

# NEWSLETTER OF THE Faculty of Law AT THE UNIVERSITY OF PRETORIA

December 2022 | [www.up.ac.za/law](http://www.up.ac.za/law)



## Message from the Dean and Deputy Dean

**With the year 2022 nearing its end, we would like to take this opportunity to thank you for your contribution to this year's achievements.**

One of the year's highlights for all of us is undoubtedly the lifting of restrictions with regard to Covid-19 regulations and 'returning back to normal' which ensured an eventful year that surpassed our expectations and was filled with many life-changing experiences.

Due to the pandemic, face-to-face learning had been replaced by online learning for almost two years. Several adaptations were required by both faculty staff and students to properly transition from e-learning and return to the conventional

in-person classes and examinations. Thus, the successful completion of the 2022 academic year would not have been possible without everyone's extraordinary efforts in overcoming the hurdles faced.

We conclude this year with another excellent Times Higher Education ranking - the best law faculty in South Africa and on the African continent for the sixth consecutive year. This would not have been possible without your sustained excellence and hard work.

We wish everyone a peaceful and joyous festive season; may you spend quality time with family and friends and return refreshed for 2023!

**Best wishes,**

*Prof Elsabe Schoeman (Dean)*

*Prof Charles Maimela (Deputy Dean)*



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## Faculty of Law

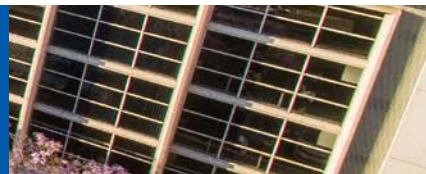
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## UP Law Faculty stays on course to achieve its Curriculum Transformation objective

Curriculum transformation remains an essential initiative following decades of post-apartheid in the Higher Education sector where exclusion, marginalisation and social injustice are still visible. It is the goal of the UP Law curriculum transformation initiative to address some of the issues raised by the existing curriculum, such as inequality in demographics and the lack of an appropriate institutional culture which results in subaltern, subjugated and indigenous knowledges and language policies that exclude large parts of our society. We understand that curriculum transformation is an ongoing process without an end date, in order to fully accommodate the ever-changing conditions of the societies we live in.





# The Faculty of Law Embarks on its Third Annual Retreat



*The Faculty of Law (UP Law) held its third Annual Faculty Teaching and Learning Retreat for academic staff at Mount Grace Hotel and Spa from the 10<sup>th</sup> to the 12<sup>th</sup> of November 2022.*

At the Retreat attendees had an opportunity to collaborate and engage on the Faculty Implementation Plan and work their way through the Quinquennial Review Report (QQR) in order to map the way forward for 2023. We further sought to work on closing the gaps and silos in respect of teaching and learning as well as research and the workplace.

The Retreat's main purpose was to create synergy between senior and emerging academics and to forge a sense of collegiality through social cohesion. Moreover, the Retreat sought to advance scholarship through engaging themes and topics. The Retreat also presented an opportunity for the Faculty to reflect and determine whether there has been progress since the inception of retreats in 2020. The Retreat presented an opportunity to identify challenges, share views on areas for improvement, as well as to collaboratively discover opportunities not yet explored.

Attendees at the Retreat were engaged in a comprehensive two-day programme exploring the broad theme, **Contextual Legal Scholarship in Africa**. Under the umbrella of this theme topics, including *"The future of teaching and learning: reflections on the 2022 Faculty of Law Quinquennial Review"*, and *Transdisciplinarity in law and higher education: the role of "context" in research*, were introduced and further examined and discussed during a range of panel discussions.

