

# NELSON MANDELA UNIVERSITY

## RESEARCH OUTPUTS

2019



## Faculty of Law

Editor: Dr R Denson

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# ARTICLES

## 1.1 CONSUMER PROTECTION LAW

### 1.1.1 Biggs, L “The franchise agreement as the cause of tensions between the franchisor and franchisee: Has the Consumer Protection Act resolved the tensions?”

*SA Merc Law Journal* 2019 31 163-200

#### SUMMARY

The franchisor and franchisee generally use a franchise agreement to regulate their relationship. Franchise agreements set out the rights and obligations of the franchisor and franchisee. The franchise relationship is, therefore, governed through negotiated contract terms. The terms or clauses contained in franchise agreements may differ depending on the franchise network and the field of commerce within which they operate, but franchise agreements have certain core elements in common and usually contain generic terms or clauses. However, the franchise agreement itself can lead to conflict between the parties, such as that arising from poorly drafted clauses relating to territorial rights, renewal, payment, termination, restraint of trade, or confidentiality. The franchise agreement itself is, therefore, limited in its ability to resolve the tensions and smooth the relationship between the parties, and is generally the cause of the tensions. The CPA and the Regulations require franchisors to include certain minimum information in the franchise agreements. This begs the question whether the CPA and the Regulations have made inroads into alleviating the tensions and areas of conflict resulting from the typical clauses contained in franchise agreements.

## **1.2 CRIMINAL LAW**

### **1.2.1 Welgemoed, M, “Lip prints: The underestimated identifiers in the combat against crime”**

*Obiter* 2019 Vol 40(2) 281-306

#### **SUMMARY**

It is important that the criminal justice system is equipped with the best possible tools to accurately identify and bring offenders to justice. Fingerprint-evidence, as well as the analysis and comparison of patterns found in individual fingerprints, known as dactyloscopy, is very well-known in this regard because of its high probative value. This is due to its unique character, as no one in the world has the same fingerprints. Lip prints are the same. It is unique in the sense that no one has the same lip prints. As is the case with fingerprints, positive identification of a person can be made from lip print-evidence. Lip prints, as well as the collection of lip print-evidence, should therefore be examined. In this article, the probative value of lip prints, classified as body-prints, will be examined and evaluated. This is a necessary examination, as lip print evidence has not been used much at all in the court system. Cheiloscopy, a forensic investigative technique, concerning the identification of a person based on his lip traces, will also be discussed. Lip prints will be compared to fingerprints in order to determine the synergy between cheiloscopy and dactyloscopy. The creation of a database of lip prints, in order to facilitate the identification of suspects based on lip prints found at crime scenes, will also be discussed. Furthermore, it will also be investigated as to whether DNA-extraction is possible from lip prints, which, if possible, will have a profound influence on the success rate of the criminal justice system in identifying offenders and bringing them to justice. It will be concluded that the uniqueness and consequent high probative value of lip prints make it a necessary tool for the fight against crime. It will also be recommended that authorities should develop a dedicated lip print-database in the near future, which will facilitate the identification of offenders.

## **1.3 FAMILY LAW**

### **1.3.1 Denson, R, & Supaat, DI “Linking women empowerment and children’s right to education”**

*Al-Shajarah Journal of Islamic Thought and Civilization* 2019  
(Special Edition) 57-76

#### **SUMMARY**

Notwithstanding the fact that children’s right to education is a gateway to the enjoyment of many other human rights, it can be hampered and impeded in various ways. The fact that millions of children have no access to primary education signifies the looming global crisis. According to data provided by the UNESCO Institute for Statistics (UIS) there are approximately 263 million children and youth not attending school. To demonstrate the severity of the educational crisis, this amount is equivalent to a quarter of the population of Europe. The 263 million children and youths not attending school includes 61 million children of primary school age, 60 million of lower secondary school age, and 142 million youths between the ages of 15 and 17 years old. The right to access education is in urgent need of improvement. Closely linked to the right to access education for everyone is the empowerment of women. Various studies have shown that the empowerment of women play a crucial role in enhancing children’s right to access education. This paper intends to highlight the link between women empowerment and the increase of access to education for children. The paper begins with the explanation of the concept of children’s right to education and women empowerment. Thereafter it illustrates the negative impact of the infringement of women’s rights and the denial of education. The paper also discusses the positive impact on education and the empowerment of women in society by looking at the experiences of selected projects in different jurisdictions. An analysis on the right to education and the role of women empowerment is the core of this paper. Adopting a qualitative study, this research shows that the human rights of different right holders are interconnected and should be utilised to enhance one another.

## **1.4 HUMAN RIGHTS LAW**

### **1.4.1 Botha, J “The selection of victim groups in hate-crime legislation”**

*SALJ* 2019 136 781

#### **SUMMARY**

A hate crime is traditionally defined as a crime motivated by bias towards a group of persons based on the group’s protected characteristics. A key element is that the victim must be targeted based on identity, with the victim belonging to groups of persons who are not valued by society. The definition of a hate crime is thus dependent on the identification of groups selected to be the victims of such crimes. South Africa’s Prevention and Combating of Hate Crimes and Hate Speech Bill was published in 2018. Section 3(1) of the Bill introduces the hate-crime concept into law and identifies seventeen protected group characteristics. This article examines which groups of persons should be treated as deserving of protection in South Africa’s proposed hate-crime regulatory framework. A principled approach is proposed; one which appreciates the socio-legal context in which the phenomena of hate crime occur and the significance of group vulnerability. The hate-crime construct is new to South Africa and will serve a critically important purpose. An overly broad and unscientific legislative model creates the risk of unfavourable reception, an inability to implement, and problems with constitutional justification. For the South African context, it is recommended that the drafters make use of the concept of vulnerability to select group characteristics, coupled with an appropriately worded analogous grounds provision.

#### **1.4.2 Casalin D “European Committee of Social Rights, *EUROCEF v. France*, 18 January 2018”**

*Rechtskundig Weekblad* vol 82(41) 2019 1637-1638 (Dutch)

##### **SUMMARY**

This note comments on the decision of the European Committee of Social Rights in *EUROCEF v. France*, where the Committee was asked to assess a number of issues relating to France’s reception and care of unaccompanied minor migrants. Some of the main practices in question were the use of hotels as shelters, detention in “waiting zones” in airports, and bone density tests to determine age. The Committee joined other international human rights bodies in taking an unequivocal stance against these practices, finding them to be inconsistent with children’s rights provisions in the European Social Charter. The Committee reiterated the fundamental importance of appropriate reception and care for minor migrants and took a principled position against the detention of minors based on their migration status. These issues are still current in a number of European states and deserve greater attention in light of their international human rights obligations, including under the European Social Charter.

#### **1.4.3 Casalin D “Klimaatmigratie en -ontheemding - welke rol voor internationale mensenrechten?” (“Climate migration and displacement – what role for international human rights?”)**

*Tijdschrift voor Mensenrechten* 2019 vol 17(3) (Dutch)

##### **SUMMARY**

This article outlines the potential role of international human rights law in addressing the challenges of climate migration and displacement, including prevention, protection of people on the move, and remedy for associated violations. The strengths and limitations of international human rights law in dealing with these challenges are assessed. The added value of human rights is their focus on (potentially) affected people and their right to decide in principle whether to move or not. Human rights also maintain focus on States’ responsibilities towards these

people, including what should be done to prevent displacement, when and how evacuation or relocation may be conducted, and how any related damage should be compensated. However, the role of international human rights law is limited when it comes to enforcement mechanisms; addressing the root causes of climate migration and displacement; offering durable solutions and defusing political controversies around migration. Nevertheless, as a body of law which in principle applies to all people at all times, human rights is flexible enough to provide guidelines for the respect of human dignity in all circumstances, including in the face of the unprecedented challenges posed by climate change.

#### **1.4.4 Casalin D “Human rights treaty mechanisms and reparation for international humanitarian law violations: fragmentation, partiality, selective justice?”**

*Human Rights and International Legal Discourse* 2019 vol 13(1) 2-20

#### **SUMMARY**

International and regional human rights treaty mechanisms have acted as de facto avenues for implementing international humanitarian law (IHL), including through decisions on reparation. In light of the scarcity of other options for victims, human rights bodies will remain relevant actors in this domain, despite criticisms related to their alleged fragmentation of IHL’s universality; perceived partiality owing to inability to address non-State actor accountability; and potentially selective, individualized approaches to reparation for mass violations which may clash with collective processes. This article examines the case law and practice of the main human rights treaty mechanisms in light of these criticisms to determine how far they may still be warranted, particularly in the field of reparation. It further aims to identify precedents indicating potential ways to address remaining issues. It finds that practices have been developed which show the possibility of mitigating concerns in all three areas. Regarding fragmentation of IHL, the risk in any event appears low; on the other hand, the mechanisms’ capacity to address the non-State actor issue are structurally limited, requiring action on other levels. Finally, regarding the interplay of individualized international claims and collective domestic processes, there is room

for further empirical observation regarding effective strategies for international or regional mechanisms to address both individual and societal interests in reparation.

