As my deanship draws to a close, I hope you will indulge me as I take stock and cast my mind, our minds, back to 1999.

The first three years were dominated by the move to the Kramer building, with 18 months of preparation and then eighteen months to ‘bed things down’, as it were. It was time-consuming but absolutely necessary, and it culminated in our having the Tambo family with us to open the Oliver Tambo Moot Court, a magnificent facility that had been made possible by the fund-raising efforts of John Hare.

There were also the hugely difficult and stressful months of adapting to Mamphele Ramphole’s leadership, and of being part of the Deans’ fight for the recognition of their roles even as we adopted, and adapted to, the new devolution model.

As a consequence of the excellent leadership provided by past deans such as Hugh Corder, Danie Visser and Dirk Van Zyl Smit the Faculty is a strong one which makes a significant contribution to legal education and intellectual discourse both nationally and internationally. It is also a faculty that is committed to meeting the needs of a transforming society. It is from this vantage point that a new Dean must craft a strategic vision that builds on past achievements and enhances the trajectory towards excellence and equity.

The University mission statement and the faculty’s statement of vision and goals clearly strive for excellence and equity in the African and international academic communities. As a law faculty we recognise the role law played in creating an oppressive and divided society and commit ourselves to ‘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 three goals we hope to contribute to redressing the inequality and disparity that continues to exist within South African society.”

Extract from Faculty’s Statement of Vision and Goals

For me there is a direct link between diversity and excellence. It is not sufficient for scholarship to simply be reproduced, it needs to be developed. Diversity is an essential tool in optimising this capacity to develop. Diversity allows us to broaden our vision of possibilities and questions our claimed ‘truths’. The way in which we interpret things is contextually contingent, on past, immediate and imagined future contexts. The interactions of diverse histories and traditions gives rise to multiple questions which allow us to expand the boundaries of our own and communal knowledge and to doing so reconstruct our institution. In order to do this we need to take measures to ensure diversity in both the staff and student body.

‘If we are serious about addressing historical inequalities we should acknowledge that hierarchy is embedded in social structure and reproduced in the law. Simply put - the lower down on the socio-economic ladder a student is the less likely they are to have access to good schooling or a home environment that is conducive to developing advanced reading, writing and cognitive skills. If we simply take a student from a disadvantage background and place them in the Faculty it is far more difficult for them to succeed than a student coming from a middle class background. In order to successfully change the demographics of the student body in the law faculty we cannot simply lower entrance points.

Cont. on p.2
UCT responds to refugee Crisis

by Fatima Khan

The TENISHOPEXICO virus that caused chikungunya in April, has spread to all its cruelty and severity to Cape Town on the evening of 22 May 2008. Despite the fact that this might not initially signal the scale of the epidemic, the 23rd World Health Organization (WHO) meeting agreed to provide aid to the people of Cape Town and around Cape Town with Jammie Congregation church, they managed needed emergency relief, the Refugee Rights Project immediately as special policing or interdiction of refugees. At the same time refugees were also reported to be present from the office United Nations High Commissioner in Cape Town (UNHCR). Project staff contacted UNHCR staff to Cape Town and establish a collaborative arrangement and in addition they also facilitated meeting with church and society and the UNHCR protection team. An important role identified by the Project staff during this time was the fact that they, their clients, are a local resource of information. In times of turmoil many people would look to the South African Police Services to assist those affected and the UNHCR. These three memorandum for numbers of the Mission staff who were present to the necessity assisted a huge number of refugees. In fact, in 2007, this project was consulted with 558 refugees and in 2008 this increased to 845 people.

Academic Development Evolves

by Julian Jordaan

When the Law Faculty decided to establish an Academic Development Programme (ADP), we knew that UCT had more than twenty years’ experience in the ADP field on which we could draw. However, creating a programme to support the intake of an undergraduate law programme, as well as the changing needs of today’s undergraduate students, necessarily involves a bit of hard and fast rules. Therefore, at the beginning of 2008 and after a year’s exposure, we have already begun to make a few changes in order to improve what we do. The ADP is designed to give support and encouragement to a developing field of education in law, which includes a number of students who have the basic physical resources in order to enable them to fulfill all aspects of their legal studies. The aim of the ADP is to provide the knowledge and sustaining poor-focused environmental economies.

The Enduring Value of the Rule of Law

IT was appropriate that Law’s 2007 Honorary Graduate, Lord Nevis, should speak to the Enabling Value of the Rule of Law on the day after the conclusion of the Universal Declaration of Human Rights. The universalisation of Human Rights in 1948.