In the session, *Re-imagining legal education: Faculty Implementation Plan and Vision*, by Professor Charles Maimela, on behalf of the Faculty of Law Dean, Professor Elsabe Schoeman, the Faculty strategy was presented. The Faculty Implementation Plan, described as "open, transparent, inclusive, where no hidden agendas are at play", seeks to address the important challenges and constraints in respect of teaching and learning as per the Quinquennial Review. This includes staff recruitment, particularly senior female black academics, a challenge across all universities due to South Africa's history. The Implementation Plan highlights the importance of forging a faculty culture, that prioritises inclusivity, collegiality, tolerance and respect, and a culture that does not compromise the

human being. The Implementation Plan also commits to ensuring a flexible working environment and working with the central office at Employee Relations to better promote staff and student wellness, especially post pandemic.

Professor Charles Maimela presented *The future of teaching and learning: reflections on the 2022 Faculty of Law Quinquennial Review*. He emphasised that "QQR is not applying for accreditation, it is rather taking stock of our own processes to assess their sustainability and compliance to determine what we're doing right or wrong". He shared with the audience that the review was largely positive and that the Faculty was operating optimally on all key performance areas, offering quality education and performing quality research, which is indeed in line with the UPWay. Professor Maimela further stated that the Faculty is aligned with the FLY@UP initiative, encouraging and supporting student success to ensure a high number of ready-for-work graduates.

While the review was mostly positive, challenges that the Faculty needs to address were identified. Professor Maimela informed the audience that the QQR panel identified 25 challenges and made recommendations from which an improvement plan was designed to address the challenges. Of the 25 challenges, the specific teaching and learning challenges identified include high staff: student ratios, curriculum transformation, student funding, consistent and holistic use of technology by staff, the lack of a holistic approach to teaching and assessment in the Faculty, high workload for early career academics, staff wellness and wellbeing, as well as limited research incentives for staff and emerging scholars. To address these teaching and learning challenges Professor Maimela proposed the introduction of an increased APS and stricter language requirement to contain the number of applicants.

The recruitment and retention of staff, and encouragement and support of staff in the use of technology, were proposed as a way forward. Collaboration to address issues of silos and the advancement of transdisciplinarity in the Faculty, as well as work parity and equity, were highlighted as action steps towards the way forward. Succession planning and mentoring, acceleration of fundraising activities, support of academics with various teaching and research incentives in the Faculty, adoption of a transformed curriculum and diversity and representation of staff and students

in the Faculty were identified as key steps in advancing the academic project.

The Retreat was honoured to have two keynote presentations: Professor Loretta Feris, Vice-Principal: Academic, and Professor Melissa Steyn, the founding director and holder of the South African National Research Chair in Critical Diversity Studies at the Wits Centre for Diversity Studies.

Titled **Transdisciplinary in law and higher education**, Professor Feris' address focused on transdisciplinarity in the context of the law. She highlighted the importance of transdisciplinarity as a tool for addressing wicked problems, such as climate change as an aspect of environmental law. She asserted that "knowledge production needs to respond to societal needs; there is a stronger possibility of finding solutions when a transdisciplinary approach is applied". Prof Feris briefly discussed the University of Pretoria's commitment to re-imagining itself as a more transdisciplinary space in teaching, learning and research. She further highlighted the various transdisciplinary platforms at the University, such as Future Africa, Engineering 4.0 and the Javett Art Centre.

Professor Steyn's presentation, titled **The role of "context" in research**, engaged the critical tradition's notion of context as being informed by power relations which often reproduce the subordination of some forms of knowledge to the benefit of others. She emphasised the importance of making normative ideas real to reveal the underlying assumptions and power relations. Considering the emphasis on Africa in legal scholarship at the Retreat, Professor Steyn discussed in depth the role of power and the contestations thereof in knowledge creation and its impact on how we teach, learn and conduct research. She stated that "knowledge is situated in power contestations, although constructed from the contestations and projected to be objective and outside of social contestations, it is indeed embedded in social and power contestations". Prof Steyn's presentation urged attendees to consider their research practices and to think critically about the assumptions they may be reproducing in their various research endeavours.

