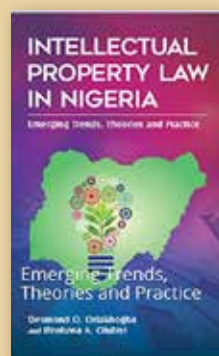
Naudé, Tjakie and Visser, Daniel (eds), 2021. *The Future of the Law Contract: Essays in honour of Dale Hutchison*. Juta.



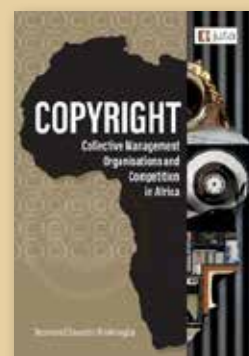
Ncube, Caroline, 2021. *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa*. Juta.



Okorie, Chijioke, 2021. *Multi-sided Music Platforms and the Law*. Routledge.



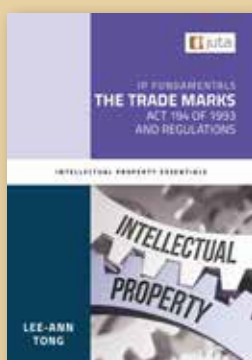
Oriakhogba, Desmond and Olubiyi, Ifeoluwa, 2021. *Intellectual Property Law in Nigeria: Emerging Trends, Theories and Practice*. Independently Published



Oriakhogba, Desmond, 2021. *Copyright, Collective Management Organisations and Competition: Regulatory Perspectives from Nigeria, South Africa and Kenya*. Juta.



Salazar, Philippe-Joseph, 2021. *La Déroute Des Idées - Appel à la Résistance*. Piranha, Paris.



Tong, Lee-Ann, 2021. *IP Fundamentals: The Trade Marks Act of 1993*. Juta.



Tong, Lee-Ann, 2021. *IP Fundamentals: The Patents Act of 1978*. Juta.





## CHAPTERS IN BOOKS

Avery Jones, J. & Hattingh, J., 2021. 'Treaty Interpretation' in *Global Tax Treaty Commentaries*". IBFD.

Chungu, Chanda, and Kalula, Evance, 2021. 'Labor Law, Labor Market Regulation, and Social Protection in Sub-Saharan Africa' in Ndulo, M. & Emeziem, C., (eds), *The Routledge Handbook of African Law*. Routledge, London & New York.

Duda, Thiyane and Ubink, Janine, 2021. 'Resisting the Imposition of *Ubukhosi*: Contested Authority-Making in the former Ciskei' in Beinart, W et al (eds), *Land, Law and Chiefs in Rural South Africa*. Wits University Press.

Hattingh, J. and West, C., 2021. 'Implementing the Multilateral Instrument in South Africa' in *Mission Completed? The Implementation and Lasting Effects of the OECD BEPS Multilateral Instrument*. IBFD.

Hattingh, J., 2021. 'Legal considerations arising from the use of memoranda of understanding in bilateral tax treaty relations' in Maisto, G. (ed), *Current Tax Treaty Issues: 50th Anniversary of the International Tax Group*. IBFD.

Kohn, Lauren, 2021. "Commentary on section 66: National Instructions & Directives" in Smythe, D. & Pithey, B., (eds), *Sexual Offences Commentary RS02*. Juta.

Maphiri, Mikovhe, et al., 2021. 'Challenges to the effective implementation of SDG 8 in creating decent and economic growth in the Southern African Hemisphere: Perspectives from South Africa, Lesotho

and Zimbabwe' in *Global Challenges to Corporate Social Responsibility and Sustainable Development in the 21<sup>st</sup> Century*. Springer Publications.

Oyeniyi, Abe and Ordor, A., 2021. 'Local content requirements and social inclusion in global energy markets: Towards business and human rights content' in Olawuyi, D., (ed), *Local Content and Sustainable Development in Global Energy Markets: Treaty Implementation for Sustainable Development*. Cambridge University Press.

Paterson, A.R., 2021. 'Protected Areas' in Cabrera, J & Perron-Welch, F., (eds), *Legal Aspects of Implementing the Convention on Biological Systems*. Cambridge University Press.

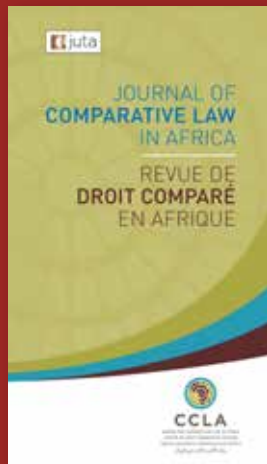
Paterson, A.R., 2021. 'Biodiversity, Genetic Modification and the Law' in Glazewski, J. & du Toit, L., (eds), *Environmental Law in South Africa Loose-Leaf Edition* (Issue 9). LexisNexis.

Paterson, A.R., 2021. 'Protected Areas' in Glazewski J & du Toit L., (eds), *Environmental Law in South Africa Loose-Leaf Edition* (Issue 9). LexisNexis.

Paterson, A.R., 2021. 'Biodiversity and Local Governance' in Du Plessis, A. (ed), *South African Environmental Law: The Governing Function of Local Governance*. 2nd edition. Juta & Co.

Pickering, Joanna & Motala, Ayesha, 2021. 'The abuse of interdicts by traditional leaders in South Africa' in Beinart, W et al (eds), *Land, Law and Chiefs in Rural South Africa*. Wits University Press.

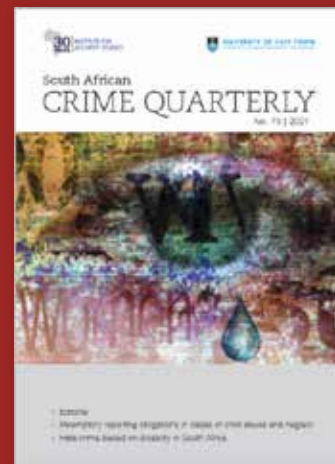
## JOURNALS



*The Journal of Comparative Law in Africa (JCLA)*, 2021.  
vol. 8, nos. 1 & 2. Juta.



*The South African Intellectual Property Law Journal*, 2021.  
Vol 9 (1)



*The South African Crime Quarterly* 70 (2021)

## ARTICLES IN JOURNALS

Ally, N & Linde, D., 2021. Pridwin: Private School Contracts, the Bill of Rights and a Missed Opportunity. *Constitutional Court Review*.

Ally, N., Beere, R. and Moul, K., 2021. S v LM and the school-to-prison pipeline in South Africa. *South African Crime Quarterly*, vol.70, no. 2. pp 23-33.