On 2nd December 1948 in Paris the General Assembly by unanimous vote of 66 states adopted and proclaimed the Universal Declaration of Human Rights, which came into force on 10 December 1948.

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The Enduring Value of the Rule of Law

by Julian Jordaan

Uteni Project

by Fatima Khan

3

Law Review

New Developments
Three r-rated researchers

By Hugh Corder

Research in the Faculty: 2003-2007

Much of the scholarly work undertaken by the Faculty continued to be informed and complemented by the research fund set aside for the achievement of a sustainable improvement in the level of social justice due to the majority of the student population.

The supervision and development work done by all the postgraduate students has also contributed significantly to the furthering of the research enterprise. This was achieved both at the doctoral level and at the masters level.

The research of the PhD student, Professor Julian Kinderlerer, has resulted in the publication of the book "Customary Law in South Africa" (February 2007). This book is a significant contribution to the field of customary law and provides a comprehensive analysis of the law as it has been interpreted by the courts and other authorities.

Professor Kinderlerer's work has been widely recognized and praised by other academics in the field. His book has been cited extensively in legal scholarship and has been well-received by the legal community.

In 2006, the Faculty Board adopted Ethical Guidelines for Research by its researchers. These guidelines provide a framework for ethical research practice and are intended to ensure that all research conducted by the Faculty is conducted in an ethical manner.

The guidelines address a range of ethical issues, including issues of consent, confidentiality, and the protection of vulnerable research subjects.

The Faculty Board has also established a Research Ethics Committee to oversee the ethical conduct of research by its members. This committee is responsible for ensuring that all research projects are reviewed and approved by the committee before they are undertaken.

In 2007, the Faculty Board adopted a new policy on research ethics. This policy sets out the principles and procedures that researchers must follow when conducting research.

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The purpose of this collaborative project is to build knowledge in law and policy in the South African context, and to further develop and implement the concept of comparative research and network building. The project is being led by Prof. Charles Tshabalala and includes contributing researchers from the universities of South Africa, USA, UK, and Canada. The project aims to enhance capacity in comparative research and policy analysis, and to promote knowledge sharing among policymakers and practitioners. The project will focus on the study of the role of the state in regulating the digital economy, and the implications of digital technology for the rule of law.
The early years were described most eloquently by Prof. Proost Custers in the History of the Faculty. A History, that he co-authored with Denise Van. It is in that sense that we now move on the legal education, for it is taught scientifically, and in its proper historical setting, as part of a liberal education. "Talent", said the great Mindford, "is taught largely, by which he meant doubly false. In short, the title could not really turn in the favour of Dutch-Dutch law in South Africa until a sound local tradition of nation in these principles was built up.

To sing along to the case which man was this, any others, we seek back to the origins of the Roman-Dutch law in South Africa during the mid-nineteenth century. I would point to the lack of scientific tradition in Roman-Dutch law in South Africa and to the lack of local tradition.

In 1857 a beginning was made in the South African College (the predecessor of our present University) by the Professor of Classics. Mr. Frank Roughton Leigh. He voluntarily added to his many duties, the teaching of the departments of Classics, English and Mathematics. Some seven students were taught in the College. But law teaching was a challenge.

The first instance of the teaching of law was by the Rev. Lambert Shuberg, who had been President of the Court of Admiralty in England. His Faculty owed a deep debt of gratitude to Dr. Gerrit Buyskes, an advocate and master of English literature, who was in the full tide of his career as President of Oxford, Cambridge or Dublin'.

It was all of a piece with his energy. Sir George Grey was Governor of the Island. It was his maxim, "To make a start? In 1857 a beginning was made in the College of the newly appointed Sir George Grey. He was in the full tide of his career as President of Oxford, Cambridge or Dublin'.

In the first place it was decided to establish a Board of Public Examination. This was done by Act of 1858, s 2 providing that in addition to the members of the Council of the University of the Cape of Good Hope; the Judge of the Supreme Court, the Governor, the Attorney-General, the President of the High Court, the Judge-President of the Court of Admiralty and the Governor of the Island.

The judge was selected as having the necessary qualifications and was to hold office for a term of five years. The President of the University was to be an ex-officio member of the Board. The Faculty was to meet at least twice a year.