The second day of the Retreat started with the arrival of the Dean of the Faculty, Professor Elsabe Schoeman, who affirmed the value of the Faculty Retreat, and confirmed the crucial role of the Faculty's Implementation Plan and the plan of action in response to the QQR. The day continued with panel discussions with a more explicit focus on Africa as a context. The first, chaired by Professor Zozo Dyani-Mhango, titled **Taking Africa seriously in legal research and teaching**, engaged with what is understood by Africa, and the panellists explored the African context in their research and

teaching. Dr Arendse emphasised the importance of situating African scholarship in history. She said, "taking seriously Africa would be meaningless if we disregard the history because if we do not explore the history of Africa, we are unable to draw on the rich knowledge and value systems of our own communities, which are essential for building a decolonial perspective".

The second panel discussion, chaired by Professor Phumudzo Munyai, titled **Legal scholarship beyond borders: the law and its multiple contexts**, grappled with the value of alternative ways of applying law, essentially going beyond the borders of law. The overarching rhetoric was the importance of interdisciplinarity. Lecturer in the Department of Public Law, Mrs Rani Pillay, asserted that "effective solutions to a number of problems are not exclusively rooted in a legal domain, they are integrated, they have tentacles which yield to every area; therefore, it is important to collaborate with other disciplines to find holistic solutions".

The final panel discussion, chaired by Professor Joel Modiri, titled **Inequality, identity and power in legal research**, engaged the various ways in which the law is generally implicated in complex power relations. In this session panellists grappled with inter- and transdisciplinary power and structural relations of race, class and gender and how they impact various subjects within the field of law. Noting inequality, a direct cause of financial exclusion, Dr Ashley Nyaude, whose research focus is banking law, stated that "while South Africa boasts the highest level of financial inclusion in the continent with 89% in 2016, laws put in place for financial inclusion would go a long way".

The Retreat concluded with an open forum, chaired by Professor Maimela. The session started with a recap of feedback on the 2021 open forum. Issues addressed include academic associate salaries, which have been adjusted. Attendees were encouraged to share and discuss issues relating to teaching and learning. Various concerns were raised, including remuneration, treatment in the workplace, career development, wellness, needs and opportunities, and institutional culture.

The third Annual Faculty Teaching and Learning Retreat was a great opportunity for colleagues to take a step back from daily activities and to reflect on challenges and opportunities lying ahead as we look forward to the 2023 academic year. It also provided a platform for rich academic engagement where colleagues asked and answered questions, received valuable feedback on their research and interacted with colleagues with similar interests to build a base for future academic collaboration.





# STUDENT VOICES



## Student Voices Take Centre Stage at UP Faculty of Law's First Teaching and Learning Forum for 2022

Student voices took centre stage at the University of Pretoria (UP) Faculty of Law's first Teaching and Learning Forum for the year, hosted on 6 April 2022. Chaired by Professor Charles Maimela, Deputy Dean: Faculty of Law, the Forum focused on academic and social challenges facing students in the current educational and economic climate. The four participating panelists were students from Law House, a student representative committee which represents the interests of students in the Faculty of Law, assists students with academic grievances, organises outreach projects, and encourages mental wellness through participation in Faculty sporting and social events.

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## UP Law Mooting Team Wins Bronze at Largest International Moot Court Competition

The Faculty of Law (UP Law) at the University of Pretoria is pleased to announce that their UP Moot Society team has achieved the astonishing result of placing third in the 29th Annual Willem C Vis International Commercial Arbitration Moot Court Competition held virtually from 8 to 14 April 2022. Seizing third place is not only the furthest UP has made it in the competition since competing in 2021, but also the furthest a university on the African continent has progressed overall.

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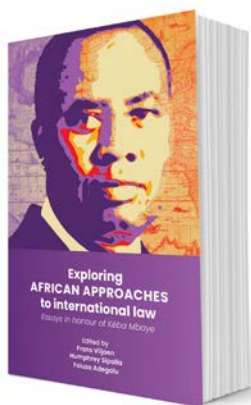


## Appointment of Professor Loretta Feris as Vice-Principal

Prof Loretta Feris was appointed as Vice-Principal: Academic at the University of Pretoria (UP) from 1 July 2022. The portfolio includes responsibility for all nine faculties and GIBS and focuses on promoting excellence in teaching and learning at undergraduate level. Prof Feris also oversees and ensures the implementation of the University's academic plans and policies.