Barnard-Naudé, J., 2021. Form and Substance in the Constitutional Court: Whither Contract Law's Policy After Apartheid? *South African Law Journal*, vol.138, no. 3.

Bruwer, C., 2021. Blue frontiers: In pursuit of smugglers at sea. *The Routledge Handbook of Smuggling*, pp. 411-430.

Faull, A., Kelly, J. & Dissel, A., 2021. Lockdown lessons: violence and policing in a pandemic. *Southern Africa Report*, Institute for Security Studies, Pretoria.

Hübschle, A. and Jojo, B., 2021. Community and community practitioners' attitudes, perspectives and perceptions of protected areas, conservation and community safety in the context of illegal wildlife trade. *WWF Khetha & USAID: White River*.

Hübschle, A. and Rathmell, S., 2021. Canadian firm ReconAfrica's quest for oil and gas poses seismic risk to elephant behaviour. *Daily Maverick*.

Hübschle, A., 2021. Community responses to wildlife, forest and fisheries crime. *UNODC Education for Justice (E4J) Wildlife, Forest, and Fisheries Crime*, UNODC: Vienna.

Hübschle, A., 2021. Guidelines for research in communities: A methodology for understanding community attitudes, perspectives and perceptions of protected areas and community safety in the context of illegal wildlife trade. *USAID & WWF Khetha: White River*.

Hübschle, A., 2021. Wildlife poisoning in the Great Limpopo Transfrontier Conservation Area: A baseline study. *USAID: Great Limpopo Transfrontier Conservation Area, WWF-Khetha: Peace Parks Foundation*.





Hübschle, A., 2021. The Illicit Economy in Turkey: How Criminals, Terrorists, and the Syrian Conflict Fuel Underground Markets. Book review.

Hübschle, A., 2021. The impact of the COVID-19 pandemic and lockdown regulations on wildlife poaching hotspots and trafficking routes in southern Africa. *Chemonics VukaNow & USAID*: Pretoria.

Hübschle, A. et al., 2021. Focus on victims and the community: applying restorative justice principles to wildlife crime offences in South Africa. *The International Journal of Restorative Justice*, Vol. 4, no. 1, pp 140-150.

Kelly, J., et al, 2021. Learning from Lockdown: murder in the Western Cape's high violence areas during the COVID-19 lockdown. *Acta Criminologica*.

Kriegler, A., 2021. Building research evidence that works for policing. *Institute for Security Studies*, Policy Brief 158.

Kriegler, A., 2021. What works in South African policing?. *ISS Southern Africa Report*, vol.43, pp.1-24.

Kriegler, A., Moul, K. and van der Spuy, E., 2021. Policing South Africa's Lockdown. *European Law Enforcement Research Bulletin*, SCE 5, pp.1-12.

Lefifi, Tebogo and Kiala, Carine, 2021. Untapping FOCAC Higher Education Scholarships for Africa's Human Capital Development: Lessons from haigui. *China International Strategy Review*, vol.1, no. 22.

Magliocca, N.R., et al., 2021. Comparative Analysis of Illicit Supply Network Structure and Operations: Cocaine, Wildlife, and Sand. *Journal of Illicit Economies and Development*, vol. 3, no. 1.

Muntingh, L., Faull, A., Redpath, J. & Peterson, K., 2021. Democratic policing: a conceptual framework. *Law, Democracy and Development*, vol. 25, pp.125-155.

Oxtoby, C., 2021. The Appointment of Judges: Reflections on the Performance of the South African Judicial Service Commission. *Journal of Asian and African Studies*, vol. 56, no. 1, pp. 34-47.

Paterson, A.R., 2020. The Interface between Customary Rights and Environmental Legislation: Lessons from Gongqose & Others vs Minister of Agriculture, Forestry and Fisheries & Others (SCA) 2018. *South African Journal of Environmental Law and Policy*, vol. 26, pp.134-160.

Stoop, H., 2021. Blended Learning to Support Student Wellness: Experiences Teaching Corporations Law. *Journal of Rights and Justice*, vol. 2, no. 49.

Uranovsky, J., 2021. Legislative Reform Versus Public Opinion: Investigating Sex Work Policies To Improve Sex Workers' Lived Realities In South Africa. *Responso Meridiana*, 57<sup>th</sup> Edition.

Veriava, F. & Ally, N., 2021 Legal mobilisation for education in the time of Covid-19. *South African Journal on Human Rights*, pp 1-25.



## OPINIONS AND MEDIA ARTICLES

**Nurina Ally** writes on the Constitutional Court judgment on provincial liability for private ECD centres: <https://www.dailymaverick.co.za/article/2021-08-30-constitutional-court-provides-certainty-provinces-are-not-liable-for-injuries-at-early-childhood-development-centres/>

**Lauren Kohn** reflects on the implications of Covid-19 measures for learners from a constitutional law perspective: <https://www.dailymaverick.co.za/opinionista/2021-09-01-a-reflection-on-the-implications-of-covid-19-measures-for-learners-from-a-constitutional-law-perspective/>

**Dr Karin Lehmann's** work is focused on challenging the constitutionality of the Pension Funds Act: <https://www.news.uct.ac.za/article/-2021-08-26-pension-law-deprives-most-south-africans-right-to-decide-on-inheritance>

**Jameelah Omar's** work focuses on scrutinising the status quo of law in South Africa and asking critical questions about who benefits and who does not: <https://www.news.uct.ac.za/article/-2021-08-12-confronting-legal-dissonance-in-south-africa>





# ENGAGED SCHOLARSHIP

## CENTRE FOR COMPARATIVE LAW IN AFRICA MARKS 10 YEARS



The Centre for Comparative Law (CCLA) celebrated its 10th anniversary on 5<sup>th</sup> December 2021. Professor Ada Ordor, the Director of the Centre, presented an overview of the work of the CCLA over the past decade. This was followed by an engaged panel discussion featuring fellows of the Centre who discussed a range of topics, including, the movement of people in Africa, Chinese Law and Investments in Africa, regional integration and development in Africa, and international trade and the African Continental Free Trade Area (AfCFTA).

The Centre which was established to promote the study of the diversity of legal cultures in Africa draws on the strengths of comparative methodology to research the multi-faceted field of law in Africa.

The Centre offers a taught LLM/ MPhil programme in Comparative Business Law in Africa, a research masters, a postgraduate diploma in Comparative Law in Africa and a doctoral programme. Centre research focuses on three major themes viz. Legal

Integration in Africa, Comparative Law, Development and the Rule of Law in Africa and Comparative Energy Law in Africa. CCLA staff and associates have a strong publication record, and the Centre is also home to the Journal of Comparative Law in Africa – a peer reviewed bi-annual academic journal published in both English and French.