150th Anniversary
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Staff

In memory of Mike

THE INaugural Mike Larkin Lecture on March 11th 2009 will be given by Professor Simon Dürr, the retired pro- fessor of Private Law at the University of South Africa’s Faculty of Law. The inaugural lecture is hosted by the Faculty of Law and is dedicated to the memory of Mike Larkin.

Mike Larkin 1950 - 2007

teacher, leader & friend

After just 22 weeks with the Faculty, Professor Mike Larkin was killed in a road accident in which he was walking home. His impact is reflected in the excerpt below, and his legacy will be further entrenched in the Michael C. Larkin Chair.

For some weeks now, we have not been able to think about Mike without sadness. Mike was a remarkable and caring man, whose passion and generosity for the Faculty and its students was unreserved. He was recognized as an inspirational leader, a caring friend and a gentle, passionate, patient and learned man, who also had a network of friends all over the world.

Amongst his closest friends was his wife, Glynis. Glynis is devastated by her loss.

Thank you, Mike, for the warmth and kindness you showed to us all.

"I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. I am writing to express my outrage and terrible sadness that Mike Larkin was killed in the road accident. 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Inaugural Dean’s Awards

Each year the Faculty holds two events at which those who have achieved class medals, prizes and scholarships and the University’s Honours and Research Awards are presented to law students. This ensures that all LLB students graduating from the University of Cape Town (UCT) are eligible for nomination for one of the university scholarships. The prizes are presented during the Annual Graduation Ceremonies, and thewww.prizewinners.com website is the repository for all the list past and present prizewinners.

Of Moots and Mock Trials...

The UCT Faculty of Law hosts the annual Moot Court Competition. The UCT team of Robin Bizony and Ross Wynne made it into the finals of the International Moot Court Competition in Doha, Qatar. Twelve universities competed in the event, and the best rounds were adjudicated by a High Court Judge, with a magistrate and an advocate acting as lay assessors.

In the end, the UCT team placed second, losing to a very strong team from the University of Edinburgh. The UCT team included two top students: the current Attorney-General of South Africa, Advocate Hlope-Mansion, and non-LLB student Aiden van der Wyver. The UCT Faculty of Law congratulates the team on their outstanding performance, and are very proud of their achievements.

The UCT team was selected to compete at the annual Moot Court Competition by the South African Bar Council (SABC) and the South African Bar Association (SABA). The team was selected after a rigorous selection process, which included a mock trial competition held in Pretoria. They did well in the competition, and their performance was praised by the judges.

The UCT team included the following students: Rumbi Chimukidza, Sibonelo Mdluli, Sipho Mxenge, and Thembeka Ndlovu. The team was coached by Advocate Tarry Nattrass and Professor Arthur Droog.

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In this year’s competition, the team was represented by Robin Bizony and Ross Wynne. They were joined by the other two members of the team, who were not available for the competition.

The team’s performance was outstanding, and they were able to argue their case effectively in front of the judges. They were praised for their excellent presentation skills, and for their ability to think on their feet.

The team’s success is a testament to the hard work and dedication of all the members of the team, as well as the support and encouragement of their coaches and mentors.

The UCT Faculty of Law congratulates the team on their achievement, and looks forward to their future success. They have demonstrated that UCT law students are capable of competing at the highest level, and that they are capable of achieving great things in the legal profession.
Thanks alma mater

Olufolahan Adeleke finished his LLM degree in 2007 and named his Monograph in Commercial Law here at UCT in the second semester. He writes: “I found law school to be enjoyable as well as challenging. All the time I was applied to doing the course of my study for an international law student which with the help of fellow student in Germany has been great.”

Vesna Kupre (2004) is now a research fellow at Cambridge working on a project on Corporate Complicity in Human Rights Violations. She writes: “After getting FBI to comment on my LLM in Commercial Law here at UCT I am pursuing my doctorate in Business Ethics and Law in Yale. Vesna has been awarded a LLM Distinction and the Gordon and Mabel Donner Prize for best student in Law at UCT 2006 and was awarded a US Fulbright to study for the law at Yale in 2005, in which time he secured an offer for a fellowship at Harvard Law School for the study of law at that institution, in 2005.

Michael Eastman (2006) writes “I have found the LLM grounding means that, with a little hard work, there is little or no qualitative difference between the law students from UCT Law School, and students from Yale, Harvard, Oxford or Cambridge, with whom I share many classes. Although there is undoubtedly a gap between UCT and Yale, I count myself very fortunate to have had the wonderful opportunity to earn a degree from UCT School of Law, which has certainly gone a long way to fulfilling my personal ambition. Thank you once again for having provided some direction for my academic experience in UCT Law School, and I will always look back on it with fond memories.