**1.4.5 Olivier MP & Vonk, G "The human right of social assistance – A global, a regional (Europe and Africa) and a national perspective (Germany, the Netherlands and South Africa)"**

*European Journal of Social Security* 2019 vol 21(3) 219-240

**SUMMARY**

This article gives a broad overview of the fundamental right of social assistance. The central question is to what extent the fundamental right to social assistance can count on universal recognition and what legal consequences are drawn from this right when it is invoked in national courts. In order to answer this question, we have looked at this right from a global, a regional (Europe and Africa) and a national perspective (Germany, the Netherlands and South Africa). On the basis of this study we discern a broad synergy in the normative context, not only transgressing through but also operating above the national constitutional jurisdictions. It is observed that from a legal perspective the added value of this right lies in the possibility for an individual to address structural shortcomings in the existing architecture of social assistance schemes. This possibility places courts in the position to critically review the system in the light of human rights requirements.



## **1.5 LABOUR LAW**

### **1.5.1 Govindjee, A “Conceptualising disability: health and legal perspectives related to psycho-social disability and work”**

*South African Journal of Bioethics and Law* 2019

#### **SUMMARY**

The aim of this article was to explore the nexus between South Africa’s progressive constitutional and legislative context, employers and the provision of health- and law-related services facilitating participation of persons with psycho-social disability in work. The ideas presented here originated from a collaborative project in which the authors, with diverse professional backgrounds (namely law, psychiatry and occupational therapy) developed a synthesised perspective that is designed to draw attention to issues that require consideration and propose guiding principles from which practitioners can draw. The intention was to formulate a perspective that will provide direction and inform practice aimed at promoting participation of persons with disability in work. This article was written on the premises that work is an essential ingredient required for people to develop and to meet their needs, that participation in work is recognised as a social determinant of health, and that exclusion of persons with disability from work has financial, developmental, social and emotional consequences.

## **1.6 LAW OF DELICT**

### **1.6.1 Mukheibir, A & Mitchell, G “The Price of Sadness: Comparison between the Netherlands and South Africa”**

*Potchefstroom Electronic Law Journal* 2019 vol 22 Available at SSRN:  
<https://ssrn.com/abstract=3491623>

#### **SUMMARY**

Bereavement can be a precipitating and perpetuating factor for various psychiatric injuries. However, the normal experience of bereavement also causes significant disruption and stress in an individual's psychosocial functioning. Both in the Netherlands and South Africa, a clear distinction is drawn between sadness and psychiatric injury. Dutch law, until recently, did not make provision for compensation for sadness, but only for psychiatric injury. This has changed with the coming into operation of the *Wet Affectieschade* on 1 January 2019. In terms of South African law, there is no claim for compensation for sadness or bereavement. The authors are of the opinion that bereavement, sadness or grief resulting from bereavement causes significant distress and a continuum exists between normal and complex bereavement where a clear distinction does not exist. South African courts should, therefore, bear this in mind when in actions for compensation for non-patrimonial loss for bereavement.

## 1.6.2 Mukheibir, A “Member of the Executive Council For Health And Social Development, Gauteng v Dz Obo Wz – (Mis)understanding the once and for all rule”

*Obiter* 2019 vol 40(3) 252-262

### SUMMARY

The “once-and-for-all” rule (OFA rule) originated in English law. It has been part of our law for the better part of a century. This rule entails that a plaintiff may not bring more than one action for damages, insofar as this action is based on the same cause of action. The rule has particular significance for prospective loss because where a prospective loss is based on the same cause of action as past loss, the claim for the prospective loss has to be brought at the same time as the claim for past loss.

The Constitutional Court in *Member of the Executive Council for Health and Social Development, Gauteng v DZ obo WZ* (2018 (1) SA 335 (CC) (*MEC Health*)) recently had to consider whether the common law, insofar as it relates to the OFA rule, should be developed to make provision for instalment or periodic payments. The majority, per Froneman J, held that the law did not make provision for instalment payments but that any amendment to the rule should be left to the legislature. Jafta J, in his minority decision, held that it was not necessary to develop the common law, as it already made provision for instalment payments.

The purpose of this note is to show that the majority decision in *MEC Health* is based on an incorrect understanding of the nature and purpose of the rule, and that the rule does not necessarily exclude periodic or instalment payments. Awarding periodic payments in the case of prospective loss will, furthermore, result in a fairer dispensation, which is, more aligned with the fundamental principles of the law of delictual damages.

## 1.7 LAW OF SUCCESSION

### 1.7.1 Schrage E.J.H. “In testamentis plenius testatoris intentionem scrutamur”

*De Rebus Divinis et Humanis* 2019 279-302

#### SUMMARY

Christiaan Rodenburg (1608-1668) is one of the founding fathers of the discipline of private international law; it is he who coined the word *conflictenrecht*/conflict law. He did so in his treatise *Tractatus de jure quod oritur ex statutorum vel consuetudinum discrepantium conflictu*, published for the first time in Utrecht in 1653 as a part of his main work, a book on the law of marriage. In that treatise he deals with a question that originated from the will of Anthony van Diemen, governor general of the VOC in Batavia. In that will Van Diemen had appointed his wife as his heir. Part of his estate consisted of important immovables in the Province of Utrecht. That province knew a statutory provision forbidding donations between husband and wife. What is the law: is the wife of the deceased entitled to those immovables in the Province of Utrecht, as Van Diemen had written in his will, or was it, because of the local law of Utrecht, his sister as the next of kin? Rodenburg had an ecclesiastical career, but was also a judge the Court of Utrecht. The Archives of this Court are nowadays kept in the Archives of the City of Utrecht. There we find the minutes of this case, notably the *Recueil* (preparatory notes, anonymously made by one of the judges sitting on the case). The similarity between this *Recueil* and the discussion of the case in Rodenburg's Treatise is striking and it is submitted that Rodenburg might have been the reporting judge. The final judgement, however, is not yet found.

## **1.8 MARINE LAW**

### **1.8.1 Isaacs, M & Witbooi, E “Fisheries crime, human rights and small-scale fisheries in South Africa: A case of bigger fish to fry”**

*Marine Policy: The International Journal of Ocean Affairs* 2019 (105) 158-168

#### **SUMMARY**

Marine fisheries plays an important role in ensuring food security and providing livelihoods in South Africa, as in many other developing coastal States. Transnational fisheries crime seriously undermines these goals. Drawing on empirical research this contribution highlights the complexity of law enforcement at the interface between low-level poaching and organised crime in the small-scale fisheries sector with reference to a South African case study. Specifically, this article examines the relationship between a fisheries-crime law enforcement approach and the envisaged management approach of the South African Small-Scale Fisheries Policy.

### **1.8.2 Van As, HJ & Snijman, PJ “Challenges and possible solutions concerning the inspection/investigation dichotomy in the context of transnational organised fisheries crime: A South African perspective**

*Marine Policy: The International Journal of Ocean Affairs* 2019 (105) 140-150

#### **SUMMARY**

This contribution aims to address transnational organised fisheries crime more effectively by addressing the fact that a number of prosecutions are unsuccessful as a result of non-compliance with constitutional imperatives originating from a failure to properly grasp the inspection/investigation dichotomy. The paper provides a short background to the intricacies of transnational organised fisheries crime with emphasis on their implications for investigations and prosecutions. In the context of South Africa, it discusses the powers of fishery control officers (FCOs) in terms the Marine Living Resources Act, 1998 (MLRA),<sup>2</sup> before turning to relevant case law. This discussion provides the background for a discussion on the correct exercise of

the powers of FCOs and the impact of failures to correctly exercise legal powers. The final part of the essay looks at possible solutions to the challenges created by the dichotomy by proposing that a number of factors be considered to determine whether an inspection is in fact an investigation, or has evolved into one. It will also propose amendments to the legislation to remove the existing ambiguities and to increase the number of successful prosecutions by reducing fatal 'legal technicalities'.

### **1.8.3 Vrancken , P, Witbooi, E & Glazewski, J “Introduction and overview: Transnational organised fisheries crime”**

*Marine Policy: The International Journal of Ocean Affairs* 2019 (105) 116-122

#### **SUMMARY**

This article sets the scene for the contributions in this Special Issue on Transnational Organised Fisheries Crime. It does so by providing insight into the myriad of complex criminal problems currently facing the global fisheries industry and introducing the fisheries crime concept alongside some of the other key legal concepts relevant to seeking solutions to these challenges. The article introduces the core topics under discussion in the subsequent articles and provides a glimpse into some of the solutions proffered to the challenges of fisheries crime, including from a law enforcement perspective. The articles in this Special Issue contribute to the growing pool of academic writing in the field of fisheries crime.

### **1.8.4 Vrancken, P “State jurisdiction to investigate and try fisheries crime at sea”**

*Marine Policy: The International Journal of Ocean Affairs* 2019 (105) 129-139

#### **SUMMARY**

This article examines the various requirements for the exercise by a State of its enforcement jurisdiction to investigate instances of fisheries crime and its adjudicative jurisdiction to try fisheries crime cases. In the process, the jurisdictional bases available are identified, the extent of the powers available are determined and

concrete examples provided. It concludes that the international law rules governing State jurisdiction over fisheries crime at sea do not place any insurmountable obstacle to the criminalisation, investigation and adjudication of acts of transnational organised fisheries crime. What is needed is a more positive attitude towards the complexities of State ocean jurisdiction and the existing scope of the States' duties towards the marine environment, and the marine living resources more specifically.



