# FACULTY OF LAW

# **ORDER OF PROCEEDINGS**

Academic Procession. (The congregation is requested to stand as the procession enters the hall)

The Presiding Officer will constitute the congregation.

The National Anthem.

The University Dedication will be read by a member of the SRC.

Musical Item.

Welcome by the Master of Ceremonies.

The Orator will present Justice Jennifer Yvonne Mokgoro to the Presiding Officer for the award of an honorary degree.

Address by Justice Mokgoro.

The graduands and diplomates will be presented to the Presiding Officer by the Dean of the faculty.

The Presiding Officer will congratulate the new graduates and diplomates.

The Master of Ceremonies will make closing announcements and invite the congregation to stand.

The Presiding Officer will dissolve the congregation.

The procession, including the new graduates and diplomates, will leave the hall. (*The congregation is requested to remain standing until the procession has left the hall.*)

# NATIONAL ANTHEM

Nkosi sikelel' iAfrika Maluphakanyisw' uphondolwayo, Yizwa imithandazo yethu, Nkosi sikelela, thina lusapho lwayo.

Morena boloka etjhaba sa heso, O fedise dintwa la matshwenyeho, O se boloke, O se boloke setjhaba sa heso, Setjhaba sa South Afrika – South Afrika.

> Uit die blou van onse hemel, Uit die diepte van ons see, Oor ons ewige gebergtes, Waar die kranse antwoord gee,

Sounds the call to come together, And united we shall stand, Let us live and strive for freedom, In South Africa our land.

# **DISTINCTIONS IN THE FACULTY OF LAW**

The Bachelor of Laws may be awarded cum laude where a student has obtained

an average of 70% in all law courses; and

a mark of at least 75% in at least six full law courses or the equivalent.

The Bachelor of Laws may be awarded magna cum laude where a student has obtained

an average of 75% in all law courses; and

a mark of at least 75% in at least nine full law courses or the equivalent.

The Postgraduate Diploma in Law may be awarded with distinction where a student has obtained an average mark of at least 75%.

The Master of Laws or the Master of Philosophy by minor dissertation and coursework may be awarded with distinction in the degree where a student has obtained an average mark of at least 75%.

The Master of Laws or the Master of Philosophy by dissertation may be awarded with distinction in the degree for especially meritorious work.

# **HONORARY DEGREE**

# Jennifer Yvonne Mokgoro LLD (honoris causa)

Yvonne Mokgoro graduated from the University of Bophuthatswana with a BJuris (1982), LLB (1984) and LLM (1987) and from the University of Pennsylvania with a second LLM in 1990.

Justice Mokgoro started her legal career as an academic in 1984, becoming a noted scholar on constitutional law, human rights and gender equality.

Justice Mokgoro was appointed to the Constitutional Court, serving from its inception in 1994 until the end of her 15-year term in 2009. The first black woman on the bench of the Constitutional Court, she is regarded a distinguished member of an illustrious bench. She showed excellent jurisprudence and a deep understanding of vernacular law and its relationship with the Constitution. She participated in writing pioneering legal opinions on the rights embodied in the South African Constitution. Four rulings in particular stand out: that the regulation precluding foreign citizens from being employed as teachers was unfair (1998); that the right to social security in the Constitution vests in everybody and that it was unreasonable and discriminatory to exclude permanent residents from social grants (2004): that it is not permissible for a bank to seize the property of defaulting debtors without a court order (2000); and that the sale in execution of a judgement debt of a person's home without judicial oversight is unconstitutional (2005). These judgments show her unwavering commitment to an imaginative and inclusive human rights jurisprudence.

She was chairperson of the SA Law Reform Commission from 1995 until the end of her third term in 2011.

Throughout her life she has made significant contributions also in civil society organisations. She has been president of Africa Legal Aid, (AFLA) an organisation which provides legal aid and human rights education throughout Africa; served as chairperson of the selection committee of the Press Council of South Africa; chairs the Nelson Mandela Children's Fund, and serves on the Mandela-Rhodes Trust, the South African Institute, and the African Centre for Justice Innovation.

