

Southern African Law Teachers Conference 2020

A conference of the Society of Law Teachers of Southern Africa

Skukuza, Kruger National Park

20 – 24 January 2020

‘Law, Nature and Sustainable Development’ #SALTC2020

PROGRAMME



"Ihloka liyakhohlwa kodwa isihlahla asikhohlwa"

(an axe forgets but the tree doesn't forget) – Ndebele proverb

"Isihlahla asinyelelwa"

(a tree is not defecated upon) – Zulu proverb

"Inkomo kayisengwa ngokwehlisa"

(do not continuously milk a cow until there is nothing to milk) – Ndebele proverb

"Aiva madziva aya mazambuko"

(what used to be rivers are now crossings) – Shona proverb



PROGRAMME

Monday 20 January 2020

14:00 – 17:00 **Check in:** Reception – Skukuza Rest Camp
Registration: Nombolo Mdhuli Conference Centre

19:00 – Till late **LexisNexis Cocktail Function:** Next to the Sabie River (Directions to be provided during registration)

Tuesday 21 January 2020

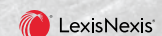
07:00 – 09:00 **Breakfast:** Cattle Baron Restaurant

08:00 – 09:00 **Council Meeting:** Ingwe Venue – Nombolo Mdhuli Conference Centre

09:00 – 10:00 **Opening Ceremony:** Ndlopfu Venue – Nombolo Mdhuli Conference Centre
Prof Letlhokwa Mpedi (Chair) – Executive Dean, Faculty of Law, University of Johannesburg
Prof Puseletso Letete – President, Society for Law Teachers of Southern Africa
Prof Saurabh Sinha – Deputy Vice-Chancellor for Research and Internationalisation, University of Johannesburg
Judge Boissie Mbha – Judge of Appeal at the Supreme Court of Appeal, South Africa

10:00 – 11:00 **Plenary Session 1:** Ndlopfu Venue – Nombolo Mdhuli Conference Centre
Sustainable development, human impact and the regulation of pollution and waste management
Dr Jennifer Hall (Chair) – University of Johannesburg
Prof Michael Kidd – University of KwaZulu-Natal
Prof Tumai Murombo – University of the Witwatersrand

11:00 – 11:30 **Tea:** Foyer – Nombolo Mdhuli Conference Centre



11:30 – 13:00 **Parallel Session 1**

Parallel Session 1	Customary law	Criminal law	Law and technological change	Environmental law & Sustainability	Constitutional law
Venue	Ndlopfu	Ingwe	Ndau	Mhelembe	Nari
11:30 – 11:50	Reconciling the irreconcilable? Patrilineality in the age of constitutionalism Raymond Msaule University of Limpopo	From Paws (trained dogs) to Paws (artificial intelligence) – All in the fight against the poaching of our wildlife Dawie de Villiers University of Johannesburg	Sustainability of academics in South Africa Judith Geldenhuys University of South Africa	Achieving SDG 6: The Southern African Development Community (SADC) region and water governance – a legal perspective Germarié Viljoen & Bronwen Qumbu North-West University	Transformative constitutionalism, fairness and administrative law reform in South Africa Vuyo Peach University of South Africa
11:50 – 12:10	<i>Sengadi v Tsambo</i> 2019 (4) SA 50 (GP) and the requirements for validity of customary marriages: Muddying the waters? Siyambonga Heleba University of Johannesburg	The role of the criminal justice system in the fight against the crime of rhino poaching and other related offences – a critical analysis Annette van der Merwe University of Limpopo	Addressing cyber bullying as a form of cyber harassment in South Africa Sershiv Reddy University of Johannesburg	From Rio to Paris: The evolution of the principle of 'common but differentiated responsibilities' within the climate change regime. Sikhulile Ngcobo University of Johannesburg	Once bitten twice shy? Not the Constitutional Court Raymond Msaule University of Limpopo
12:10 – 12:30	Goodbye, 'official' and 'living' customary law Anthony Diale University of the Western Cape	Controlling ivory trade through WTO law: is CITES really an impediment? Lonias Ndlovu University of Venda	Digital content and the online consumer: Quo Vadis? Sylvia Papadopoulos University of Pretoria	The impact of s24G as a corrective measure in accordance with sustainable development Nazreen Ismail University of Johannesburg	A lack of interpretive and/or institutional restraint? An analysis of <i>United Democratic Movement v Speaker of the National Assembly</i> 2017 5 SA 300 (CC) Bradley Slade Stellenbosch University
12:30 – 12:50	The legal Protection of African Traditional Medicine in South Africa: The road to parallel and equal existence of Allopathic health care system and African tradition health care system Mokgadi Mokgokong University of Limpopo	The sustainable place of punishment in the fight for nature conservation Stefan Terblanche University of South Africa	The role of robo-advisors in the South African insurance industry: Is South Africa ready? Samantha Huneberg University of Johannesburg	Public interest litigation as an instrument to advance environmental justice and sustainability in South Africa Kesolofetse Lefenya North-West University	–