## **1.9 PUBLIC LAW**

### **1.9.1 Van As, HJ “Aantekening: Kan munisipale wetstoepassingsbeamptes goedsmoeds op die publiek losgelaat word?”**

*LitNet Akademies 2019 16(1) 504-523*

#### **SUMMARY**

This note describes the manner in which municipal accounting officers exercise their mandates to ensure that municipalities implement and administer their by-laws and other legislation in order to give effect to their constitutional mandate to ensure a safe and healthy environment. This is done mostly by establishing municipal codes that regulate the functions bestowed on municipalities by the Constitution. Although there are various agencies available to enforce these by-laws, such as the South African Police Services, traffic police, municipal police and municipal law enforcement officers, enforcement by the latter category of officials is the focus of this note. The role and place of municipal law enforcement officers, their powers and functions, and the requirements set for their appointment are considered. The duty imposed on the Commissioner of Police to consider certain criteria when furnishing a certificate of competency before a certificate of appointment as peace officer can be issued enjoys special attention. This criterion relates to the training undergone by the applicant with regard to the powers to be exercised. The commissioner must certify that the applicant is competent to exercise the powers defined in Column 4 of the Schedule to GN R1114 of 18 October 2018. The extent to which the training of municipal law enforcement officers complies with the requirements of the Criminal Procedure Act is then considered. It is found that this training is insufficient, and that competency certificates should not be issued based on the training that is currently available. Proposals are subsequently submitted to improve the current state of affairs which, among others, include the establishment of national standards and the need for legislative amendment.

## **PUBLISHED CONFERENCE PROCEEDINGS**

- 2.1. Govindjee, A “South African International Legal News” in *Revue de droit compare du travail et de la sécurité sociale* (invited contribution since 2017, including a published piece on the National Minimum Wage in volume 1 of 2019).

## **OTHER PUBLICATIONS**

- 3.1 Ndimurwimo, L & Riley MS “Justification and thoughts on a roadmap: The right to a decolonised education in South Africa”

*Nelson Mandela University Faculty of Law's Student Law Review 2019*

### **SUMMARY**

Right to decolonised education is not popular in the academic discourse. After just over twenty years since the fruition of the South African democratic state, there are ongoing struggles to bring the Final Constitution to life. A majority number of individuals, especially indigenous black South Africans, have yet to realise their constitutionally entrenched rights. The gradual pace at which transformation, from the previously oppressive apartheid era to a ‘new’ South Africa, is exceptionally negative on those who have been previously disadvantaged. Many South Africans may face the reality of never realising their rights within their lifetime. And for others, the negative impact, could significantly detriment their future.

In 2016, this issue was highlighted in the education sector by the social movements of Rhodes Must Fall and Fees Must Fall. Among many prerogatives of the respective groups, was the contention that the current education system remains a colonial tool of the apartheid era, which continues to marginalise and oppress indigenous South Africans. Although these social movements operated in the higher education sector, colonial education can be seen throughout the various levels of education in South Africa. The result is that the majority of South Africans have not realised their right to education, among other constitutionally entrenched rights. In light of the above, this article attempts to examine how the right to decolonised education can be legally

enforced and realised. In this perspective, a nationwide concern to decolonise the education system has arisen. It is equally accepted that transformation of colonial education is among the national priorities. The student protests in South African Universities of 2015 and 2016 reminded us that the effective decolonisation of education system in South Africa, is a broad concept that must be interpreted in line with the constitutional entrenched values. However, widespread misconceptions of the decolonisation of education has brought about unwarranted resistance for change.

There is a call for the right to a decolonised education, under the Constitution of South Africa which may provide a legal justification in order to respond to the current national education dilemma. This is in line with the Supreme Court of Appeal view in the case of *Hotz v University of Cape Town* which emphasised that the right to protest against colonial education and injustices of the past is protected under the Constitution. This article looks at the historical overview and the realisation of the constitutional right to education and points out that such realisation is still inadequate in terms of availability, acceptability, accessibility and adaptability, in order to potentially transform and empower persons from the disadvantaged background and promote social justice in a manner that is consistent with the Constitution. Finally, this article proposes a roadmap to the right to decolonised education in South Africa.

# CONFERENCES

## 4.1 NATIONAL CONFERENCES

- 4.1.1 Biggs, L “TAU PAPER redesigning the LLB curriculum to enhance writing skills of law students” paper presented at Higher Education Learning and Teaching Association of Southern Africa (HELTASA) Conference, held at Rhodes University, Grahamstown/Makhanda, 27-29 November 2019.**

### SUMMARY

Since the introduction of the four-year LLB degree in 1997, there have been numerous calls for the redesign of LLB curricula in relation to the quality thereof and the lack of basic writing skills of law students. The data for this project derives from a TAU project in which I conducted a curriculum-analysis to determine whether a redesigned LLB curriculum addresses the shortcomings of the current LLB curriculum that relate to the enhancement of writing skills, particularly discipline-specific academic literacies. Based on a curriculum theory approach and considering the writings of Young (2014) and Posner (2004), a qualitative content analysis of relevant documentary sources was conducted by comparing the redesigned curriculum against the relevant graduate attributes (as set out in the LLB Qualification Standard (CHE, 2015)) and specified conditions (set by the CHE after the National LLB Review in 2016 (CHE, 2016), emphasising the enhancement of writing skills. The redesigned curriculum was cocrafted through an inclusionary and collaborative decision-making process based on the findings of the document analysis. In this presentation, I will share some of the findings relating to the emphasis of the enhancement of writing skills, which were incorporated into the redesigned curriculum. These findings include the resequencing of modules to ensure sensible progression of content and complexity of writing assignments, the introduction of tutorials to assist students in drafting assignments, and an extension of the duration of certain modules allowing more time for students to draft assignments.

**4.1.2 Bono, L “Essential services, is the law practical and effective or non-compliant with essential service legislation” paper presented at the Labour Law Alumni Conference, The Boardwalk, Port Elizabeth 19-20 July 2019.**

**4.1.3 Botha, J “Swartman’: Racial descriptor or racial slur? Rustenburg Platinum Mine v SAEWA obo Bester [2018] ZACC 13; 2018 (5) SA 78 (CC)” paper presented at the Constitutional Court Review Conference, Johannesburg, August 2019. By Invitation - paper currently under review.**

## **SUMMARY**

With reference to the Constitutional Court decision in *Rustenburg Platinum Mine v SAEWA obo Bester*, this paper analyses whether a racial descriptor, ‘swartman’ (translated to mean black man), constituted racist and derogatory speech, warranting a dismissal from employment. The paper demonstrates that the Court’s fixation with the meaning of the words used by the speaker, and the need to test the legitimacy of such words using an objective test, tweaked to reflect the South African reality, resulted in a confusion between the harmful content of the speech and the harm constituted by the speech. The harm of racist speech should be assessed not with reference to the meaning of the words used or by tallying the harm it causes. The better approach is to view racist speech as a subordinating speech act, with illocutionary force, where the speaker enacts harm. Racist speech in the form of racial names is particularly dangerous, because such speech perpetuates structural inequality and oppression and deprives its targets of their status in society. This understanding of the power of racist speech demonstrates that it has the capacity to normalise inter-group hatred, to categorise people as inferior, to enforce othering and to keep intact a shared understanding of social hierarchies and relationships. It is thus a mistake to view a term such as ‘swartman’ as an innocent racial descriptor, especially given the context in which the utterance occurred in *Rustenburg Platinum Mine*.

**4.1.4 Bosch, C “The right to freedom of expression in the context of strike action” paper presented at the Labour Law Alumni Conference, The Boardwalk, Port Elizabeth, 19-20 July 2019.**

**4.1.5 Govindjee, A “Access to social security for refugees and asylum seekers in South Africa: An analysis of recent developments” paper presented at a Memorial Event in Honor of the Late Prof Edwell Kaseke and Dr Mathias Nyenti, University of Johannesburg, 3 October 2019.**

## **SUMMARY**

The Constitution of the Republic of South Africa provides that ‘everyone’ has the right to have access to social security including, if they are unable to support themselves and their dependents, appropriate social assistance. Despite this, and notwithstanding recent developments in international and regional law, the social security position of refugees and asylum seekers in South Africa is fraught with difficulty. For example, these categories of non-citizens struggle to obtain clarity regarding their actual status in the country (also because of the general conflation of refugees and asylum seekers with so-called economic migrants) and have been forced to approach the courts in order to access the labour market, education opportunities and social security benefits to which they may be entitled.

A few recent cases illustrate some of the key ongoing challenges. In *Sadiq v Department of Labour*, for example, the Equality Court had to deal with the case of an asylum seeker who had been employed for almost three years by the same employer in South Africa, but who was unable to claim Unemployment Insurance Fund benefits. *Somali Association v The Refugee Appeal Board* was a 2019 decision of the Gauteng High Court dismissing an application for review of a decision (of the Refugee Appeal Board) not to grant asylum to a number of applicants based on a particular interpretation of administrative law principles. Such matters frequently require an analysis of multiple aspects of law, potentially including immigration, trade, labour, equality, administrative and social security dimensions.

This contribution seeks to consider the available jurisprudence emerging in this area against the backdrop of the applicable constitutional provisions, international and

regional standards and national legislation, and, by providing some clarity in respect of the complex juxtaposition that is required in order to appreciate the social security position of these categories of migrants, to pay tribute to the academic work and legacy of Prof Kaseke and Dr Nyenti.