In 2021 four CCLA doctoral candidates and one Masters student were awarded degrees.

Dr Tsotang Tsietsi was awarded her doctorate for her research in trade and facilitation; Dr Ogochukwu Monye for financial inclusivity; Dr Ibrahim Harun for research into Federalism in Somalia; and Dr Julieth Gudo for delving into State Owned Enterprises in South Africa.

Mrs Phumelele Dhlamini graduated with an LLM in Commercial Law. Her research thesis was titled: “The World Trade Organisation (WTO) Appellate Body crisis: a critical analysis”.



Dr Ibrahim Harun



Dr Tsotang Tsietsi



Dr Ogo Munye

The Centre, which was established to promote the study of the diversity of legal cultures in Africa, draws on the strengths of comparative methodology to research the multi-faceted field of law in Africa.



Mrs Phumelele Dhlamini



Dr Julieth Gudo

## LARC PROVIDES SUPPORT FOR LANDMARK CASE ON CUSTOMARY RIGHTS

The Land and Accountability Research Centre (LARC), in the Department of Public Law played a significant role in the Ingonyama Trust case in KwaZulu-Natal (KZN) in which the Trust's charging of rent on communal land had an adverse effect – mostly on women – in rural KZN.

LARC, established in 2016, focuses on customary law and the construction of a system of law that serves everyone in South Africa. The work of the Centre concentrates on rural communities in the former homelands and is active in five of the nine provinces.

Three themes provide the framework for the work of the Centre: land rights, traditional governance, and mining. A significant portion of LARC's work is in breaking down the artificial binary between urban and rural areas, and bringing supposedly rural issues onto the radar of people living in urban areas and into the national debate.

LARC works with many partners, such as the Rural Women's Movement and the Alliance for Rural Democracy, and became involved in the Ingonyama Trust case as a result of its research, advocacy and litigation work. The case began in 2015, when LARC researchers found that the Trust was encouraging people to convert their customary rights to their land into lease agreements. This effectively downgraded people's rights to their land. LARC was part of a collective effort to challenge the legality of this practice.

The Pietermaritzburg High Court made a landmark ruling on 11 June 2021 when it declared that the Ingonyama Trust had acted unlawfully and in violation of the Constitution by concluding residential leases with persons who are true owners of the land in terms of Zulu customary law. LARC provided significant research support in the case.

The court ordered the Ingonyama Trust to refund all money paid to it in terms of these leases, and further ordered that until such time as the minister adopts appropriate mechanisms for protecting customary rights, proper processes must be reinstated to allow for the granting of rights in terms of applicable KZN legislation.

More than 25 years into democracy, there is still no law that recognises customary land rights. The judgement in the Ingonyama Trust case affirmed the rights of the most vulnerable people

LARC forms part of a collaborative network, constituted as the Alliance for Rural Democracy, which provides strategic support to struggles for the recognition and protection of rights and living customary law in the former homeland areas of South Africa. LARC is particularly interested in the ways in which laws and policies frame power relations within these areas and threaten ongoing initiatives for democratic change and accountability at the local level.



LARC forms part of a collaborative network, constituted as the Alliance for Rural Democracy, which provides strategic support to struggles for the recognition and protection of rights and living customary law in the former homeland areas of South Africa.

**Nolundi Luwaya**  
Director: LARC

## CENTRE FOR RHETORIC STUDIES RECEIVES RE-ACCREDITATION

Centre for  
**RHETORIC  
STUDIES**

The Centre for Rhetoric Studies received a further five-year University Research Committee accreditation following its 2021 review.

Distinguished Professor Philippe-Joseph Salazar (Director) and Professor Jaco Barnard-Naudé (Deputy Director) both expressed their appreciation to the University and congratulated Centre staff and research affiliates on their high research and publication outputs as they develop and share knowledge.

The Centre for Rhetoric Studies focuses on multidisciplinary research in public rhetoric, deliberative democracy and argumentative culture and is recognised as unique on the African continent. In addition to research projects, the Centre staff engage in three main activities: hosting research

fellows, organising academic conferences and supervising postgraduate students. The Centre publishes many of its findings through the open access journal *African Yearbook of Rhetoric* and encourages publication by graduates.

Along with offering Masters and PhD supervision, CRhS also offers an LLB elective course on Law, Rhetoric and Society (RDL4604S) as part of LLB Private Law course. Professors Salazar and Barnard-Naudé offer supervision for LLB Independent research papers on appropriate topics related to law's rhetoric and rhetoric in general.

CRhS graduates are employed in high-level roles in civil service across Southern Africa, and many hold academic positions in South Africa, Ghana, Namibia, and Zimbabwe (amongst other places).





## THE UCT LAW CLINIC – THREE DECADES OF SERVICE, TRAINING AND KNOWLEDGE PRODUCTION



The UCT Law Clinic is an essential component in the training of Law students. Real problems are solved, real clients are served and each step is overseen by experienced practicing attorneys. Started in 1973 as a small legal clinic in Kensington, the UCT Law Clinic was the first of its kind in South Africa – a place where people who would otherwise have no access to the judicial system or legal representation could go for free legal advice. Other universities followed suit and today law clinics are integral to the education of legal practitioners in all law schools across the country.

The UCT Law Clinic also serves as an intensive training ground that assists in shaping the future of lawyers of every career aspiration, irrespective of whether they choose to work in individual practices, in a large firm, make policy or engage in public service.

Yellavarne Moodley has been the Director of the Law Clinic since 2013. In an interview published in UCT News in August 2021 she stated that: “I always hated injustice, and believed law was a solution, and a way of working towards a better and more equitable world.” She also noted that the Clinic was where she saw the intersection between the education sector, the legal sector and communities.

Today the UCT Law Clinic is a fully accredited practice operating within the UCT Faculty of Law. It is run by

professional staff and experienced practising attorneys who litigate in the District, Regional and High Courts on behalf of indigent people. All work is pro-bono and the Clinic is funded by the Attorney’s Fidelity Fund, Legal Aid South Africa, and the UCT Law Faculty. Additional funding is accessed by application on an ad hoc basis for specific purposes. The Clinic is guided by an Advisory Board, membership of which includes the Dean of the Law Faculty, the Director of the Clinic and other attorneys and persons able to contribute meaningfully to the Clinic.

A third and vitally important aspect of the work of the Clinic is that of research and education. In 2002, the Clinical Legal Practice Course was added to the formal curriculum at UCT and the Clinic continues to contribute to research and knowledge in clinical legal education and to champion the documentation of what has been learned and experienced in practice.