13:00 – 14:00 **Lunch:** Foyer – Nombolo Mdhluli Conference Centre

14:00 – 15:30 **Parallel Session 2**

Parallel Session 2	Mercantile law	Criminal law & Law of evidence	Legal education	Environmental law & Sustainability	Human rights law
Venue	Ndlopfu	Ingwe	Ndau	Mhelembe	Nari
14:00 – 14:20	Intellectual property foresight rather than hindsight for supply chain sustainability – A concept paper for growth Lewis Victor Kaplan Durban University of Technology	Are disruptive protests compatible with peaceful protests? A criminal law perspective Khulekani Khumalo University of KwaZulu-Natal	Sustainability of South African law clinics in a technology driven world Gökşen Effendi University of Johannesburg	Assessing South Africa's implementation of sustainable development goal 15: Lessons from the First Voluntary Review Report 2019 Chante Jade Baatjes; Tanya Wagenaar & Joanna Botha Nelson Mandela University	Criminalisation of poverty and the forgotten Populations-Threats to sustainable environmental sanitation in Zambia Chipo Mushota Nkhata University of Zambia
14:20 – 14:40	The effectiveness of academic patents versus transformative licensing and commercialising Ophrey Shibambu University of Venda	Easing access to justice for child sexual abuse survivors Joshua Kumwenda University of South Africa	Are matric results an indication of success at university? Ninette Crous North-West University	Flooding, the environmental right and sustainable development Jennifer Hall University of Johannesburg	The right to education threatened: A look at the <i>Komape</i> case Thobile Nsimbini University of Limpopo
14:40 – 15:00	Intellectual property awareness in rural communities: A case of Thohoyandou and Malamulele within Vhembe District in the Limpopo province, South Africa Ophrey Shibambu & Percy Sithuga University of Venda	Efficacy of government strategies in the prevention and control of organised crime in Limpopo province Kholofelo Mothibi University of Venda	The significance of <i>The Independent Institute of Education (Pty) Ltd v The KwaZulu-Natal Law Society and Others</i> (KZP) (unreported case no. 9090/18) – where to from here? Fiona Kaplan Varsity College	The protection and sustainable management of soils in Africa: Legal prospects, challenges and opportunities for sustainable development Oliver Ruppel Stellenbosch University	Providing basic sanitation to rural schools in South Africa: A realisable constitutional right or an elusive dream? Thobile Nsimbini University of Limpopo