**4.1.6 Govindjee, A “Migration vulnerability and access to social protection” paper co-presented to the Stellenbosch Institute for Advanced Study Visiting Fellows and Visiting Scholars, Stellenbosch, 23 April 2019.**

**4.1.7 Govindjee, A “Transforming law curricula at Nelson Mandela University: Integrating learning, teaching and engagement to enhance social justice” paper presented at the Knowledge and Pedagogy Symposium Nelson Mandela University, Port Elizabeth, 19 September 2019.**

**4.1.8 Myburgh, A “AMCU’s 5-month strike at Sibanye” paper presented at the Labour Law Alumni Conference, The Boardwalk, Port Elizabeth, 19-20 July 2019.**

**4.1.9 Ncume, A “The impact of the deeming provision (section 198A) in establishing representivity of a trade union” paper presented at the Labour Law Alumni Conference, The Boardwalk, Port Elizabeth, 19-20 July 2019.**

## **SUMMARY**

This paper evaluated the consequences of the ‘demining’ provision in section 198A of the Labour Relations Act 66 of 199, as amended (“LRA”). In *Assign Services (Pty) Limited v National Union of Metalworkers of South Africa and Others (CCT194/17) [2018] ZACC*; the Constitutional Court interpreted the meaning of being “deemed” and ruled in favour of the single-employer model: “the client becomes the sole employer for the purposes of the LRA”. Owing to organisational rights of registered trade unions being regulated by the LRA, it follows that the ‘deeming’ provision in section 198A of the LRA can have an impact on in establishing the representativity of a trade union at a particular workplace. Therefore, the rationale behind this paper was to evaluate the aforementioned impact in the context of the trade union’s representivity.



**4.1.10 Ndimurwimo, L & Vudamina, MDV ‘The status of refugee children in post-convention on the rights of the child in Africa’ paper presented at 6th General Juris Diversitas Conference, North West University Potchefstroom, 15-17 April 2019.**

**SUMMARY**

The plight of refugees is currently among the worrying global human rights issues. The refugee population is largely comprised of women and children who become displaced during armed conflicts because a majority number of men are killed or become victims of forced disappearance. Forcibly displaced children face direct physical threats as well as a variety of health-related problems. Refugee children, become vulnerable to different types of abuses and exploitation and are often the targets of discrimination, sexual exploitation and social marginalization in the refugee transit camps and countries of exile. Although the Convention on the Rights of Child was adopted to protect children’s rights worldwide, the protection of these rights remains obscure. This article examines the extent to which the adherence of the Convention on Rights of the

Child in Africa is promoted. It uses the countries of South Africa, Tanzania, and Zambia as examples to see whether there are legal and practical challenges that face refugee children. It concludes with recommendations on what can be done to effectively protect and promote refugee children’s rights in Africa.

**4.1.11 Ndimurwimo, L & Opara, LC “Violation of children’s rights in African armed conflicts in the lenses of the Convention on the Rights of the Child” paper presented at 6th General Juris Diversitas Conference, North West University Potchefstroom, 15-17 April 2019.**

**SUMMARY**

Throughout the history of the world, minors have been forced to join the army and engage in the military activities. In the World War I and II, children were involved and used in military activities against their will, cultural and moral values. The African customs prohibit the use of children in armed conflicts or depriving them of their family ties and bonds within their communities and extended cultural affinities. However, children in

Africa are often being used in the armed conflicts and forced, directly or indirectly, to become child soldiers, contrary to the requirements of the Convention on the Rights of the Child and other international and regional human rights instruments.

This paper starts with investigating the causes of conflicts and examines the impact of child soldiering in non-international armed conflicts in Africa. It refers to the challenges faced by children when they become child-combatants and participate in hostilities. It uses examples from Liberia, Nigeria, Burundi and Sierra Leone and argues that the children in most armed conflicts are used as instruments of war without comprehending the legal repercussions of their participation during and after conflict situations. Therefore, the rights as afforded to the children under the Convention on the Rights of the Child and the African Charter on Child's Rights are often being violated. The paper concludes that the non-adherence to rules of international humanitarian law have far-reaching implications on children's lives in Africa.

**4.1.12 Olivier, MP "Bilateral labour arrangements in the SADC corridor" paper presented at the IOM Regional BLA Corridor Assessment Validation Meeting, Pretoria, 29 January 2019.**

**4.1.13 Olivier, MP "Draft National Labour Migration Policy for South Africa and bilateral labour agreements and freedom of movement" paper presented at the Department of Labour, South Africa, 30 April 2019.**

**4.1.14 Olivier, MP "Legal frameworks informing social protection of persons exposed to climate" paper presented at the 2019 SASPEN Annual Conference titled *Social Protection and Climate Change: 2030 Agenda for Sustainable Development*, Johannesburg, 14 August 2019.**

**4.1.15 Olivier, MP "Climate change and social protection – the need for an enhanced legal framework" paper presented at an International Seminar in honour of Professor Edwell Kaseke and Dr Matthias Nyenti, organised by the University of Johannesburg, South African and the FES, 3 October 2019.**

**4.1.16 Olivier, MP "Social protection in sub-Saharan Africa: AU and SADC policy and legal frameworks in the light of ILO instruments" paper presented at the ILO Centenary Celebration 2019, Pretoria, 4-5 October 2019.**

**4.1.17 Olivier, MP "Social security for informal economy workers in South Africa: A quest for justice" paper presented at the GPSSBC 20th Anniversary Conference, Boksburg, 31 October 2019.**

**4.1.18 Qotoyi, T "What is left of section 18 of the LRA? The implications of the POPCRU v SACOSWU judgment" paper presented at the Labour Law Alumni Conference, The Boardwalk, Port Elizabeth, 19-20 July 2019.**

## **SUMMARY**

The Labour Relations Act 66 of 1996 (the "LRA") provides for the right to freedom of association. In order to give effect to this right, employees are allowed to form and to join trade unions.

Registered trade unions are accorded trade union rights which enable them to engage in collective bargaining. In order to acquire trade union rights, a trade union must follow section 21 of the LRA .The LRA leans strongly towards the principle of majoritarianism in terms of which majority trade unions are accorded more rights than minority trade unions.

Section 18 of the LRA allows an employer and a majority trade union to establish thresholds of representativeness which must be met by any trade union that seeks to exercise trade union organisational rights at a particular workplace. A trade union that does not meet that threshold representativeness may not be allowed to exercise trade union rights at that workplace. This is line with the principle of majoritarianism.

Section 20 of the LRA has always been a subject of confusion and debate in that it permits an employer and a trade union to conclude a collective agreement regulating trade union rights outside Part A of Chapter 111.

The questions that often arises is whether a minority trade union which does not meet the threshold representativeness, specified in terms of a collective agreement concluded in terms of section 18 of the LRA, can rely on section 20 of the LRA to conclude a collective agreement to access trade union rights.

The Constitutional Court in *POPCRU v SACOSWU* [2018] 39 ILJ 2646 (CC) attempted to provide an answer to this question. However, the judgment seems to have left more questions than answers.

The paper attempts to analyse the questions and to also highlight the far-reaching implications of the judgment.

**4.1.19 Van As, HJ “Protecting marine living resources: The FishFORCE model” paper presented at the South Africa - Norway Cooperation on Ocean Research, Launching Conference, 25-27 March 2019, Port Elizabeth.**

**4.1.20 Van As, HJ “The extent and impact of poaching of marine living resources and why it should be addressed as a priority crime” paper presented at the International strategic dialogue titled *Tightening the net*, Port Elizabeth, South Africa, 5 March 2019.**

**4.1.21 Van der Walt, JA “Key insights and challenges and the journey ahead” paper presented at the Plenary Session of the CCMA 3rd Annual Shop Stewards and Union Officials Conference titled *The National Minimum Wage: The Post Implementation Conversation*, Gallagher Convention Centre Midrand, Johannesburg 12-13 September 2019.**

## **4.2 INTERNATIONAL CONFERENCES**

**4.2.1 Botha, J “Poverty, inequality and transformative constitutionalism in the South African context” paper presented at the LDRN 4th Annual Conference, titled *The Plurality of Law and Development*, Humboldt University, Berlin, Germany, 25-27 September 2019.**

### **SUMMARY**

This paper addressed the tension between the Constitution’s promise and design, the realities of inequality and poverty in South Africa despite 25 years of democracy, and the need to achieve recognition and economic participation for all.

**4.2.2 Casalin D “Reparation for arbitrary displacement in the decisions of international (quasi-)judicial human rights mechanisms: contributions and blind-spots” paper presented at the LDRN 4th Annual Conference, titled *The Plurality of Law and Development*, Humboldt University, Berlin, Germany, 25-27 September 2019.**

### **SUMMARY**

The role of international (quasi-)judicial human rights mechanisms in ensuring reparation for arbitrary displacement has not been comprehensively analyzed, yet merits particular attention for a number of reasons. Firstly, these mechanisms are capable of applying relevant international norms protecting against displacement and making decisions on reparation in concrete cases, and have indeed produced abundant relevant case law. Secondly, as these mechanisms are accessible to victims, their decisions are a source of international law closely related to the agency of people affected by violations. Thirdly, indications exist that these mechanisms’ decisions can catalyze and impact on broader domestic reparation processes.

This paper aims to evaluate how the case law of international (quasi-)judicial mechanisms on reparation for arbitrary displacement has contributed to, or may still fall short of, a comprehensive model for a right to reparation for arbitrary displacement.

Using a method inspired by systematic content analysis, but maintaining a qualitative focus, the paper will analyze the displacement reparation case law of the most relevant international (quasi-)judicial mechanisms, i.e. the African Commission and Court on Human and Peoples' Rights, the Inter-American Commission and Court on Human Rights, the European Court of Human Rights, and the United Nations human rights treaty bodies. The analytical framework to be used is a doctrinal mapping of the reparative scope of the emerging 'right not to be displaced', which has been proposed as a more comprehensive and inclusive framework to bridge gaps in disparate 'hard law' provisions on protection from displacement, as well as avoid arbitrary distinctions between displaced persons.