The Law can be a formidable tool for effecting social change and bringing us closer to the ideal of an equitable society. It is in this spirit that the UCT Law Clinic continues to honour its three decade legacy of a space that is dynamic, open to new ideas and focused on support of those affected by the law but who have limited access to systems of justice, and where students are given a palpable sense of why lawyers matter and the opportunity to cultivate the values that they will take into their professional lives.



The interview with Yellavarne Moodley, Director of the UCT Law Clinic on which this article is based, was originally published in UCT News, August 2021. Story by Nicole Forrest. Photograph Je'nine May.

## REFUGEE RIGHTS UNIT: 15 YEARS OF ASSISTING REFUGEES AND ASYLUM SEEKERS



Recognising the rights, needs and dreams of refugees is a fundamental step towards achieving social justice in South Africa. And the country is on the right track, said Associate Professor Fatima Khan, acclaimed human rights lawyer and the director of the University of Cape Town's Refugee Rights Unit.

"I believe that we're on the right track. Our laws are progressive; and where Home Affairs administrators have given our laws a narrow reading, our judiciary has consistently got it right," said Associate Professor Khan. "And in my opinion, as long as our courts are getting it right, we are getting it right as a country."

The Refugee Rights Unit is a research unit and consists of a legal aid clinic and a research hub; it provides teaching, advocacy and training. Initially, providing refugees with legal aid services started as a special project within UCT's Law Clinic – fulfilling a social responsibility function. In 2006, the unit began operating independently, and to date has assisted thousands of refugees and asylum seekers.

Professor Khan is highly regarded both nationally and internationally for her work as a human rights lawyer and has been involved with the office of the United Nations High Commissioner for Refugees for several years. The UNHCR fully supported her vision to expand the Refugee Rights Unit and provided the funding that saw the unit move from two in-house staff members to 11. Attorneys, candidate attorneys and researchers all form part of the interdisciplinary team. One of the key activities of the Unit is that it helps students find employment. Students who are human rights-focused often struggle to find articles of clerkship despite many of them being *cum laude* students. In 2021 five students completed their articles of clerkship at the unit.

The Refugee Rights Unit is an active space. Some 5 000 refugees are assisted at the clinic annually. Refugee status determinations and detentions, deportations and finding schools for refugee children or facilitating access to healthcare are all part of their work.

Besides providing assistance to those who need it most, the unit is a good example of the multiple

synergies that exist between practice, research and teaching.

The unit is also involved in training government stakeholders in sub-Saharan Africa, and hosting expert roundtables that focus on the rights of refugees and target international delegates. In 2021, 24 newly appointed Refugee Appeal Authority judges received specialist training as a result of the work of the RRU.

The Refugee Rights Unit achievements have become a beacon for the international academic community and the RRU approach is being emulated around the world. Together with the UNHCR the RRU actively promotes a model of teaching, research, advocacy and practice at many universities in southern Africa.

Most of the current research on refugee law is directed at the notion of responsibility sharing, and at creating a framework for more predictable and equitable responsibility sharing. This approach also underpins the research work Professor Khan now undertakes, in partnership with 13 international universities and the Centre for European Policy Studies. The project is funded by the European Union Commission.

The original article was published in UCT News, August 2021.  
Story by Niémah Davids. Photograph by Lerato Maduna.



**Professor Fatima Khan**  
Director: Refugee Rights Unit

## FACULTY OF LAW STRENGTHENS TIES WITH THE PERMANENT COURT OF ARBITRATION IN THE HAGUE



A memorandum of understanding was signed between the Permanent Court of Arbitration (PCA) based in The Hague, the Netherlands, and the University of Cape Town (UCT) in 2021. This memorandum will, *inter alia*, see a South African drawn from UCT's Faculty of Law serve as a representative on the PCA and a fellowship programme for UCT graduates established in The Hague.

The PCA is an intergovernmental specialised arbitral institute established by the 1899 and 1907 Hague Conventions on the Pacific Settlement of International Disputes. The organisation specialises in the administration of arbitration, conciliation and other dispute-resolution procedures among various combinations of states, state entities, intergovernmental organisations, and private parties. The PCA also has a strong academic and research arm through its association with the International Council for Commercial Arbitration (ICCA), which produces key international arbitration publications.

In terms of the new MoU, the PCA's representative to South Africa will be selected from among UCT law academics, teaching assistants and doctoral students. In addition the Law faculty will propose a postgraduate student to serve a one-year fellowship at the PCA in The Hague – an invaluable opportunity to explore the world of international arbitration. The academic exchange opportunities will strengthen longstanding ties between the PCA and UCT's Law Faculty and build the university's expertise in international arbitration.

The Law Faculty's Oliver Tambo Moot Court will also be made available for PCA arbitration and conciliation hearings and meetings.

The MoU is the culmination of much behind-the-scenes work by Professor Debbie Collier, the head of the Department of Commercial Law, where the UCT/PCA activities will be based, and law alumna Lise Bosman, PCA senior legal counsel.

Professor Bosman works mostly in the Netherlands and has been committed to building capacity on the African continent. This MoU envisages academic and professional exchanges between UCT and the PCA which will contribute to capacity-building for the university but also strengthen PCA activities in South Africa and lead to improved service offering to cases being conducted under the auspices of the PCA involving African parties.

Professor Bosman has been appointed to the new office of PCA Counsellor to the Secretary-General where she will supervise the implementation of the MoU. She sees this development deepening her commitment to promoting African arbitration and African expertise in arbitration. Towards this end, she has also created internship and fellowship opportunities for UCT graduates with the ICCA in The Hague as part of the PCA.

The MoU was signed by Professor Danwood Chirwa, Dean of Law at UCT and Ambassador Hugo Siblesz, the secretary-general of the PCA in The Hague.



The original article was published in UCT News, September 2021.  
Story by Helen Swingler.



## THE DGRU'S JIFA SIGNS MOU WITH IARMJ AND UNHCR

---

The Judicial Institute for Arica (JIFA) resides in the Democratic Governance and Rights Unit. In July 2021 JIFA signed a MoU with the International Association of Refugees and Migration Judges (IARMJ) and the office of the United Nations High Commissioner for Refugees (UNHCR). This collaboration complements the work of the Faculty's Refugee Rights Unit, which has worked in partnership with the UNHCR

for several years. This new MoU opens the way for, amongst other benefits, ensuring easy access to legal resources, policy development information and legal insights for judicial officers and law professionals. This includes ensuring searchable access to 15 legal information institutes across the continent through a federated search tool.