The University honours Justice Mokgoro for her commitment to transformation and social justice, her contributions towards racial and gender equality, the pursuit of human rights and dignity.

## NAMES OF GRADUANDS/ DIPLOMATES

An asterisk \* denotes that the degree or diploma will be awarded in the absence of the candidate.

#### **1. FACULTY OF LAW**

Dean: Professor P Andrews

#### POSTGRADUATE DIPLOMA IN LAW

In Commercial Law: Mitchel Runyararo Dari

In Environmental Law: \*Monwabisi Vanana

In Human Rights Law: Alejandra Carolina Pinacho Candelaria

In Labour Law: Mzuvukile Malumbu

In Tax Law: \*Andrew John Austin \*Clive Stanley Coaker Hill \*Johan Louis Jooste \*Francois Wouter Landman \*Marike Malan Rabie Burlin Marsay Russouw

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In Constitutional and Administrative Law: \*Takalani Samuel Madima

In Environmental Law: Sandiso Zide In Human Rights Law: Maren Bjørkan \*Jovenal Nsengimana

### DEGREE OF DOCTOR OF PHILOSOPHY

#### In Commercial Law:

Matsepo Regina Litsoanelo Kulehile Thesis Title: An analysis of the regulatory principles of functional equivalence and technology neutrality in the context of electronic signatures in the formation of electronic transactions in Lesotho and the SADC region

Regina Kulehile holds BA Law and LLB degrees from the National University of Lesotho and a LLM from UCT. Prior to enrolling for PhD studies in 2013, she was a lecturer at the National University of Lesotho.

Kulehile's thesis Regina focuses on legal regulation of electronic signatures in electronic commerce (e-commerce) in Lesotho and the Southern African Development Community (SADC) region - regulation introduced to promote confidence in their use. She examines international principles for information and communications technology and investigates whether the proposed regulation of Lesotho and SADC electronic signature adequately applies those principles. Comparing Lesotho's and SADC laws with that in the United States of America - a good model for electronic signature regulation compliance regarding with those principles - she finds that the Lesotho laws inadequately comply with the principles because they fail to promote equivalent legal treatment of offline and online signatures, while the SADC law largely complies with the principles and promote equivalence. Consequently, she argues, while Lesotho's laws will not promote e-commerce effectively, states that implement the SADC law will effectively promote e-commerce by enabling e-commerce users to legally and reliably sign electronic contracts with practical electronic signatures and hence to gain confidence in the practice.

## Supervisor: A/Professor D Collier (Commercial Law) *Co-supervisor:* Professor T Naude (Private Law)

In Public Law: Theressa Rosetta Frantz Thesis Title: Sustainable use and the laws regulating trade in threatened species in South Africa: lessons from the USA

Theressa Frantz completed her BSc, BSc(Hons) and MSc at the University of the Western Cape. She further completed an MPhil in Marine and Environmental Law at UCT. Having had over twenty years' work experience in the environmental sector, she registered as a part-time PhD candidate in 2013.

Theressa Frantz's thesis critically analyses laws regulating sustainable use and trade in threatened species in South Africa and the USA. The backdrop to her study is unsustainably high use levels of plant and animal species and poaching in the illegal wildlife trade which severely impacts species' survival in the wild. Based on her study findings, she makes several recommendations for strengthening South African law, specifically the National Environmental Management: Biodiversity Act and associated legislative tools. They include recommendations for adhering to statutory time-frames, considering a collaborative approach in public participation processes and several improvements in Biodiversity Management Plans for species. She shows that, while South Africa's penalty provisions are stringent, consistency in application by the judiciary is critical; and she recommends that as a responsible global stakeholder for wildlife South Africa must adopt provisions for extraterritorial enforcement of foreign law for sustainable use and trade in threatened species

*Supervisor:* Professor L Feris (Deputy Vice-Chancellor: Transformation)

## Lee-Ann Steenkamp

Thesis Title: ~ From Kyoto to Paris -- a review of South Africa's climate change response with particular emphasis on the Clean Development Mechanism and envisaged transition to the Sustainable Development Mechanism

Lee-Ann Steenkamp holds a BAcc(Hons)

from the University of Stellenbosch and a MCom (Tax) from UCT. She is a registered Master Tax Practitioner (SA) and a senior lecturer at the University of Stellenbosch Business School. She began her PhD studies at UCT in 2016.