**4.2.3 Denson, R “The recognition and regulation of Muslim Personal Law in South Africa” paper presented at the 8th Annual International Conference on Law, Regulations and Public Policy, Singapore, 24-25 June 2019.**

**SUMMARY**

This paper focuses on the specific legal experiences of Muslims practicing Muslim Personal Law (hereafter referred to as MPL) in South Africa, a constitutional democracy. The paper starts with a broader legal context, the problems experienced as a result of the conflict between the Constitution and Islamic law and the historical attempts to address these issues. The provisions of the 2003 and 2010 Muslim Marriages Bills (hereafter referred to as the MMB) which is an attempt by the legislature to recognise and regulate Muslim marriages in South Africa is considered. The enactment of general enabling legislation recognising all religious marriages in South Africa as an alternative to the enactment of the Muslim Marriages Acts is discussed.

**4.2.4 Denson, R “The recognition and regulation of Muslim Personal Law in England and Wales” paper presented at the 8th Putrajaya International Conference on Children, Women, Elderly and Persons with Disabilities titled *Foresight in the empowerment of Children, Women, Elderly and Persons with Disabilities*, Kuala Lumpur, Malaysia, 6-7 July 2019.**

#### **SUMMARY**

This paper discusses the specific legal experiences of Muslims practicing Muslim Personal Law (MPL) in England and Wales, which are constitutional democracies. The focus of this paper is the adoption of MPL in a national context in England and Wales. This necessitates a discussion on the extent to which MPL has been recognized and accommodated into the English legal system and to establish whether or not the English legal system has remedied the conflict, which inherently exists between Islamic law and constitutional democracies, such as England and Wales. The state in both these democracies have elected not to grant legal recognition to marriages solemnised in terms of Muslim rites. The adoption of the “one country, one law” policy in England and Wales on the one hand and the fact that Muslims have chosen to adhere to Islamic law (*Shari’ah*) rather than assimilate into the legal systems of England and Wales, on the other hand, lies at the heart of this conflict. The mechanisms which has been developed to address this conflict will be discussed. Certain recommendations and remedies which will provide greater protection for parties whose marriage is solemnised in terms of Muslims rites only will be discussed.

**4.2.5 Denson, R & David, DL “The use of metaphors to create legal reality” paper presented at the 16<sup>th</sup> International Conference on Language, Education, Humanities and Innovation, Singapore, 23-24 November 2019.**

#### **SUMMARY**

It is generally assumed that metaphors are used and confined to literary styles found in poetry, prose and drama. Yet, the use of metaphors are used in all kinds of linguistic expression and more often than not, by the judiciary in order to create legal

reality. The courts use language in the form of images and metaphors to create a particular legal reality. It is, furthermore assumed that the language of every day communication and that of the courts are literal. However, the aim of this paper is to demonstrate that the judiciary does not always merely attribute the ordinary grammatical meaning to words but instead also makes use of images and metaphors in their judgments. By making use of images and metaphors, a certain legal reality is created that conveys much more than the literal meaning of language can ever manage to do. The presence of metaphors in various court cases will be discussed to demonstrate how language, in particular, metaphors are used to create legal reality.

**4.2.6 Govindjee, A & Olivier, MP “Higher-skilled migrant workers and the trade law, labour law and immigration law dichotomy” paper co-presented at the 4<sup>th</sup> Labour Law Research Network Conference, Valparaíso, Chile, 24-25 June 2019.**

**SUMMARY**

The GATS is a framework agreement containing general rules and obligations applicable to all members of the WTO and services sectors. Mode 4 pertains directly to the temporary movement of natural persons, involving the services provided by individuals abroad, and specifically covering temporary entry of natural persons of a WTO member in the territory of any other member, including intra-corporate transferees (managers, specialists, trainees), business visitors and services sales persons, contractual service suppliers and independent professionals (i.e. international service providers). The GATS Annex on Movement of Natural Persons Supplying Services applies to “measures affecting natural persons who are service suppliers of a Member” (i.e. covering self-employed or independent service suppliers) and “natural persons of a Member who are employed by a service supplier of a Member, in respect of the supply of a service” (i.e. persons employed abroad by foreign companies established in the host country). There are also many regional trade in services agreements that have an intrinsic link with GATS Mode 4 and which facilitate cross-border movements of international service providers, involving Europe (e.g. the European Economic Area Agreement), North America (e.g. the new



US-Mexico-Canada Agreement, USMCA), South America (e.g. Mercosur linked Montevideo Protocol on Trade in Services), Africa (e.g. the African Union's Continental Free Trade Area, CFTA, and its Protocol on Trade in Services) and Asia (e.g. the ASEAN Framework Agreement on Services). Bilateral agreements also regulate the movement of skilled migrant workers.

The relationship between the GATS rules operating under the WTO auspices and national labour law and immigration law regimes is an inherently complex one. On the face of it, GATS is understood to apply primarily to trade in services, not in respect of employment relationships and labour migration, and accordingly does not apply to “measures affecting natural persons seeking access to the employment market” of another country or “measures regarding citizenship, residence or employment on a permanent basis” in another country. While there is no explanation in GATS as what “access to the employment market of a Member” actually means, the phrase is likely to refer to migrants entering the labour market framework of the host state so that the labour laws of the host state would apply in their entirety. But GATS does apply to foreigners providing services as international service providers (either as self-employed or independent service providers, or as migrant employees), as indicated above, arguably bringing these workers within the scope of international labour standards.

This contribution interrogates the legal position of international service providers with particular reference to those who migrate in a manner that would potentially also place them within the auspices of international labour standards, regional agreements, bilateral arrangements and GATS. The focus is on the application of GATS Mode 4 and the dichotomy of international labour standards vis-à-vis the international trade law regime, bearing in mind the national context, including domestic immigration and labour law principles. The contribution attempts to delineate the scope of labour law, trade law and immigration law application, including areas of overlap, in respect of higher-skilled migrants. It also endeavours to consider the impact of trade agreements (some of which embed (qualified) labour law protection), the role that free movement regimes and regional integration imperatives may play. While we are aware that international private law (IPL) may be relevant to this debate, this is an issue reserved for future research work.

**4.2.7 Govindjee, A “Social security outside the realm of employment” paper presented as part of a book presentation panel at the 4<sup>th</sup> Labour Law Research Network Conference, Valparaíso, Chile, 24-25 June 2019.**

**4.2.8 Hokwana, T “Equal pay for work of equal value” paper presented at the Labour Dispute Resolution, Substantive Labour Law and Social Justice Developments in South Africa, Mauritius and Beyond Conference, Mauritius, 19-20 June 2019.**

## **SUMMARY**

The Employment Equity Amendment Act, which came into force on 1 August 2014, amended the Employment Equity Act *inter alia* by the introduction of sections 6(4) and (5). Section 6(4) provides that a difference in terms and conditions of employment between employees of the same employer performing the same or substantially the same work or work of equal value that is directly or indirectly based on any one or more of the grounds listed in section 6(1), is unfair discrimination. Section 6(5) empowers the Minister of Labour, after consultation with the Commission for Employment Equity, to prescribe the criteria and the methodology for assessing work of equal value. The introduction of sections 6(4) and (5) does not amount to a substantive change in the law in relation to pay discrimination in South Africa. The prohibition of unfair discrimination in remuneration practices was in fact acknowledged in our law even prior to the dawn of democracy in South Africa in 1994. Item 2(1)(a) of Schedule 7 to the Labour Relations Act, which came into force on 11 November 1996, provided that an unfair labour practice meant any unfair act or omission that arises between employer and employee, including unfair discrimination. This item was subsequently repealed and replaced by section 6(1) of the Employment Equity Act, which now contains the express prohibition of unfair discrimination in any employment policy or practice. Why then the need for section 6(4)? This paper aims to answer the question as to whether the introduction of section 6(4) brought about any material change in the substance of law on unfair pay discrimination in South Africa.

**4.2.9 Ncume, A “An Employer’s substance abuse policy and cannabis” paper presented at the Labour Dispute Resolution, Substantive Labour Law and Social Justice Developments in South Africa, Mauritius and Beyond Conference, Mauritius, 19-20 June 2019.**

**SUMMARY**

In Prince’s judgment [*Minister of Justice and Constitutional Development and Others v Prince (Clarke and Others Intervening); National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton (CCT108/17) [2018] ZACC 30*], the Constitutional Court, amongst other things, dealt with the constitutionality of the prohibition and criminalisation of the use of cannabis. The aforementioned judgment had the effect that adults may use, possess and cultivate cannabis in private for personal consumption. The paper which I presented evaluated the workplace implications of this judgment. Amongst other things, it considered the manner in which substance abuse policies would need to be adopted in order to be aligned with the judgement (i.e. testing of cannabis) and the appropriate testing measures which employers may need to consider.