## CENTRE FOR LAW AND SOCIETY - INTERNATIONAL RESEARCH COLLABORATIVES

---



Two projects active under the Centre for Law and Society (CLS) Africa Law and Society Programme - Mapping the Pasts and Futures of Law and Society Scholarship in Africa and Comparative Perspectives on Autocratic Legalism: Brazil, India and South Africa - have been constituted as International Research Collaboratives (IRCs) within the Law and Society Association. At present these IRCs involve collaboration of socio-legal scholars from more than

14 countries, including Zambia, Zimbabwe, Malawi, Nigeria, Egypt, Tanzania, Ghana, Kenya, Sudan, South Africa, Argentina, India, Brazil and Singapore. In 2021 the progress and achievements of both IRCs were rewarded with numerous successful funding applications, as the Law and Society Association awarded a total of 20 IRC members with partial or full funding to attend and participate in the 2022 Global Meeting on Law and Society in Lisbon, Portugal.

## APPOINTMENT TO THE SOUTH AFRICAN LAW REFORM COMMISSION ADVISORY COMMITTEE

---

Associate Professor Waheeda Amien has been selected to serve as a member of the South African Law Reform Commission's (SALRC) Advisory Committee on the Review of Aspects of Matrimonial Property Law.

The committee is in the process of investigating how to achieve legislative fairness and justice with regard to interpersonal relationships between spouses. Associate Professor Amien's role involves reviewing the current law on matrimonial property and recommending necessary changes to ensure that it meets societal needs.



## LAW AND SOCIETY ASSOCIATION APPOINTS CO-ORDINATOR OF GLOBAL ACTIVITIES

---

In April 2021 the Law and Society Association (USA) appointed CLS Director, Professor Dee Smythe, to serve as the Inaugural Coordinator of Global Activities. The newly created position was specifically designed to bolster the Association's

commitment to expanding its international collaboration, and key responsibilities of this role include advising the LSA president and the trustees on all matters relevant to the LSA's global role in connecting socio-legal scholars from around the world; and promoting close relations between LSA and other associations, institutions, and centres outside the United States. This appointment recognises and acknowledges the pioneering role Professor Smythe and CLS have played in the field of Law and Society in Africa, having successfully facilitated socio-legal communities and events within the global South, including the Law and Society in Africa Conferences and the Sociolegal Studies Early Career Scholars Workshops. These annual and biannual events are explicitly Africa-focused and have become important channels for CLS to continue its activities toward growing and stimulating the Africa Law and Society Network, shaping the field, and developing law and society scholarship on Africa, produced by African scholars.





## IFA APPOINTS GENERAL REPORTERS FOR 2024 CONGRESS

---

Professor Johan Hattingh (Commercial Law) was appointed Co-general Reporter together with Professor Peter Hongler (Switzerland) by the International Fiscal Association for Subject 1 of the 2024 IFA Annual Congress to be held in Cape Town. Subject 1 covers the topic of “Finding the meaning of nexus for taxes – past, present and future”. This comparative research project involved approximately 50 jurisdictional reporters overseen by the general reporters over a 3-year period. A book containing the general findings together with national reports will be published in 2024.

Professor Hattingh also took up a visiting position at the Institute of European and Comparative Law at the University of Oxford. This position allowed him to further an ongoing history of tax research project “The Dialectical Relationship between Taxation and the Political Balance of Power” with reference to the Rhodes papers in the Weston Library, Oxford.







## SUBMISSION ON THE DRAFT CHILDREN'S AMENDMENT BILL, 2020

Ms Nurina Ally (Public Law) made written and oral submissions on the draft Children's Amendment Bill 2020 in May 2021, focusing on provisions relating to early childhood development. The submissions were made in collaboration with the *Real Reform for ECD* Campaign.



## EVIDENCE TO THE ZONDO COMMISSION ON STATE CAPTURE

Professor Richard Calland was instructed by Counsel for the Zondo Commission on State Capture to prepare and present an Expert Report on the failure of Parliamentary Oversight over the executive. He gave live evidence in February 2021.

Professor Calland also gave expert evidence to the Cricket South Africa inquiry into Racism in Cricket led by Advocate Ntsebeza. His recommendations on governance reform were included in the Inquiry final report.

## FRACK FREE NAMIBIA – NGO ESTABLISHED

Dr Annette Hübschle, a senior research fellow in the Global Risk Governance programme in Public Law was instrumental in the establishment and registration of non-government organisation Frack Free Namibia in Namibia. This organisation will assist local and indigenous communities in their fight against a Canadian oil and gas company that started exploring for oil and gas in the biodiverse Kavango regions close to the Okavango Delta.



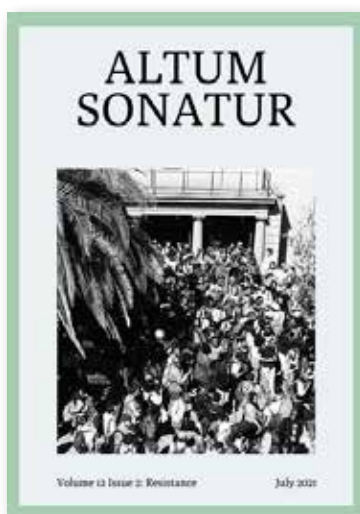
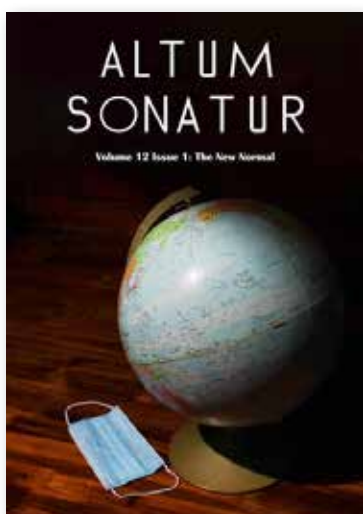
## ALTUM SONATUR

*Altum Sonatur* is a magazine commissioned, edited and published by UCT Law students. Started more than a decade ago, the magazine focuses on issues of particular interest to students. These topics range from aspects of being a Law student at UCT to subjects of national and international interest. The magazine is published quarterly and each volume embraces a particular theme. The thematic focus of each edition allows for the assembly of in-depth and diverse opinion and encourages contributions from experts and specialists. Edition themes have included topics such as, Resources, Healing Law, The Future, Progress, the impact of global developments on South African Law, and the diversity of African Law. Each year, the Editorial Committee welcomes

contributions from alumni as the magazine is an important link between students and graduates across generations.

*Altum Sonatur* has twice won a UCT Leadership Award for outstanding student contribution to media.