15:00 – 15:20	Unlocking the potential of Islamic finance towards meeting sustainable development goals Naeema Gabru North-West University	New thinking on “food fraud”: The legal test to apply when faced with the issue of finding “horse in your wors” Murray Zimbler Varsity College	Male and female law students’ pre-entry expectations of first year university studies: Is there gender parity? Conrad Potberg & Suberthra Pather University of the Western Cape	The relationship between legal education and sustainable development: lessons from the jurisprudence of business law on the relationship between persons and their environment Charmika Samaradiwakera-Wijesundara University of the Witwatersrand	Should the natural sex-ratio be legally maintained? Thoughts on non-therapeutic preimplantation sex selection Donrich Thaldar University of KwaZulu-Natal
15:20 – 15:40	Transferring of independent guarantees Charl Hugo University of Johannesburg	Crime, policing and indirect discrimination in light of <i>Social Justice Coalition and Others v Minister of Police and Others</i> Delano Cole van der Linde North-West University	Writing seminar: a personal approach Irene Broekhuijse University of Johannesburg	Sustainable development Law and quest for law properly so-called Dejo Olowu Walter Sisulu University	The sustainability of child-headed households Ronelle Prinsloo Vaal University of Technology
15:40 – 16:00	The utility of ‘piercing of the corporate law’ for public policy considerations in tackling illicit financial flows in Africa Tshepo Mongalo University of the Witwatersrand Benjamin Kujinga University of Johannesburg	Witnesses giving evidence by way of video conferencing link ups with the court – local and abroad Nicci Whitear-Nel University of KwaZulu-Natal	Legal education and social change – challenges and possibilities Hilary Sommerlad University of Leeds Pete Sanderson University of Huddersfield	Sustainable management of forests in Africa: Rethinking intellectual property rights and local stakeholders engagement Caroline Joelle Nwabueze Bern Universität	Widening Retirement Fund Coverage through the Contemplated South African National Social Security Fund Clement Marumoagae University of the Witwatersrand

16:00 – 16:30 **Tea:** Foyer – Nombolo Mdhuli Conference Centre

19:00 – Till late **Oxford University Press Dinner:** Cattle Baron Restaurant

Wednesday 22 January 2020

07:00 – 08:30 **Breakfast:** Cattle Baron Restaurant

08:30 – 10:00 **SLTSA Annual General Meeting**

10:00 – 11:00 **Plenary Session 2:** Ndlopfu Venue – Nombolo Mdhluli Conference Centre
**Exploring the relationship between environmental law and animals:
 Should we move beyond sustainable use?**

Prof David Bilchitz (Chair) – University of Johannesburg

Prof Jim May – University of Pretoria

Ms Melanie Murcott – University of Pretoria

Mr Tokyo Ndlela – Independent Advisor

11:00 – 11:30 **Tea:** Foyer – Nombolo Mdhluli Conference Centre

11:30 – 13:00 **Parallel Session 3**

Parallel Session 3	Jurisprudence	Mercantile law	Environmental law & Sustainability	The law and non-human animals	Property law
Venue	Ndlopfu	Ingwe	Ndau	Mhelembe	Nari
11:30 – 11:50	In defence of the "Pretoria Critics" Emile Zitzke University of the Witwatersrand	Achieving sustainable development in South Africa through good tax policies Fareed Moossa University of the Western Cape	Five tough choices policy makers face in overcoming South Africa's energy crisis Dunia Zongwe Walter Sisulu University	The enclosure and capture of wild animals, an infringement of the right to freedom of culture and religion Ngwako Raboshakga North-West University	Sustainable property – does ownership in land heal or hurt the environment? Benjamin Davy Technische Universität Dortmund