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## HYBRID BOOK LAUNCH

Exploring African approaches to international law  
*Essays in honour of Kéba Mbaye*

edited by  
Frans Viljoen  
Humphrey Sipalla  
Foluso Adegalu  
(2022)

Pretoria University Law Press  
**PULP**  
www.pulp.up.ac.za

### PULP Hosted a Book Launch for Exploring African Approaches to International Law: Essays in Honour of Kéba Mbaye

The Pretoria University Law Press (PULP), based at the Centre for Human Rights, Faculty of Law, University of Pretoria, and the School of Law, University of Kabarak, hosted a hybrid book launch for *Exploring African approaches to international law: Essays in honour of Kéba Mbaye*, edited by Frans Viljoen, Humphrey Sipalla and Foluso Adegalu.

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### Centre for Human Rights Hosted Annual Advanced Human Rights Course on "Indigenous peoples' rights"

The Centre for Human Rights, in collaboration with the International Working Group for Indigenous Affairs (IWGIA) and the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples' Rights hosted their course on 7–11 November 2022. The Course was held in a hybrid format with 20 participants attending physically at the Graduate Centre of the University of Pretoria and 35 attending online from countries in Africa and abroad. Participants were drawn from all walks of life, including but not limited to, students, legal practitioners, indigenous rights advocates and members of indigenous communities, members of government institutions, and public prosecutors.

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### Statelessness and Migration in Southern Africa Regional Legal Training

In order to develop the knowledge and expertise of lawyers and legal organisations in the region on statelessness and migration in general and in the context of Southern Africa, to equip legal practitioners with skills and tools to identify people affected by statelessness, and to develop practical legal interventions to resolve statelessness, Lawyers for Human Rights (South Africa) in partnership with the Centre for Human Rights and the Centre for Child Law held a hybrid legal training session on statelessness and migration for paralegals, candidate attorneys and junior attorneys in Southern Africa on 24–26 October 2022 at the University of Pretoria.

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## Centre for Human Rights Hosted an Access to Information and Elections in South Africa Symposium

The Centre for Human Rights hosted an Access to Information and Elections in South Africa symposium on 10 and 11 November 2022 at the University of Pretoria. The symposium was hosted in collaboration with the Independent Electoral Commission of South Africa (IEC), the Information Regulator (IR), the South African Human Rights Commission (SAHRC), the Human Sciences Research Council (HSRC), and Media Monitoring Africa (MMA).

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## Centre for Child Law Hosted a Symposium on Children's Environmental Rights and Climate Justice

The Centre for Child Law hosted a hybrid symposium on Children's Rights and Climate Justice in South Africa at the Fire and Ice Protea Hotel in Menlyn on 18 November, with a focus on the impact of air pollution on children.

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## UP Law Successfully Hosts Second Specialised Short Programme on 'Promotion and Protection of Investment in Africa'

During May 2022, the Department of Public Law commenced with the delivery of the first module of a specialised short programme on 'Promotion and Protection of Investment in Africa' under the auspices of the Extractive Industry Law in Africa Unit (EILA). The online programme, delivered in collaboration with Cliffe Dekker Hofmeyr and hosted by Enterprises University of Pretoria, offers a novel and unique introduction to the law and policy fundamentals of investment protection on the Africa continent. This course follows on the first successful inaugural course which took place from 12 to 20 October 2020.

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## UP Law Ranked Among Top 100 Law Faculties in the World

UP Law celebrates the latest [2023 Times Higher Education \(THE\) Subject Rankings](#) for Law, confirming its position as the best law faculty in South Africa and on the African Continent for the sixth year in a row. According to the latest rankings, UP Law ranks number 78 in the top 100 law schools worldwide. This year saw 33 newly ranked law schools.