**4.2.10 Ndimurwimo. L “An assessment of the socio-economic needs and rights of refugee in Africa: Tanzanian and South African perspectives” paper presented at the 4<sup>th</sup> Annual LDRN Conference titled *Plurality and Law Development*, Humboldt University, Berlin, Germany, 25-27 September 2019.**

**SUMMARY**

Refugee crisis, internal displacements and statelessness are among the challenges still facing Africa. The forced migration of a large number of people across African state borders has turned out to be an integral part of contemporary society. The complexities of migration patterns of refugees for example, have the long term socioeconomic and political implications for the receiving states. Many African countries bear the burden of hosting refugees which tend to put their financial resources under strain. At the same time there is a call on African countries to collectively address the root causes of forced displacement and effectively tackle the

refugee crisis on the continent. As reiterated in the New York Declaration for Refugees and Migrants of 2016, protecting refugees who are forced to flee their countries of origin and supporting the receiving countries which give them shelter need shared, equitable and predictable international commitments and responsibilities. Although the 1951 UN Refugee Convention and its Protocol and the 1969 OAU Refugee Convention are viewed as key legal instruments pertaining the protection of refugees' rights, in practice these rights can be limited in terms of laws and policies that are designed and implemented at national, regional and international levels. Equally, there have been no tangible and comprehensive solutions to the refugee problems due to political instability and protracted armed conflicts in Africa. This paper uses Tanzania and South Africa as case studies to demonstrate how refugee situations have been dealt with, in order to protect and promote refugees' rights. These countries have been chosen because they are among the host countries of refugees in Africa. Additionally, South Africa and Tanzania have played major roles in trying to resolve African conflicts and are relatively stable and have capacity to host refugees. The criterion of "well-founded fear" articulated in the UN and OAU Refugee Conventions as re-iterated in the Refugees Acts in South Africa and Tanzania is still a prevalent phenomenon among refugees who are residing in exile.

**4.2.11 Ndimurwimo. L & Opara, LC "Access to justice for internally displaced persons (idps): the global legal order" paper presented at the 4<sup>th</sup> LDRN Conference titled *Plurality of Law and Development*, Humboldt University, Berlin, Germany, 25-27 September 2019.**

## **SUMMARY**

Internally displaced persons are people who are uprooted from social, economic, cultural and educational environment and make them squatters or homeless within the jurisdiction of their own country. They have no permanent place of abode. Internal displacement therefore, becomes a situation that deprives access to justice and leading to the violations of human rights of categories of citizens. For example, women, children and aged are more vulnerable and lack social-economic assistance from their loved ones and family support because of internal

displacement. Their situation denies themselves of access to justice from several perspectives, such as being in the state of despair, instability and uncertainty.

This article examines how the domestication of the Kampala Convention of 2009 and clinical legal education can assist to promote the IDPs access to justice and basic human rights. As a global issue, the article analyses access to justice for IDPs through the teaching methodology of clinical legal education in African legal jurisprudence. Finally, the article recommends the involvement of clinic lawyers and other practitioners in advocating for IDP's access to justice, respect for human rights and rule of law as a requirement for domestication of Kampala Convention 2009 by Member States in Africa.

**4.2.12 Olivier, MP "Extension of social protection to the informal economy: Comparative and African perspectives" ECASSA Workshop titled *Market penetration and extension of coverage in social security institutions*, Bujumbura, Burundi, 25 April 2019.**

**4.2.13 Olivier, MP "Perspectives on the South African social assistance system" ECASSA Workshop titled *Market penetration and extension of coverage in social security institutions*, Bujumbura, Burundi, 26 April 2019.**

**4.2.14 Olivier, MP "Labour law and social perspectives on coverage of informal economy workers in South Africa" paper presented at the 4<sup>th</sup> Labour Law Research Network Conference, Valparaiso, Chile, 25 June 2019.**

**4.2.15 Olivier, MP "Portability of social security benefits in Asia: Prospects and challenges" paper presentation at the 1st International Conference on Trade, Business, Human Rights, and Globalization, Hasanuddin University, Makassar, Indonesia, 13 November 2019.**

- 4.2.16 Olivier, MP "Recent developments concerning portability of social security benefits for skilled workers in Asian countries of destination: the impact of ILO standards and implications for Australian and New Zealand citizens and permanent residents" paper presented at the New Zealand Labour Law Society, Wellington, New Zealand, 15-16 Nov 2019.**
- 4.2.17 Olivier, MP "Key dimensions of contributory social security legal reform in Myanmar" paper presented at the Social Security Board, Naypyidaw, Myanmar, 28 November 2019.**
- 4.2.18 Olivier, MP "Protocol to the African Charter on Human and Peoples' Rights on the rights of citizens to social protection and social security" paper presented at the 3rd Extra-ordinary Session of the AU Specialised Technical Committee on Social Development, Labour and Employment, Abidjan, Cote d'Ivoire, 2 December 2019.**
- 4.2.19 Olivier MP "Social protection – concept and practice" paper presented at the Consultative Meeting on Social Protection in Yemen – Reflection and the Way Forward, organised by the UNDP, Amman, Jordan, 18 December 2019.**
- 4.2.20 Olivier MP "Good practices in social protection" paper presented at the Consultative Meeting on Social Protection in Yemen – Reflection and the Way Forward, organised by the UNDP, Amman, Jordan, 18 December 2019.**

**4.2.21 Qotoyi, T “The effect of inordinate delays in finalising disciplinary cases in the public sector” paper presented at the Labour Dispute Resolution, Substantive Labour Law and Social Justice Developments in South Africa, Mauritius and Beyond Conference, Mauritius, 19-20 June 2019.**

## **SUMMARY**

One of the primary objects of the Labour Relations Act 66 of 1995 (the “LRA”) is the effective resolution of labour disputes. This entails that disciplinary action must be instituted and finalised promptly. The importance of promptness when it comes to finalising disciplinary action was emphasised by the Constitutional Court in *Toyota SA Motors v CCMA* [2016] 37 ILJ 313 (CC) where the court held that any delay in finalising labour disputes undermines the primary objects of the LRA. An inordinate delay in finalising disciplinary action can render disciplinary action unfair. The paper looks at the substantive and procedural unfairness that may emanate from delays in finalising disciplinary action. The paper also analyses the Constitutional Court judgment of *Stokwe v Member of the Executive Council: Department of Education, Eastern Cape and Others* [2018] 40 ILJ 773 (CC) in which the court highlighted the possible legal consequences of unreasonable delays in finalising disciplinary action.

**4.2.22 Van As, HJ “From capacity building to professionalisation: The FishFORCE experience” paper presented at the 6<sup>th</sup> Global Fisheries Enforcement Training Conference (GFETW) titled *Closing the net through global cooperation between flag, coastal, port and market states for effective enforcement of international and domestic law*, organised by the International Monitoring, Control and Surveillance Network, Bangkok, Thailand, 18-22 February 2019.**

**4.2.23 Van As, HJ “Inter-agency and cross-border collaboration: The FishFORCE model” paper presented at the Southern African Development Community Fisheries Task Team meeting, Windhoek, Namibia, 19-20 March 2019.**

- 4.2.24 Van As, HJ “Protecting marine living resources by prioritising fisheries crime” paper presented at the International Conference titled “*Growing Blue*” on the sustainable and shared use of the oceans, Maputo, Mozambique 23-24 May 2019.**
- 4.2.25 Van As, HJ “Admission of guilt and criminal records: Severe enough to warrant legal aid? Fisheries crimes as a case in point” paper presented at the International Legal Aid Group Conference, Ottawa, Canada 17-19 June 2019.**
- 4.2.26 Van As, HJ “Human trafficking as a component of organised crime in the marine fisheries environment” paper presented at the International Workshop on Strategies for Combatting Human Trafficking, Taipei, Taiwan 25-26 July 2019.**



## **COLLOQUIUMS AND SEMINARS**

- 5.1 Botha, J “An analysis of section 4 of the Hate Bill” paper presented at the Hate Bill Seminar, Joint Collaboration between Public Law, Nelson Mandela University & the UNESCO Chair for Human Rights and Public Authorities of the UPV/EHU of the Basque Country, Spain, hosted by Nelson Mandela University, Port Elizabeth.**

### **SUMMARY**

This paper analysed the definitional requirements for a hate crime in section 4 of the Prevention and Combating of Hate Crimes and Hate Speech Bill, 2018, which introduces a self-standing legislative hate crime into South African law.

- 5.2 Denson, R & Nordien-Lagardien, R “Mediation as the primary means of dispute resolution and not an alternative” paper presented at the Family Law Teachers Colloquium University of the Western Cape, Cape Town, 19-20 September 2019.**

### **SUMMARY**

There has been significant progress in the use of family mediation services in South Africa since the implementation of the Children’s Act 38 of 2005. While legislative frameworks for mediation refers to mediation as alternative dispute resolution method, this paper proposes that mediation be considered as the primary means for dispute resolution, especially in matters pertaining to children.

The first part of the paper will present an overview of legislation advocating for and supporting the use of mediation in matters of dispute. Thereafter, mediation aspects are explained with specific focus on definitions of mediation as well as an overview of models and approaches to mediation.

- 5.3 Chimbala, RK & Ndimurwimo, L “Understanding legal challenges in operating in the liquor industry: A case study of the Port Elizabeth” paper presented at South African Community Epidemiology Network on Drug Use (SACENDU) Symposium Port Elizabeth, 18 April 2019.**

#### **SUMMARY**

This paper seeks to bring an understanding to the legal challenges faced by the people from previously disadvantaged communities who intend to get involved in the liquor industry as retailers. The ecological theories underpinned the study. A qualitative approach was used to answer to the research questions. One focus group with 10 participants was done and 6 individual interviews were done to collect data. Snow ball sampling was used to identify the participants. Data was analysing through categorizations of the themes that was evident from the interviews. The main data finding was that most of the illegal traders were being supplied the merchandise from people who had trading licenses due to the fact the suppliers off loaded large quantities they could not manage to sell before the required time of paying the money for purchase because it was being supplied on credit, and they were mandated to pay at the end of the month. This paper concludes that instead of the law enforcement agents raiding their trading places, illegal retailers should be helped with facilitation of obtaining liquor trading licenses. The paper recommends awareness and advocacy on acquiring trading licenses for those who are interested in trading in the liquor industry in order to meet their socio-economic needs.