Lee-Ann Steenkamp's thesis is positioned in the critical transition period from the Kyoto Protocol to the historic 2015 Paris Agreement on Climate Change (the Paris Agreement). She examines South Africa's response to climate change by reviewing the law, policy and instruments used by government to curb greenhouse gas emissions. In particular, her thesis analyses one of the flexible mechanisms of the Kyoto Protocol, namely the Clean Development Mechanism (CDM), which is tailored specifically for reducing emissions in developing countries. In so-doing she draws lessons for the CDM's apparent successor, the Sustainable Development Mechanism (SDM) of the Paris Agreement. Lee-Ann posits that these instruments will come increasingly under the spotlight in South Africa, as they will, among other things, serve as useful mechanisms to offset the impending carbon tax. She concludes that, despite many similarities between the CDM and SDM, countries have yet to finalise the transition from Kyoto to Paris.

*Supervisor:* Professor J Glazewski (Public Law)

Melani Van Der Merwe Thesis Title: *Energy transitions: the case* of South African electric security

Melani van der Merwe has a BA (Criminology, Psychology and Anthropology) from the University of Pretoria and a BSocSci(Hons) and MPhil in Criminal Justice from UCT.

Modern civilisations are highly dependent on electrical security. The exponential growth of renewable energy markets has transformed the generation and distribution of electricity sectors. Theoretical debates have emerged surrounding socio-technical transitions within the energy sector – focused, in particular, on pathways of transition, levers for change and path-dependencies. Melani van der Merwe's thesis, builds on existing scholarship through an exploration of how socio-technical systems are governed. It pays attention to the modalities of 'power giving' and 'power taking' and the associated networks of people and things with their impacts on socio-technical practices, innovations and developmental trajectories. Melani van der Merwe accomplishes this through an analysis of how different actors with different interests engage each other in relation to innovative social and technological pathways.

Supervisor: Emeritus Professor CD Shearing (Public Law) Co-supervisor: Professor J Froestad (University of Bergen)

# VISION AND MISSION UNIVERSITY OF CAPE TOWN

# Vision

An inclusive and engaged research-intensive African university that inspires creativity through outstanding achievements in learning, discovery and citizenship; enhancing the lives of its students and staff, advancing a more equitable and sustainable social order and influencing the global higher education landscape.

# Mission

UCT is committed to engaging with the key issues of our natural and social worlds through outstanding teaching, research and scholarship. We seek to advance the status and distinctiveness of scholarship in Africa through building strategic partnerships across the continent, the global south and the rest of the world.

UCT provides a vibrant and supportive intellectual environment that attracts and connects people from all over the world.

We aim to produce graduates and future leaders who are influential locally and globally. Our qualifications are locally applicable and internationally acclaimed, underpinned by values of engaged citizenship and social justice. Our scholarship and research have a positive impact on our society and our environment.

We will actively advance the pace of transformation within our University and beyond, nurturing an inclusive institutional culture which embraces diversity.

# THE UNIVERSITY OF CAPE TOWN DONOR ROLL

The University of Cape Town gratefully acknowledges the sustained contributions of the following partners. Their generosity has assisted us toward our goals of improving student access to tertiary education and promoting curriculum, staff and student transformation; increasing our research capacity; and implementing programmes that promote social engagement and community upliftment.

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*Individuals whose gifts to UCT over the last five years have amounted to less than R100,000* 3305 individuals who have generously shown their support by making a gift to the University of Cape Town.