The THE ranking assesses law faculties based on their performance in five pillars, including teaching, research quantity, and quality. Additionally, an assessment of the international outlook of law faculties is based on factors such as the number of international staff and students and the number of international collaborations.

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## UP Law Shines at Academic Achievers' Awards

Seven UP Law academics were among the top achievers acknowledged and celebrated at the University of Pretoria's annual Academic Achievers' Awards, held on 3 November 2022. Professor Charles Fombad received the prestigious Chancellor's Award for Research. Professors Steve Cornelius and Ann Skelton were two of only six UP academics who received Exceptional Academic Achievers Awards. Professors Joel Modiri and Gustav Muller were two of only five UP academics who received Exceptional Young Researchers Awards. Prof Danny Bradlow was one of four awardees recognised for Communication Excellence by The Conversation Africa.

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## Insolvency and Business Rescue Colloquium in Honour of Professor Andre Boraine

The Department of Mercantile Law presented an Insolvency and Business Rescue Colloquium in honour of Professor Andre Boraine's contributions to the field of insolvency law. On 31 December 2022, Professor Boraine will retire from his post as a Professor in the Department of Mercantile Law. He has served the Faculty of Law and the University of Pretoria in a variety of positions and capacities over the course of approximately 37 years, including Senior Lecturer, Associate Professor, Professor, Head of the Department of Procedural Law, Deputy Dean, and Dean of the Faculty of Law.

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# MOSENEKE LEGACY PROJECT

## UP Launched Dikgang Moseneke Excellence Bursary and Announced Honorary Professorship for Former Deputy Chief Justice

The Faculty of Law launched the Dikgang Moseneke Excellence Bursary and officialised Dr Moseneke's honorary professorship at an event held at [UP's Javett Art Centre](#) on 23 March 2022. The aim of the bursary is to continue the legacy of retired Deputy Chief Justice Moseneke by supporting the studies of a new generation of law students to advance the vision of a liberated, non-racist and non-sexist South Africa and Africa.

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## Former DCJ Dikgang Moseneke Excellence Bursary Affirms its Commitments to Well-rounded Recipients

The Dikgang Moseneke Excellence bursary is aimed at continuing the legacy of Emeritus Deputy Chief Justice Dikgang Moseneke by supporting the studies of a new generation of African law students to advance the vision of a liberated, non-racist and non-sexist South Africa and Africa. The two main components of the bursary are: first, financial support, which comprises the payment of registration and tuition expenses, and the cost of study material, accommodation, meals and living expenses.

The second main component is non-financial support, which is centred on supporting and mentoring recipients to assist them to reach their full academic potential. The bursary project also regularly organises and arranges extracurricular activities to ensure that the recipients are well-rounded graduates who will excel in their studies and contribute positively to society.

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## Update on the Dikgang Moseneke Research Commons

*The Faculty of Law strives to create a sense of belonging where Faculty staff and students can identify with our heritage and culture and the values reflected in the University's everyday activities and amenities.*

It was in this context that UP Law initiated the renovation of the second floor of the OR Tambo Law Library to create a state-of-the-art research facility for postgraduate students. The Dikgang Moseneke Research Commons will house the recently donated Dikgang Moseneke research collection. This area will be a valuable addition to the Library, which houses significant collections of South Africa's legal heritage.

Intensive consultations with various stakeholders, including the University Executive, the Main Library Executive, the OR Tambo Law Management, Facilities Management, Campus Planning and Development, as well as Two FiveFive Architects, were undertaken during the approval process for the project. The second floor will be transformed into a research space

by re-imagining the physical location, space, and organisation into a flexible 21<sup>st</sup> century library research and heritage space.

The proposed design is intended to facilitate normal library access, while maintaining access control to the postgraduate studio without compromising the architectural aesthetics. The project will see the postgraduate studio merging the LLM and LLD student spaces. The renovation will also provide a sought-after memorabilia space, where a collection of work, artifacts, and other memorabilia will be showcased. The memorabilia were donated by the former Deputy Chief Justice Dikgang Moseneke, one of the country's most celebrated legal figures.