- 5.4 Olivier, MP "Expanding the boundaries of social security protection for informal economy workers in developing countries" paper presented 26th International Research Seminar on Issues in Social Security, Sigunta, Sweden, 10 June 2019.**

- 5.5 Olivier, MP "Addressing social protection deficiencies for migrant workers abroad via country-of-origin unilateral measures" paper presented at the 26th International Research Seminar on Issues in Social Security, Sigunta, Sweden, 10 June 2019.**

- 5.6 Olivier, MP "Is Unemployment insurance of value for Namibia?" paper presented at the FESP Public Lecture & Seminar on Unemployment Insurance – the Namibian context, 23 July 2019.**
- 5.7 Olivier, MP "Draft Labour Migration Policy" paper presented at the National Department of Labour Departmental Workshop, Boksburg, 8 November 2019.**

## BOOKS AND CONTRIBUTIONS TO BOOKS

- 6.1 Adelman, S “Justice, Development and Sustainability in the Anthropocene” in Cullet (ed) *Research Handbook on Environment, Law and Poverty* (2019) Edward Elgar Publishing.
- 6.2 Adelman, S “Sovereignty and Environmental Human Rights” in May and Daly (eds) *Human Rights and the Environment Legality, Indivisibility, Dignity and Geography Encyclopedia of Environmental Law* 7ed (2019) Edward Elgar Publishing.
- 6.3 Adelman, S “Modernity, Anthropocene, Capitalocene, and the Climate Crisis” in Bollier and Gear (eds) *The Great Awakening: New Modes of Life Amidst Capitalist Ruins* (2019) Punctum Books.
- 6.4 Casalin D “Recruitment and use of child soldiers in international law: prohibition and elimination”, in W Leal Filho *et al* (eds) *The Encyclopedia of the UN Sustainable Development Goals: Decent Work and Economic Growth* (2019).
- 6.5 Casalin D, with Lavrysen L, Vandenbogaerde A & Van Den Heyning C, co-edited a special issue of the Tijdschrift voor Mensenrechten on climate and human rights “Themanummer klimaat en mensenrechten” (2019) (Dutch).
- 6.6 Govindjee, A *et al* (ed): “Access to social security for refugees and asylum seekers in South Africa: An analysis of recent developments” accepted for publication in Olivier, Kalula and Mpedi (eds) *Liber Amicorum: Essays in honour of Professor Edwin Kaseke and Dr Mathias Nyenti* (2019).
- 6.7 Govindjee, A “Social protection for independent contractors and fixed-term contract workers in South Africa” in Westerveld and Olivier (eds) *Social protection outside the realm of labour law* (2019) Edward Elgar Publishing.

- 6.8 Govindjee, A “Transformative constitutionalism as a framework for Law and Policy integration in the Global South” in Pellissery, Mathew, Govindjee, Narain (eds) *Transformative Law and Public Policy* (2019) Routledge.
- 6.9 Olivier, MP "Social security protection for informal economy workers: Developing world perspectives" in Mies Westerfeld and Marius Olivier (eds) *Social Security Outside the Realm of the Employment Contract – Informal Work and Employee-like Workers* (2019) Edward Elgar Publishing 2-29.
- 6.10 Olivier, MP "Portability of Social Security for Migrant Workers in Asia" in ABDI-ILOOECD *Building Partnerships for Effectively Managing Labour Migration – Lessons from Asian Countries* (Asian Development Bank Institute, Organisation for Economic Co-operation and Development, and International Labour Organization (2019) 38-69 <https://www.adb.org/publications/building-partnerships-effectivelymanaging-labor-migration>
- 6.11 Schrage, EJH, Dondorp, JH & Ibbetson, DJ (eds) “Limitation and Prescription: A Comparative Legal History“ in *Comparative Studies in Continental and Anglo-American Legal History/Vergleichende Untersuchungen zur kontinentaleuropaischen und anglo-amerikanischen Rechtsgeschichte* (2019) Berlin/Duncker und Humblot 679.
- 6.12 Schrage, EJH “Abuse of rights (Original title: Misbruik van bevoegdheid, Monografieën)” 3<sup>rd</sup> ed (2019) Deventer 134.
- 6.13 Schrage, EJH “Ungerechtfertigte Bereicherung. Einige Bemerkungen aus dem Bereich der vergleichenden Rechtsgeschichte” in *Revue Historique des Droits de l’Antiquité LXIV* (2019) 289-303.

- 6.14 Schrage, EJH, Dondorp, JH & Ibbetson, DJ (eds) “Introduction: In Limitation and Prescription” in *A Comparative Legal History [Comparative Studies in Continental and Anglo-American Legal History/Vergleichende Untersuchungen zur Kontinentaleuropaischen und Anglo-Amerikanischen Rechtsgeschichte* (2019) Berlin/Duncker und Humblot 2019 1-43.
- 6.15 Schrage, EJH “In testamentis plenius testatoris intentionem scrutamur” in Harry Dondorp / Martin Schermaier / Boudewijn Sirks (eds) in *De rebus divinis et humanis (Essays in honour of Jan Hallebeek)* (2019) Göttingen: V&R Unipress GmbH 279-302.
- 6.16 Schrage, EJH “The Roman Law Hymnal against the background of its time (Het Römisch-Juristisch Gesangbuch tegen de achtergrond van zijn tijd)” in Joke de Vries/Guus van Nifterik, Marc de Wilde (eds) *De Achterkant van Minerva. Opstellen aangeboden aan Prof. Kees Cappon ter gelegenheid van zijn afscheid van de Universiteit van Amsterdam*, (2019) 214-228.
- 6.17 Schrage, EJH “The importance of the Court of Arbitration for Art (in Dutch: Het belang van het Court of Arbitration for Art)” in C.J.M. Klaassen, G.J. Meijer, C.L. Schleijsen (eds.) *Going Dutch: ADR in Nederland, in het bijzonder bij het NAI [Serie Onderneming en Recht* (2019) Deventer 55-86.
- 6.18 Schrage, EJH “A thief can’t pass good title (Tijdsverloop en eigendomsverkrijging naar civil en naar common law)” in *Maandblad voor Vermogensrecht* (2019) 293-303.

## **6.19 Tait, M Commercial Law: Fresh Perspectives (2019).**

### **6.19.1 Chapter 17: The Consumer Protection Act**

#### **SUMMARY**

The chapter provides a general overview and explanation of some of the salient provisions of the Consumer Protection Act 68 of 2008, and its implications for business. Particular attention is given to the interpretation and application of the Act, as well as the specific consumer rights provided for by the Act.

### **6.19.2 Chapter 18: The Law of Agency**

#### **SUMMARY**

The chapter defines the concept of agency, distinguishes it from mandate and then focusses particularly on the respective duties of the principal and the agent. The consequences of the agent acting with authority are considered, as well as aspects such as the doctrine of the undisclosed principal and how the agency-relationship is terminated.

## **6.20 Tait, M Chapter 9 Regulating Airbnb in South Africa: Some tentative comments in *De Serie Legenda – Developments in Commercial Law* (2019).**

#### **SUMMARY**

The Internet provides tremendous opportunities for individuals to participate in the sharing economy. Businesses, such as Airbnb, have within a short space of time caused disruption to traditional modes of providing (tourist) accommodation. The impact of these disruptions has caught regulators (and legislators) off guard. Responses from governments, be it at national or local level, from around the world varied significantly. In South Africa government responded with the recent publication of the proposed Tourism Amendment Act, 2019. The aim of this proposed legislation is to regulate all short-term rental activities (tourist accommodation) by prescribing a minimum level of activity, which level has not

yet been set and will probably be done in the regulations to the Act, if adopted. If the activities of a business falls below the level the person (or business) will be exempted from having to comply with (most) regulation. This enables participation in the sharing economy with relative ease for those who operate on a small scale. Operations above the minimum level will require compliance with applicable regulations to protect other public interests. A warning is sounded that a once-size-fits-all minimum level prescribed at a national level may pose problems and that it would be preferable for the national legislature to prescribe certain criteria local authorities must consider, but that the determination of the levels of activity be left to such authorities in order to take cognisance of local conditions.