## **Bequests**

legacy gift to UCT in their wills. Niel Ackerman PA Ackerman Will Trust Harry Allschwang Enid Atkinson Linda Doreen Beckett JFW Bell Anne Alida Bomford Simon Bor CLF Borckenhagen AM Botha Arthur Bridgman Jack Broadley Edward Carter CH Charlewood DI Chilton Phillip Alexander Clancey **RJHH Colback** David Graham Cunningham Joyce Irene Ivy Cupido Ilse Margaret Dall EIGT Danziger **GSD** Davis Pauline de la Motte Hall MBM Denny Lilian Dubb Seymour Dubb CW Eglin M Eilenberg Trust Elsabe Carmen Einhorn Barbara Finberg **Azriel** Fine Derek Stuart Franklin

Individuals who have bequeathed a

Sybil Elizabeth Laura Gauntlett Pamela Marcia Glass Victor Glasstone Will Trust BA Goldman BJN Greig JM Griffiths JS Griffiths Will Trust **RB** Grosse GN Havward Alfred Harold Honikman ML Hutt Carolina Rebeca Ilion Vera Jaffe Colin Kaplan The Leanore Zara Kaplan Will Trust John E. Karlin Miriam Kluk LB Knoll ESE Kramer Will Trust Ann Kreitzer Will Trust NH Lerner Elias Bertrand Levenstein Leah Levy Myer Levy Henri Marais IN Marks Dorothea McDonald J Melrose EOWH Middelmann Walter Middelmann Valerie Moodie IM Monk Audrey Moriarty P Moss Will Trust **RM Moss** 

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#### Note:

As of January 2015, the levels of individual donors' giving circles have changed as follows:

- Chancellor's circle: formerly R250 000+, now R500 000+;
- Vice-Chancellor's Circle: formerly R100 000 R250 000, now R250 000 R500 000;
- Dean's circle: formerly R60 000 R100 000, now R100 000 R250 000;
- Friends of UCT: formerly <R60,000, now <R100,000.

Please note that these changes only affect donations received after 1 January 2015. All donors who were members of particular circles prior to January 2015, will continue to be recognised in their original circles, until the rolling five-year giving period has elapsed.

We apologize for any omissions or errors. If you would like to query your donations totals, circle membership, or any other matter related to your gifts to UCT, please email giving@uct.ac.za.

A full list of UCT donors is also available at www.uct.ac.za/main/donating-to-uct/donor-recognition.

# **OFFICERS OF THE UNIVERSITY**

## Chancellor

Graça Simbine Machel, BA *Lisbon* LLD(hc) *UWC* DU(hc) *Essex* PhD(hc) *Cape Town* DLitt et Phil(hc) *RAU* DHL(hc) *Massachusetts* 

## Vice-Chancellor

Max Rodney Price, MBBCh Witwatersrand BA Oxon MSc London Dip Occ Health Witwatersrand

# Chair of Council

Sipho Mila Pityana, BA Essex MSc London DTech (hc) VUT

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Engineering &	
the Built Environment:	Alison Emslie Lewis, PrEng BSc(Eng)Chem MSc(Eng) PhD Cape Town
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## Dean of Higher Education Development

Suellen Butler Shay, BA Lincoln MA Illinois PhD Cape Town

## Director of the Graduate School of Business

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## Registrar

Royston Nathan Pillay, BA HDE BEd Executive MBA Cape Town

Welcome, Wamkelekile, Welkom – today is not the end of your relationship with the university but the beginning of a new phase in your continuing relationship with UCT, one that you share with the UCT community of over 100 000 alumni.
Diverse as this community is, the shared experiences of a critical academic ethos and a spectacular campus make for a strong network that has a wide footprint, not only in South Africa, but across the continent and the globe.

We set a great store by our links with our alumni, and indeed the links alumni have with each other. We promise that we will be in touch, and ask you in turn to let us know not only your current contact details but also, from time to time, something of your lives and where you are in your careers.

Updates can be done on the web – <u>http://www.uct.ac.za/dad/alumni/update/</u> - or by writing to the Alumni Office, UCT, PB X3 Rondebosch 7701 or by contacting us on (27) (21) 650 3746.

Your alma mater looks forward to welcoming you back, whether to a public lecture, a leadership forum, your class reunion, or just an informal call!