The renovated facility will be used for study and scholarly engagement by Faculty staff, researchers, and postgraduate students. This will improve the library's capacity to provide research assistance to faculty and students. Workstations, lecture rooms, discussion rooms and a rest space will be included in the new facility.



# GLOBAL ENGAGEMENT



## UP Law's Dr Clireesh Joshua conducted research at the University of Oxford through the Law Faculty's Academic Visitor Programme

The Faculty is proud to announce that Dr Clireesh Joshua, a lecturer in the Department of Private Law, joined the Academic Visitor Programme at the University of Oxford's Law Faculty. The Academic Visitor Programme is intended for visiting scholars with a clearly defined research agenda, who wish to spend time in Oxford to conduct research at its Law Faculty. Participants are given the opportunity to be involved in activities within the Faculty and are encouraged to contribute to the Faculty's research environment. Amongst other benefits, participants are entitled to make use of the University of Oxford's research facilities and libraries, in addition to attending seminars, lectures and other academic gatherings ordinarily closed to the general public.

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## Top achieving UP Law Student Headed to the UK on a Special Travel Bursary

[Tiara Joseph](#), a third-year UP law student, was awarded an [Abe Bailey Travel Bursary](#) to visit England and Scotland on a three-week, all-expenses paid educational tour at the end of the year.

She is one of 18 students from 20 South African universities to win this prestigious bursary, part of the legacy of Abe Bailey (1864-1940), who was a Rand mining magnate, a provincial cricketer, and participated in both South African and British political life. The bursary is aimed at "students who are academically strong and have shown exceptional qualities of leadership and service, with a good track record – not only on a campus level but also in a wider social context".

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## Professor Ann Skelton Appointed as Children's Rights Chair at Leiden University

The Faculty extends its congratulations to Professor Ann Skelton on her appointment as Chair of Children's Rights in a Sustainable World at Leiden University, where she will lead academic and other activities in international children's rights. She will take up her position as of the 1st October 2022. Prof Skelton will remain a professor of law in the Department of Private Law at the University of Pretoria. She also sits on the United Nations Committee on the Rights of the Child. "It is a privilege to serve on the Chair of Children's Rights in a Sustainable World at Leiden University as a part-time faculty member," Professor Ann Skelton says. "In addition to contributing to the mission of the Department of Child Law at Leiden University, I hope to advance the organisation as well".

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## Department of Mercantile Law Professor Appointed to African Tax Research Network Board

Professor Van Zyl, who is Professor of Tax Law in the Department of Mercantile Law, was recently appointed to serve on the African Tax Research Network (ATRN) Advisory Board for the term 2022 to 2024 at the ATRN Annual Congress that was held in Ghana on 5-7 September 2022. A platform of choice for African tax research, ATRN was formed to identify potential synergies and linkages between academics and tax officials from African Tax Administration Forum countries. Hosted by the African Tax Administration Forum, the organisation aims to facilitate Africa's capacity to do credible tax policy, administration, law, and leadership research. "It is an honour to be elected to serve on the ATRN advisory board and to represent South Africa among the world's leaders in tax policy, administration, law, and economics. The ATRN plays an important role in bridging the gap between academia and policy-makers", said Prof Van Zyl.

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## Dr Ndumiso Dladla Awarded the Global Justice 2023 Fellowship!

The University of Pretoria's Doctor Ndumiso Dladla has been awarded the 2023 Global Global Justice Fellowship at Leiden University, one of Europe's leading international research universities. As stated on the Leiden University website, this project co-funded by the Leiden University Foundation, Gratama Foundation and the Leiden Institute for Philosophy "is part of the Global Global Justice Project, which aims to amplify the voices of African practical (moral, political, legal) philosophers, particularly (but not exclusively) in debates about global justice. The conviction underlying this project is that debates in practical philosophy benefit from an inclusive global dialogue, in which we talk with those living elsewhere rather than just about.