## **COMMENTS TO DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

- 7.1 Botha, J “Comments on the Prevention and Combating of Hate Crimes and Hate Speech Bill, 2018” submitted to the Department of Justice and Constitutional Development, Republic of South Africa, February 2019.**

## **NEWSPAPER AND NEWSLETTERS**

- 8.1 Botha, J “When is speech prohibited hate speech? The Constitution versus section 10(1) of the Equality Act – An analysis of the SCA judgment in Masuku v South African Human Rights Commission obo the South African Jewish Board of Deputies [2018] ZASCA 180” e-Mantshi Issue 149, January 2019.**
- 8.2 Botha, J “A comparison of sections 10 and 12 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (the Equality Act) Part 1” e-Mantshi Issue 151, March 2019.**
- 8.3 Botha, J “A comparison of sections 10 and 12 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (the Equality Act) Part 2” e-Mantshi Issue 152, April 2019.**
- 8.4 Botha, J “The EFF tweets no more – An analysis of Manuel v EFF” e-Mantshi Issue 155, August 2019.**
- 8.5 Botha, J “[Not] flying the flag: A saga of two cases – An analysis of Nelson Mandela Foundation Trust v Afriforum NPC (EQ02/2018) [2019] ZAEQC 2” e-Mantshi Issue 157, September 2019.**

## **SUPERVISION OF MASTER'S DISSERTATIONS**

- 9.1 Abrahams, D supervised Dumezweni, R “Essential services in South Africa with reference to the local government sector” completed for graduation in December 2019.**
- 9.2 Abrahams, D supervised Maseka, NM (*cum laude*) “Accountability of United Nations peacekeepers for sexual violence” completed for graduation in April 2019.**
- 9.3 Erasmus, D supervised Bowden, SE (*cum laude*) “Critical analysis of South African anti-money laundering legislation regarding cryptocurrency” completed for graduation in December 2019.**
- 9.4 Erasmus, D supervised Marais, CJ “Shortcomings of the Criminal Law (Sexual Offences and Related Matters) Amendment Act” completed for graduation in April 2019.**
- 9.5 Erasmus, D supervised Ntontela, M “The interest of justice in bail proceedings” completed for graduation in April 2019.**
- 9.6 Erasmus, D supervised Vaveki, VP “The legalization of prostitution in South Africa” completed for graduation in April 2019.**
- 9.7 Knoetze, E with David, DL supervised Crafford, K “Postpartum depression as a defence against criminal liability” completed for graduation in April 2019.**
- 9.8 Ndimurwimo, LA supervised Nombembe, V “The impact of declining trade union membership on collective bargaining” completed for graduation in April 2019.**
- 9.9 Qotoyi, T supervised Ndzendze, K “Automatic termination clauses in employment contracts” completed graduation in April 2019.**

- 9.10 Qotoyi, T supervised Tshentu, NL "Trade union liability for unprotected strike action and violence in furtherance thereof" completed for graduation in April 2019.
- 9.11 Qotoyi, T supervised Van Blerk, C "The legal consequences of unprotected strikes" completed for graduation in April 2019.
- 9.12 Qotoyi, T supervised Weinand, LL "Justifications and limitations of affirmative action" completed for graduation in April 2019.
- 9.13 Truter, I & Tait AM supervised Cumberlege, K "Pharmacists' perceptions of the effects of the Consumer Protection Act of 2008 on the pharmacy profession in South Africa: An exploratory study." for the degree MPharm completed for graduation in April 2019.
- 9.14 Van As with Botha, JC supervised Cordell CGT, "Legal remedies against corruption: Lessons from Guatemala" completed for graduation in April 2019.
- 9.15 Van As, H & Botha, J supervised De Villiers, NF (*cum laude*) "The enforceability of by-laws of district municipalities on local municipalities with specific reference to solid waste disposal" completed for graduation in December 2019.
- 9.16 Van der Walt, JA supervised Colesky, R "Regulation of minimum wages and minimum conditions of employment in the citrus industry in the Gamtoos River Valley" completed for graduation in April 2019.
- 9.17 Van der Walt, JA supervised G Abrahams, CE "The protection of child labour in South Africa" completed for graduation in April 2019.
- 9.18 Van der Walt, JA supervised Leo, AD "Equality pay for work equal value" completed for graduation in April 2019.

- 9.19 Van der Walt, JA supervised Pillay, PS “Balancing the interests of employer and employee in dismissal for misconduct” completed for graduation in April 2019.**
- 9.20 Van der Walt, JA with Gathongo, JK supervised Mabenge, MS “Dismissal for ill-health or injury and reasonable accommodation of disabled employees” completed for graduation in April 2019.**
- 9.21 Van der Walt, JA with Keith-Bandath, RE supervised Jacobs, CE "The application of the Law of Evidence in disciplinary proceedings and proceedings before the CCMA and bargaining councils" completed for graduation in April 2019.**
- 9.22 Van Der Walt, JA, supervised Adams, JF “Fair discipline of educators in the public education sector” completed for graduation in December 2019.**
- 9.23 Van Der Walt, JA, supervised Sidloyi, S “The legal position of temporary employment services employees” completed for graduation in December 2019.**

## **SUPERVISION OF DOCTORAL THESIS**

- 10.1 Carnelley, M, Govindjee, A & Schrage, EJH supervised Trow-Van der Walt, G “Intercountry adoption and alternate care: A model for determining placement in the best interest of the child” completed for graduation in December 2019.**

### **CITATION**

Intercountry adoption as a permanent form of alternative care for orphaned and abandoned children remains a controversial issue. It is arguable that many placements of South Africa’s orphaned and abandoned children within the country are not meeting the legal test of being in the “best interest of the child”. This study has investigated the problematic interplay between the best-interest-of-the-child and subsidiarity principles, and the resulting application of a hierarchical approach that has been skewed against the possibility of intercountry adoption, viewing this as a measure of last resort. The study makes the case for ameliorating the negative connotations associated with intercountry adoption through strict adherence to the principles contained in the Hague Convention. It proposes a model designed to assist decision-makers to properly evaluate the best interests of the orphaned or abandoned child in determining the most appropriate form of assistance to be provided.

# **LAW FACULTY STAFF MEMBERS GRADUATING**

## **11.1 LLD GRADUATION**

- 11.1.1 Trow-Van der Walt, G “Intercountry adoption and alternate care: A model for determining placement in the best interest of the child”  
LLD thesis completed for graduation December 2019.**

## **AWARDS AND ACHIEVEMENTS**

- 12.1 Botha, J Researcher of the year, Faculty of Law, 2019.**
- 12.2 Botha, J Re-award of NRF Thuthuka Grant, 2020, for the project: *Social change for South Africa: A law and development approach.***
- 12.3 Newman, S Emerging researcher of the year, Faculty of Law, 2019.**
- 12.4 Denson, R successfully completed the Commercial mediation and court annexed mediation training through Mediation in Motion, UCT (Law in Action) 15-19 April 2019.**
- 12.5 Denson, R successfully completed the Family Law and Divorce mediation training through the Social Justice Foundation in JHB 10-16 October 2019.**
- 12.6 Denson, R successfully completed the Maintenance Mediation training through the Social Justice Foundation 17 October 2019.**
- 12.7 Denson, R appointed as a mediator for court-annexed mediation under the auspices of the Nelson Mandela University Law Clinic.**
- 12.8 Van As, H has been appointed as the regional coordinator for Africa (south of the Sahara) and the Indian Ocean Small Island States for the Global Access to Justice Project.**

### **SUMMARY**

The project brings together researchers from all over the world with the sole purpose of seeking out promising solutions to ensure equal access to justice for all.

Through the largest academic cooperation network ever created, the project will collect information on the different justice systems, analysing the legal, economic, social and psychological obstacles, which make it difficult or impossible for many to make use of the legal system.



Unlike other surveys, the project does not intend to conduct simply statistical research; the *Global Access to Justice Project* will make a comprehensive approach to access problems, analysing its multiple aspects. Nor will the project be restricted to developed countries. Although the knowledge produced in the poorest nations has historically been neglected, these theoretical alternatives are extremely valid and innovative, especially with regard to access to justice.

The *Global Access to Justice Project* will be a broad geographical approach, analysing the problems and solutions for access to justice not only in North America and Europe, but also in Africa, Asia, Middle East, Latin America and Oceania.

Because of its multi-faceted epistemological approach and broad geographical scope, the project has the vocation to be the largest survey ever conducted on access to justice. The results of the project will be published in five volumes towards the end of 2020.

# **CONFERENCES AND COLLOQUIUMS HOSTED BY THE NELSON MANDELA FACULTY OF LAW**

## **13.1 ANNUAL PRIVATE LAW & SOCIAL JUSTICE CONFERENCE**

### **SUMMARY**

The 11<sup>th</sup> Annual Private Law and Social Justice Conference, hosted by the Department of Private Law, was held at Nelson Mandela University in August 2019. 22 papers on a variety of private law topics were delivered by academics from ten different universities.

## **13.2 LAW OF DELICT COLLOQUIUM**

### **SUMMARY**

The first Law of Delict Colloquium was held at Nelson Mandela University in August 2019. The guest speaker was Prof Anton Fagan, who delivered a paper titled *Subjective Rights: their rise, their fall and how to resurrect them*.

## **13.3 LABOUR DISPUTE RESOLUTION, SUBSTANTIVE LABOUR LAW AND SOCIAL JUSTICE DEVELOPMENTS IN SOUTH AFRICA, MAURITIUS AND BEYOND CONFERENCE**

The Nelson Mandela University Labour and Security Law Unit in collaboration with the Education Labour Relations Council hosted the Labour Dispute Resolution, Substantive Labour Law and Social Justice Developments in South Africa, Mauritius and Beyond Conference at The Hilton Hotel, Mauritius on 19-20 June 2019. The key note speaker was Mr C S Morajane who is the director of the Commission for Conciliation, Mediation and Arbitration, South Africa. The guest speaker was Adv L Bono who is the chairperson of both the Education and Labour Relations Council and the Essential Services Committee. He is also an adjunct professor at Nelson Mandela University.

#### **13.4 LABOUR LAW ALUMNI CONFERENCE**

The Labour and Social Security Law Unit hosted the Labour Law Alumni Conference at the Boardwalk, Port Elizabeth on 19-20 July 2019. The conference dinner speaker was Prof A Govindjee who is the Executive Dean, Faculty of Law, Nelson Mandela University.

#### **13.5 THE FISHFORCE ACADEMY INTERNATIONAL STRATEGIC DIALOGUE**

THE FishFORCE Academy hosted the International Strategic Dialogue titled *Tightening the net* in Port Elizabeth on 5 March 2019.