11:50 – 12:10	Two steps forward, one step back: An appraisal of the development and promotion of feminism by the South African legal framework Leoni van der Merwe University of Johannesburg	OECD BEPS Action 1 as it pertains to tax administration and tax policy: Tax challenges of digitalisation of the economy on tax administrations in selected SADC countries Puseletso Letete University of South Africa	State liability for non-compliance with constitutional and statutory environmental duties in South Africa? Rolien Roos North-West University	Emotional support animals: Fur-ever changing the concept of emotional distress damages in loss of companion pet cases Debra Burke Western Carolina University	Oproep van verband vir vreemde skuld Jean Sonnekus Universiteit van Johannesburg
12:10 – 12:30	Critical race technology and technological colonisation: A legal perspective on the fourth industrial revolution Maropeng Mpya University of KwaZulu-Natal	Insurance claims, fairness and the new Policyholder Protection Rules Daleen Millard University of Johannesburg	Public Procurement and sustainable development: An African perspective Sope Williams-Elegbe Stellenbosch University	Sustainable development: an elephant-human dignity dimension Niel Lubbe North-West University & SM Ferreira SANParks	Re-assessing the notion of ownership in a constitutional system Privilege Dhiwayo University of Limpopo
12:30 – 12:50	Making the best of existing systems to decolonize legal knowledge: A human rights perspective Emma Charlene Lubaale University of Venda	Global Justice: The history and intended outcome of the 2019 HCCH Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters Ray de Villiers Stellenbosch University	Public Interest Litigation as an Instrument to Advance Environmental Justice and Sustainability in South Africa Kesolofetse Lefenya North-West University	A bird in the hand is worth two in the bush: The legal protection of endangered vultures in South Africa. Adriaan Anderson & Anelia Dodd University of Limpopo	Protecting quasi-possession of rights with the mandament van spolie: has <i>Bon Quelle</i> finally been overruled? <i>Eskom Holdings SOC Limited v Masinda</i> (1225/2018) [2019] ZASCA 98 (18 June 2019) Ernst Marais University of Johannesburg
12:50 – 13:10	The critical analysis of the role of SMMEs sector in Africa: the function of legal practitioners in enhancing corporate governance in these Motlatsi Molefe Attorneys Fidelity Fund	Sustainable Management of Forests in Africa: Rethinking Intellectual Property Rights and Local Stakeholders Engagement Caroline Joelle Nwabueze Enugu State University of Science and Technology	Addressing the effects of failure to implement surface restoration measures upon termination of mining operations Tshepo Mongalo University of the Witwatersrand	–	–

13:10 – 14:00

Lunch: Foyer – Nombolo Mdhuli Conference Centre

14:00 – 15:00 **Plenary Session 3:** Ndlopfu Venue – Nombolo Mdhuli Conference Centre
Labour Law and the Fourth Industrial Revolution
Dr Elmarie Fourie (Chair) – University of Johannesburg
Prof Letlhokwa Mpedi – University of Johannesburg
Prof Stefan van Eck – University of Pretoria
Prof Evance Kalula – International Labour Organisation
Prof Monray Botha - University of Pretoria

15:00 – 15:30 **Tea:** Foyer – Nombolo Mdhuli Conference Centre

19:00 – Till late **UJ Faculty of Law Dinner:** Cattle Baron Restaurant

Thursday 23 January 2020

07:00 – 09:00 **Breakfast:** Cattle Baron Restaurant

09:00 – 10:00 **Plenary Session 4:** Ndlopfu Venue – Nombolo Mdhuli Conference Centre
Protected areas and their external pressures, implications for management, with a case study on the Kruger National Park
Prof Hennie Strydom (Chair) – University of Johannesburg
Prof Nick King – Independent Consultant

10:00 – 11:00 **Special Sessions**

Venue	Mhelembe	Ingwe
Special Sessions	The path from legal academia to the bench	Planning your academic career and applying for an NRF rating
10:00 – 11:00	Judge Annali Basson Judiciary	Kathleen van der Linde University of Johannesburg