The aim is to establish links between academics on both sides of the Mediterranean as well as expose Dutch students to more diverse perspectives. During their fellowship, the fellow will be involved in teaching one course." Dr Dladla is a Senior Lecturer in the Department of Jurisprudence. He holds a BA (Philosophy and Private Law), BA [Hons] (Philosophy) as well as an MA (Philosophy) from the University of South Africa and an LLD (Jurisprudence) from the University of Pretoria. He worked at the department Philosophy, Practical and Systematic Theology at the University of South Africa from 2012 to 2021 where he taught African philosophy, the philosophy of race and the history of Western philosophy.

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## UP Law Professor Elected to Law and Society Association's Board of Trustees Class of 2025

The LSA is an international organisation that brings together researchers from many disciplines who are interested in the role of law in social, political, economic, and cultural life. The organisation, based at the University of Massachusetts in the United States, is the world's most prominent sociolegal association. Professor Dyani-Mhango commented on her appointment, saying "I am honoured to have been elected to LSA's Board of Trustees and am still processing the fact that my name is mentioned among names such as Kamari Clarke (University of Toronto), Sahar Aziz (Rutgers University Law School), Anya Bernstein (SUNY Buffalo School of Law), Sarah Lageson (Rutgers University), Liz Chiarello (Saint Louis University), Robin Stryker (Purdue University), and I look forward to working with other trustees and LSA personnel to realize the objective of the LSA".

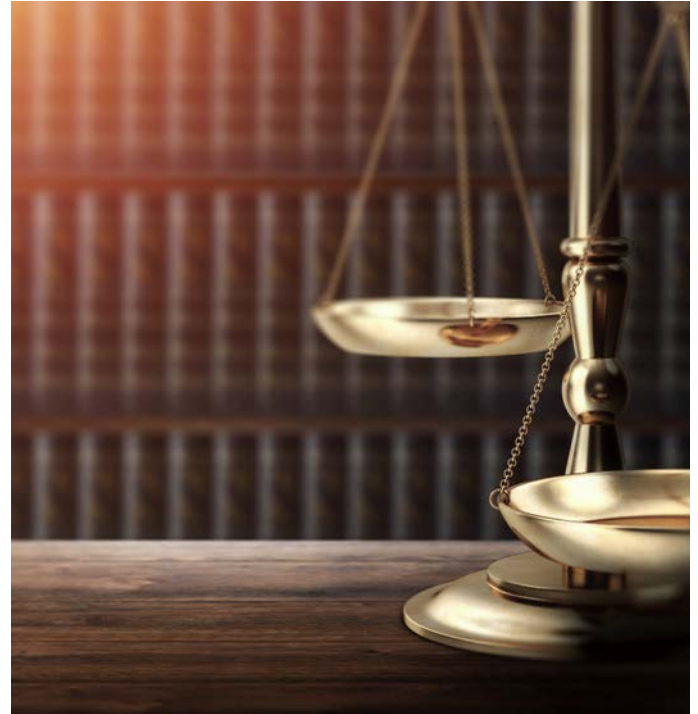
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## UP Law's Lecturer Selected as Fellow of University of Michigan African Presidential Scholars Programme

UP Law extends hearty congratulations to Dr Tshepiso Scott in its Department of Mercantile Law on her selection as a fellow of the University of Michigan African Presidential Scholars (UMAPS) Programme for the 2023 academic year.

Dr Scott's main project during her five-month stay at the University of Michigan will be to conduct comparative research in the area of consumer protection law, with a focus on the scope and enforcement of the Consumer Protection Act 68 of 2008. This programme will give her the opportunity to focus on conducting quality research whilst building meaningful international connections with other scholars and experts in her field.

Running since 2009, UMAPS offers African scholars drawn from across Africa the opportunity to spend five months at the University of Michigan, working and interacting with faculty members who are leaders in their fields. Each year, applications for the fellowship open on 15 August and close on 15 October.



## Faculty event: Werksmans Attorneys





## Faculty event: Bakers Mackenzi



## Faculty event: Electives Day



## Faculty event: UP final-year motivational and information event