In 2021 *Altum Sonatur* was published wholly digitally in magazine format for the first time. *Altum Sonatur* published three editions of Volume 12, thematically highlighting Resistance, Relationships and The New Normal. These 2021 publications, as well as previous volumes, can be accessed at <https://issuu.com/altumsonatur>.





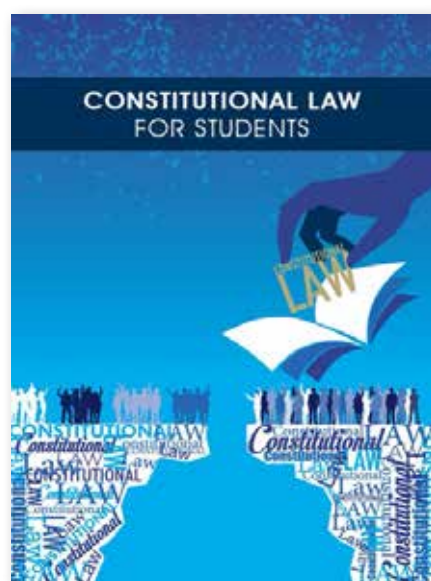


## UCT LIBRARIES WINS DIVERSITY, EQUITY AND INCLUSION AWARD FOR CONSTITUTIONAL LAW TEXTBOOK

The Library Publishing Coalition, an international organisation that recognises excellence in library publishing, awarded UCT Libraries the Publishing Practice Award for Diversity, Equity and Inclusion in 2021 for the publication *Constitutional law for students*. The award recognises initiatives in publishing that address the current predominance of limited diversity in content and personnel. Awardees are recognised for the way in which they address diversity, equity and inclusion considerations into the publishing process and the ways in which equity between the historically centred and the historically marginalised are demonstrably increased. Published in two parts, *Constitutional law for students* is a textbook for students written by students to assist them in navigating the complex world of constitutional law, one of the most challenging subjects in the South African law degree. The book focuses on clarifying concepts and increasing understanding around the various aspects of constitutional law.

A significant percentage of South African law students speak English as a second, third and even fourth language. As a result, navigating the language of dense legal content is a widespread challenge. *Constitutional law for students* is available in both text and audio format which allows students to listen to the book before reading it. These complementary

formats also support different learning styles. Embedded in the textbook are mini workbooks to help students prepare for the constitutional law examination. *Constitutional law for students* is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License and is available for download at <https://openbooks.uct.ac.za/uct/catalog/>





## EVENTS

Throughout 2021, as we continued the bulk of our work in remote mode, the Faculty hosted and participated in as many events as possible. Some of these are listed below.

### Book launch: Corporate Social Responsibility and Law in Africa

A virtual book launch for Dr Nojeem Amodu's book *Corporate Social Responsibility and Law in Africa: Theories, Issues, and Practices* was co-hosted by the CCLA (UCT) and SOAS, School of Law (University of London) in July 2021. Published by Routledge the book has been hailed as an outstanding contribution to the African narrative in the context of corporate law, CSR and corporate governance.

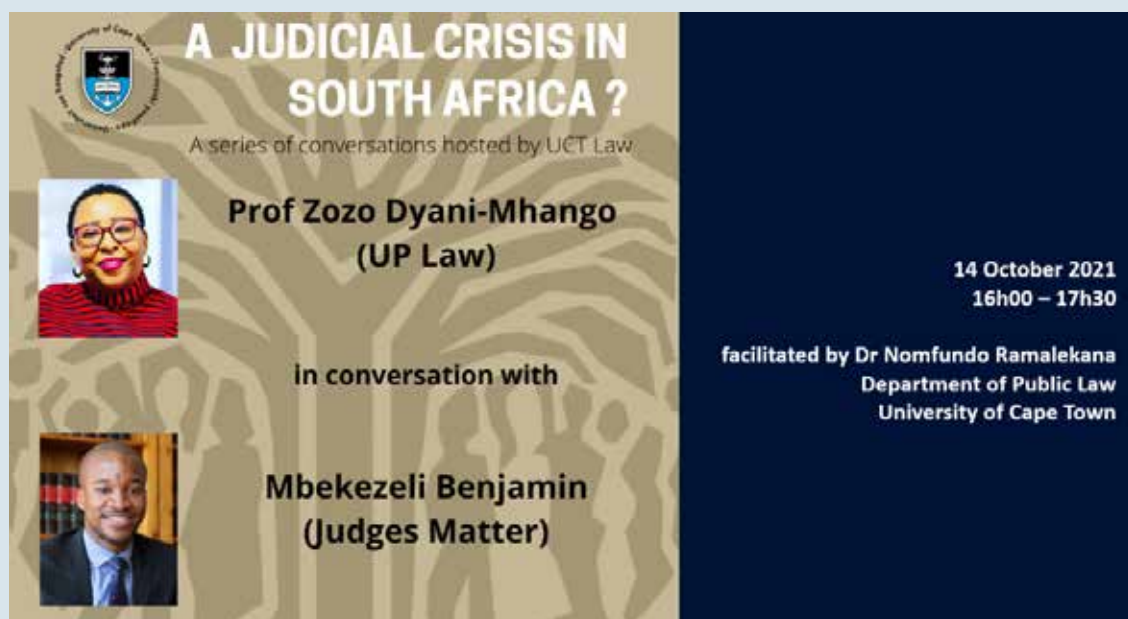


### A Judicial Crisis in South Africa?

The inaugural discussion of a conversation series tackling pertinent issues concerning Law in South Africa was held on 14 October 2021. Dr Nomfundo Ramalekana (Public Law) facilitated a discussion between Professor Zozo Dyani-Mhango (UP Law) and Mbekezeli Benjamin (Judges Matter) on the question of a judicial crisis in South Africa. The event recording can be accessed at <https://www.youtube.com/watch?v=vsnCNngPOhw> <http://www.law.uct.ac.za/news/judicial-crisis-south-africa>

### Launch of the Corporate Law and Governance Unit in Commercial Law

Professor Jacqui Yeats led the launch of the new Corporate Law and Governance Unit (CGLU). The CGLU will enhance the Commercial Law department's focus on Corporate Law and Corporate Governance. The launch was a hybrid event held at Webber Wentzel's Cape Town offices on 14 October 2021, and included inputs from Professor Yeats, Dr Tebello Tabane, Dr Helena Stoop, Giles White (Adjunct Associate Professor), and Mikovhe Maphiri.