Walter Tshabalala is Assistant Professor in the Faculty of Law at the University of Pretoria. Walter writes: “His contribution is not easily encompassed. He has achieved distinction in every aspect of his legal practice. Whether he was engaged in constitutional law, the interpretation of the Constitution, or the complex issues in human rights, he was always innovative and practical in his approach. He had a flair for the unexpected and his ability to make the seemingly impossible possible was his hallmark. His clarity of thought.”

JUDGE CORBETT had a remarkably distinct influence in South Africa, as an advocate and as a judicial officer. Throughout his career a passion for justice and a sensitivity in racial discrimination were combined with intellectual rigour and personal empathy.

Robert Cleaver: Editor: Other alumni at HFW include Marcus Bowman and Rory Gogarty.

Alumni Alumni

Reunion Weekend 2007.

At High Tea with Prof Corder is Pienaar, Ceapushi and her parents

Abe Sounky (LLM 1987)

Writing to his son, Clive, Prof Corder spoke of Abe Swersky as “a good friend of this faculty and a leading attorney in this city for many years.”

Abe Swersky  (LLM 1987)

Wartbaum is also in Germany and Jean-Francois Peters is in Belgium.

A/PROF OLUFOLAHAN ADELEKE (LLM 2007)

Graduation 2007

Newspaper Snippets

Locally: Daniel Perlzweig is the Manager, Contracts at Bombardier Transportation; Dirk Ventura was appointed Director, Legal Affairs of African Industrial Development Corporation (AIDC) and Alan Goldfarb is the Chief Executive Officer of the Law Society of South Africa.

Songhele Mushikizi 1993 - 2008

Songhele died in a road accident in Johannesburg, Prof Corder wrote to his family expressing sympathy saying: ‘we remember this lovely young woman with great fondness.’

Abe Swersky gives his father the names of his legal assistants.

In one of the few cases in which he formed part of the appellate panel, At v Minister of Defence, Judge Corbett was one of those judges.

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Environmental Award

Cormack Cullinan, an Hon. Research associate in Public law, is part of the EnAct and Cullinan & Associates Environmental Award (ENVIRONMENTAL), a technical trading-based hedge fund.

A/PROF OLUFOLAHAN ADELEKE (LLM 2007)

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The Enduring Value of the Rule of Law cont. from p2.

"Under leaders of stature the United States of America and Britain played an honourable and constructive role in the creation of a network of international treaties and international institutions. These two nations played their part in developing the international rule of law. They helped to create the rule-based framework in which organized life among the community of nations can survive in tolerantly decent form."

Lord Steyn then spoke about the lawlessness of the so-called war on terrorism waged by the United States of America since 9/11 with the energetic support of the United Kingdom government. It is a story which has been told in meticulous detail by Phillippe Sands in his book Law and Breaking of Global Rules. He looked at how the international rule of law has been damaged since 9/11. Moving from Guantanamo Bay to the pretext for the Iraq invasion of 2003, Lord Steyn then moved to the role of Britain in the Lebanese conflict.

'I would commend a passage in the 1988 lecture Pursuit of the Ideal in Turin of Isaiah Berlin. Earlier in his career Berlin adopted a rather relativist view: often he was skeptical of the value of fundamental universal values. But in 1988 he described what he called the requirements of a decent society. He explained:

"Priorities, never final and absolute, must be established. The first public obligation is to avoid extremes of suffering. Revolutions, wars, assassinations, extreme measures may in desperate situations be required. But history teaches us that their consequences are seldom what is anticipated; there is no guarantee, not even, at times, a high enough probability, that such acts will lead to improvement. We may take the risk of drastic action... but we must always be aware, never forget, that we may be mistaken, that certainty about the effects of such measures invariably leads to avoidable suffering of the innocent. So we must engage in what are called trade-offs, values, principles must yield to each other in varying degrees in specific situations. Utilitarian solutions are sometimes wrong, but, I suspect, more often beneficial. The best that can be done, as a general rule, is to maintain a precarious equilibrium which will prevent the occurrence of desperate situations, of intolerable suffering of the innocent. So we may in desperate situations, of intolerable suffering of the innocent. So we may in desperate situations..."