11:00 – 11:20 **Tea:** Foyer – Nombolo Mdhuli Conference Centre

11:20 – 13:00

Parallel Session 4

Parallel Session 4	International law	Mercantile law	Environmental law & Sustainability	Labour law & Social Security Law	Human rights law
Venue	Ndlopfu	Ingwe	Ndau	Mhelembe	Nari
11:20 – 11:40	The slow death of the International Criminal Court Retselisitsoe Phooko University of Johannesburg	Prescription of Consumer Debt: The Impact of the National Credit Act Michelle Kelly-Louw & Philip Stoop University of South Africa	Stabilising Good Governance of SDGs in SADC: A normative intervention Jentley Lenong University of Johannesburg	The liability and legal consequences for social media-related misconduct in the South African workplace Howard Chitimira North-West University	Defining the content of extraterritorial human rights obligations towards African climate migrants Michelle Barnard North-West University
11:40 – 12:00	An argument for an African Union framework on individual criminal liability for environmental damage during armed conflict Swikani Ncube University of Johannesburg	Mare Liberum in a new age of Imperialism? Analysing the role of the International Tribunal of Law for the Sea Gideon Rossouw North-West University	The spatial overregulation of sensitivity: an unintegrated system of protection Louis Snyman University of the Witwatersrand	Is the employer obliged to provide safe working environment to non-striking employees and replacement workers during a violent strike? Mlungisi Tenza University of KwaZulu-Natal	The treatment of Islamic marriages in South African family law – out of line with sustainable family development? Brigitte Clark University of KwaZulu-Natal
12:00 – 12:20	Obstacles to the prosecution of international crimes Mispa Roux University of Johannesburg	Demand guarantees in the construction industry: recent developments in the law relating to the fraud exception to the independence principle Cayle Lupton University of Johannesburg	Commercial ecotourism in Ghana: The need for a coherent legal approach Edwin Coleman University of Johannesburg	Disgruntled and veering off the course: SAPS now (SANDF & nurses before) Porsche Makama & Lesley Kubjana University of South Africa	Medico-legal implications of imprisonment in post-democratic South Africa Anathi Phela Nelson Mandela University
12:20 – 12:40	International law's estimate: apartheid, colonialism and South Africa's international legal academy Christopher Carl Gevers University of KwaZulu-Natal	An analysis of the SADC Protocol on Wildlife Conservation and Law Enforcement as a tool to facilitate harmonisation of business laws in the region: the case of KAZA TFCA Amos Saurombe University of South Africa	Supervision of doctoral level research in environmental law Willemien du Plessis & Anél du Plessis North-West University	The legislative possibilities and challenges relating to the private possession and use of cannabis in South Africa Kgomotso Mokoena University of Johannesburg	Perils and promises of precision medicine in South Africa: A case for equitable access to health care services Ntokozo Steven Nkonzo Mnyandu University of KwaZulu-Natal
12:40 – 13:00	Perpetuity, of concern to the international community? A doctrinal study of the inclusion of environmental crimes in the Rome Statute Ron van Diermen Varsity College	Contemporary sea carriage requires evolving law, is South Africa falling behind? Chloe Johannes University of Johannesburg	When Less Is More: Relaxing Building Codes to Accommodate Eco-Friendly Alternatives to Traditional Home Ownership Petronell Kruger Varsity College	Hearsay evidence: admissibility, probative value and procedure Nicci Whitear-Nel University of KwaZulu-Natal	Attaining Sustainable development through direct democracy and soft power: An African perspective Anzanilufuno Munyai University of Johannesburg

- 13:00 – 14:00 **Lunch:** Foyer – Nombolo Mdhluli Conference Centre
- 14:00 – 14:30 **Judging session for First Time Presenter Finalists**
- 14:30 – 15:30 **Juta's Prize Ceremony and Closing Ceremony**
Chair: **Prof Managay Reddi** – University of KwaZulu-Natal, RSA
Presentation by **Prof Muna Ndulo** – Cornell University, USA
- Law and Development: Reflections of a Fellow Traveler**
- 15:30 – 16:00 **Tea:** Foyer – Nombolo Mdhluli Conference Centre
- 17:00 – 18:00 **Juta's Game Drive:** Departs from SANParks Reception Area
- 18:00 – 21:00 **Juta's Bush Braai** (Weather permitting)

Friday 24 January 2020

- 07:00 – 09:00 **Breakfast:** Cattle Baron Restaurant
- 09:00 **Departures**