**A JUDICIAL CRISIS IN SOUTH AFRICA?**  
A series of conversations hosted by UCT Law

**Prof Zozo Dyani-Mhango**  
(UP Law)

In conversation with

**Mbekezeli Benjamin**  
(Judges Matter)

**14 October 2021**  
**16h00 – 17h30**

facilitated by Dr Nomfundo Ramalekana  
Department of Public Law  
University of Cape Town

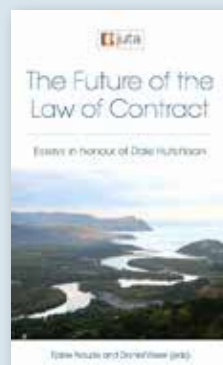


### Teaching Law for our future: challenges and opportunities.

Dr Nomfundo Ramalekana and Judge Dennis Davis were the presenters of this online discussion for UK Alumni on challenges in the South African Judiciary and the teaching of law for our future on 25 October 2021. This presentation formed part of the UCT UK Trust UCT Alumni Conversations series.

### Book launch: Leveraging Openness for Sustainable Development in Africa

Professor Caroline Ncube's book *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa* was launched at the Science Forum South Africa in December 2021. The book is published by Juta.



### Book launch: The Future of the Law Contract

*The Future of the Law Contract* is a collection of essays that honour Professor Dale Hutchison's distinguished career and profound influence on the law through his teaching, scholarly work and contribution to practice. Edited by Tjakkie Naudé

and Daniel Visser, the book is published by Juta and was launched on 3 November 2021.

### The Centre for Comparative Law in Africa - 10 years.

The CCLA celebrated 10 years in December 2021 with an event that included a lively symposium with CCLA fellows and an overview of the work of the CCLA and its focus for the future.



# ANNUAL PUBLIC LECTURES

## 2021 Ben Beinart Memorial Lecture

The annual Ben Beinart Memorial Lecture recognises Professor Ben Beinart's life's work and contribution to the Faculty of Law. Professor Beinart was the WP Schreiner Professor of Law at UCT from 1950-1974 and was known for his deep appreciation of Roman and Roman-Dutch law and principles.

This lecture series, generously sponsored by Webber Wentzel Linklaters, presents an outstanding opportunity for leading law experts from across the world to visit the Faculty.

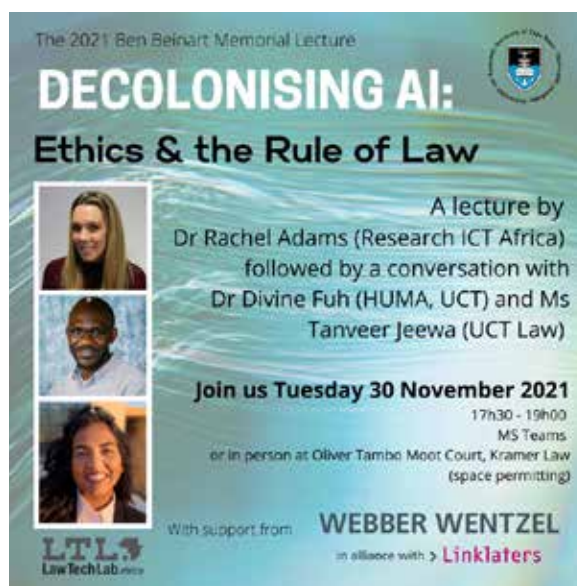
Dr Rachel Adams delivered a lecture titled: *Decolonising AI: Ethics and the rule of law*. After the lecture she was joined by Dr Divine Fuh (HUMA, UCT) and Ms Tanveer Jeewa (UCT Law) in a spirited discussion.

**Dr Rachel Adams** is the Principal Researcher at Research ICT Africa, where she directs the AI4D Africa Just AI Centre. She has published widely in areas such as AI and society, gender and AI, transparency, open data, and data protection and regularly advises policy-makers around the world on AI and data governance.

Dr Adams undertook her post-doctoral training at the Information Law and Policy Centre, Institute for Advanced Legal Studies, University of London. She holds degrees in English Literature (BA, Royal Holloway, University of London), Human Rights Law (MPhil, University of Cape Town) and Jurisprudence (PhD, University of Cape Town). She previously held the position of Senior Researcher Civil and Political Rights at the South African Human Rights Commission. Her work sits at the intersection of law, ethics, gender and technology. Dr Adams is an Editor for the South African Journal on Human Rights, and a doctoral supervisor at the University of Cape Town's Law Faculty. She is further an Associate Fellow at the Leverhulme Centre for the Future of Intelligence, University of Cambridge, and at the Information Law and Policy Centre, University of London.

Dr Adams is the author of *Transparency: New Trajectories in Law* (Routledge, 2020), and the lead author of *Human Rights and the Fourth Industrial Revolution* in South Africa (HSRC Press, 2021).

**Dr Divine Fuh** is the Interim Director of the Institute for Humanities in Africa (HUMA) at UCT. Dr Fuh is a social anthropologist who has taught at the Universities of Basel, Cape Town, Western Cape and Stellenbosch, and has been visiting lecturer at the Universities of Brasilia, Tokyo, and Gaston Berger.



His research focuses on the politics of suffering and smiling, particularly on how urban youth seek ways of smiling in the midst of their suffering as well as on the political economy of Pan-African knowledge production, AI and the ethics of care in Africa.

He was trained at the Universities of Buea in Cameroon (BSc), Botswana in Gaborone (MA), and Basel in Switzerland (PhD). He has been a visiting fellow at the Centre for Modern Oriental Studies in Berlin (ZMO), and guest at the African Studies Centre Leiden. He is Founding Managing Editor of Langaa Research and Publishing, and has been Chair of the Council of Management of the Africa Book Collective. He is the current Co-Chair of the Global Africa Group (GAG) of the World Universities Council (WUN).

**Ms Tanveer Jeewa** is the Legal and Communications Officer at the International Commission of Jurists. She has also served as law clerk at the South African Constitutional Court, and was a United Nations Delegate at the Youth Assembly, where she was awarded the Resolution Project Fellowship "For Outstanding Dedication to Making Positive Change and Helping Others Today and for Lifelong Commitment to Sustainable Impact, Innovation, Collaboration and Social Responsibility". Ms Jeewa graduated from UCT in 2017 with an LLB and obtained her LLM Public Law in 2020. Her research interests are South African constitutional law and the application of human rights in a regional context.

The 2021 Ben Beinart Memorial Lecture recording can be accessed at <https://www.youtube.com/watch?v=q4Lk7jylU28>



## 2021 Rabinowitz Visitorship

In 2009 Ben and Shirley Rabinowitz established a Visitorship Programme in the Faculty. Each year this programme allows us to bring leading lawyers to contribute to the intellectual life of the Faculty, focusing on law, democracy, equality and social justice.

Justice Jody Kollapen delivered the UCT Law Annual Rabinowitz Lecture for 2021, on 7 December. The lecture which reflected on the 25 years of the South African Constitution was an online event.

Justice Kollapen is a judge of the Constitutional Court of South Africa. He is a former judge of the Gauteng High Court and served as an acting justice to the Constitutional Court from 2017 until his full appointment by President Ramaphosa in December 2021. He is a former head of the South African Human Rights Commission, chair of the South African Law Reform Commission and has served as the national director of Lawyers for Human rights (LHR) between 1992 and 1994.

Currently, Justice Kollapen serves on the structures of numerous NGOs and community-based organisations, including the Legal Resources Centre, the Foundation of Human Rights and Laudium Care

Services for the Aged. He has received an honorary doctorate from the Durban University of Technology and an award from the Turquoise Harmony Institute for his contribution to society in areas of law and human rights.

The 2021 Rabinowitz Lecture recording can be accessed at <https://www.youtube.com/watch?v=GugDmcP9CHU>



# SUPPORTING LAW AT UCT

## Excellence in Law Campaign

The Faculty's Excellence in Law campaign is an ongoing initiative to attract funding for Faculty fundraising priorities in direct support of our students. We focus on fundraising in three key areas:

1. The Scholarship Fund
2. The Law Technology Fund
3. The Student Crisis Fund

2021 marked the second year of the Faculty campaign to raise R10m over five years for scholarships. This focus on scholarships remains at the forefront of our fundraising as the negative fallout resulting from the withdrawal of funding by the National Student Financial Aid Scheme (NSFAS) in several degree streams continues to spread throughout the South African tertiary education system. In particular, as previously reported, NSFAS no longer funds students who are registered for the graduate LLB, and now limits its support to students in the 4-year undergraduate Bachelor of Laws. This places immense pressure on alternative sources of funding in an environment marked by rising unemployment, the pandemic aftermath and a struggling economy.

The amount contributed to the Fund for 2021 totalled R542 373. In addition, *The Everard and Joan MacFarlane Family Leadership Scholarship* was inaugurated in 2021 with a gift of R15m (given over 2020 and 2021) for an endowed scholarship fund in Law.

Alumni contributions to the Law Annual Fundraising drive fell in comparison with 2020. This is primarily as a result of the special emergency funding appeals by both the Law Faculty and UCT in response to the devastating fire on 18 April. Offers of assistance poured in from across South Africa and the world and the response by Law Alumni to the Faculty request to contribute to the UCT Fire Fund was open-hearted and swift. We thank all of our Alumni and Friends who so generously gave in so many different ways in the aftermath of the fire. (Updates on the progress of repairing the damage to upper campus can be found on the UCT news website [www.news.uct.ac.za](http://www.news.uct.ac.za))

Excellence in Law Campaign 2021	ZAR
Alumni & Friends	367 373
Foundations & Trusts	175 000
<b>TOTAL</b>	<b>542 373</b>

The Excellence in Law Campaign continues in 2022.







### Student Crisis Fund

This fund enables us to assist students with medical and travel emergencies. Most often students who are assisted are those who are away from their families and the communities to whom they would have had 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.

In 2021 the Student Emergency Fund paid out R26 890 in travel, medical expenses and food vouchers for students in desperate circumstances.

### The Law Technology Fund

The Technology Fund is specifically designed to help students with unanticipated technology and equipment difficulties. In 2021 the Faculty bought five laptops at a cost of R41 000. These laptops are made available to students on a short term basis to bridge the time gap between losing a laptop to, for example theft, damage or technology crashes and obtaining a new or repaired device.



# Everard and Joan MacFarlane Family Leadership Scholarship for UCT Law Students

The Everard and Joan MacFarlane Family Leadership Scholarship for University of Cape Town law students was awarded to its first recipients in 2021. More than just a funding grant, the R15 million endowment aims to support students who display both academic excellence and leadership skills, through a holistic Faculty-based programme.

Taking the form of a true endowment – the scholarships are funded by interest revenue, while the capital remains untouched – this generous gift was bestowed by three siblings with deep roots in the Faculty of Law.

Roger MacFarlane (based in California) is a UCT LLB graduate, class of 1968. His brother, Stuart MacFarlane (based in the United Kingdom) is also a UCT LLB graduate, class of 1977. Their sister, Lynne Jooste, is a UCT alum and married to Emeritus Professor Richard Jooste (both based in Cape Town), from the Law Faculty.

The scholarship has been set up in the memory of their parents, Everard and Joan MacFarlane. At the launch Roger MacFarlane noted that the scholarship was inspired by the ethos instilled by their father, who from a young age had to work and provide for his widowed mother and elder sisters, during the Great Depression.

“He left us with three key messages that have affected the creation of the scholarship,” said Roger. “One of them is focusing on the value of education. Secondly, he taught us that you can succeed even if you have a modest background, through hard work and applying yourself. Finally, he instilled in us an idea that he wanted each of us to lead in whatever we could, and be changemakers.”

The inaugural four MacFarlane Scholars who each received R75 000 are:

Jessica Jaftha, Ebrahim Khan, Sabelo Ndlovu and Lwazi-Lwandile Simelane. All recipients are in the intermediate year of their LLB studies.

As part of the programme, each student has been paired with a senior mentor in the Faculty to offer them academic support and leadership advice.

The four mentors are Associate Professor LeeAnn Tong from the Department of Commercial Law (paired with Jaftha); Professor Caroline Ncube, Department of Science and Technology and the National Research Foundation South African Research Chairs Initiative's Research Chair in Intellectual Property, Innovation and Development (paired with Khan); Associate Professor Afton Titus from the Department of Commercial Law (paired with Simelane); and Professor Pierre de Vos, Claude Leon Foundation Chair in Constitutional Governance (paired with Ndlovu).

Apart from this mentorship, the students also have the opportunity to participate in a programme of workshops, training and networking that over the two years of the scholarship will build skills beyond law and academic excellence.

The scholarship runs for two years and is made available on an annual basis to new cohorts of four or five students.

*The original article was published in UCT News, July 2021. Story by Nadia Krige.*





## **FACULTY OF LAW**

**Professor Danwood Chirwa**

Dean: Faculty of Law

**Faiza Mohamed**

Dean's Personal Assistant

[faiza.mohamed@uct.ac.za](mailto:faiza.mohamed@uct.ac.za) • 021 650 2706

**Gabrielle Ritchie**

Development and Marketing Manager

[gaby.ritchie@uct.ac.za](mailto:gaby.ritchie@uct.ac.za) • 021 650 5602 / 082 453 9827 • @UCTLaw





