

# NELSON MANDELA UNIVERSITY

Faculty of Law

## Oceans, Justice and Human Rights Conference



**3-5 November 2022**

Ocean Sciences Campus, Nelson Mandela University



Dear delegates and guests of the Oceans, Justice and Human Rights Conference,

As a prequel to the Nelson Mandela University's Research Week starting on 7 November 2022, the Department of Public Law at Nelson Mandela University (NMU) will be hosting the **Oceans, Justice and Human Rights Conference** in collaboration with the SARChI Chair in the Law of the Sea and Development in Africa, the Warwick University Law School and the South African International Maritime Institute. The event is affiliated to the NMU Coastal and Marine Research Institute, the Environmental Law Association of South Africa, the Law and Development Research Network and the One Ocean Hub.

The conference will provide an opportunity to NMU researchers and post-graduate students and their domestic and international research partners to engage with each other in interdisciplinary discussions about the relationship between the oceans, justice and human rights. The conference will cover a wide range of issues related to ocean governance, including sustainability, development, climate change, the human rights of people living in close proximity to the ocean and impacted upon by environmental violations and environmental justice.

On 3 and 4 November, the conference will comprise 90-minute sessions combining presentations and panel discussions, two keynote presentations as well as concurrent sessions on energy and decarbonisation in the maritime industry.

A stakeholder/community engagement session will take place on Saturday 5 November.

To accommodate researchers and stakeholders who are unable to attend the conference in person, the event will be hosted on a hybrid basis.



# PROGRAMME

## DAY 1: Thursday, 3 November 2022

08:00	08:30	Arrival and registration
08:30	09:00	Welcome and introduction
		Opening of conference: Dr L Biggs, Acting Executive Dean of Faculty of Law, Nelson Mandela University
		Introduction: Prof J Botha, Associate Professor and Head of Department, Public Law, Faculty of Law

09:00	10:30	<b>Session 1 – Human Rights “The Horizontal Application of the Environmental Right to Non-State Actors”</b>		
<b>Chair:</b>	Prof Patrick Vrancken			on-site
<b>Assistant to Chair:</b>	Dr Thobisa Simelane			on-site
<b>Panelist:</b>	Dr CJ Visser	Wits University	Horizontality Theory: The Interaction between Adjudicative Subsidiarity and the Horizontality Provisions of the Constitution	virtual
<b>Panelist:</b>	Dr Brews Soyapi	North-West University	The horizontality of section 24 – pitfalls and potentials	on-site
<b>Panelist:</b>	Ms Ntemesha Maseka	Nelson Mandela University	Section 24 as a socio-economic right: an empty vessel to be filled	on-site
<b>Panelist:</b>	Ms Tanya Wagenaar	Nelson Mandela University	Obligations of non-state actors to realise a transition to sustainable ocean governance	on-site
<b>Panelist:</b>	Prof Joanna Botha	Nelson Mandela University	Concluding remarks: New possibilities for the horizontal application of section 24 to non-state actors	on-site

10:30	11:00	Refreshments and networking
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11:00	12:30	<b>Session 2 – Oceans and Human Rights</b>		
<b>Chair:</b>	Prof Joanna Botha			on-site
<b>Assistant to Chair:</b>	Dr Molefhi Phorego			on-site
<b>Panelist:</b>	Ms Rachael Chasakara	Nelson Mandela University	Marine Spatial Planning by the State as Trustee of Coastal Public Property	on-site
<b>Panelist:</b>	Dr Thobisa Simelane	Nelson Mandela University	The rights of peoples in coastal communities in the context of failing or fragile states	on-site
<b>Panelist:</b>	Dr Tajudeen Sanni	Nelson Mandela University	We are here because they are here: Integrating 'right of nature' into ocean governance / right of nature” to the pursuit of justice and the protection of human rights in ocean governance	on-site
<b>Panelist:</b>	Ms Michelle Mkorongo	Nelson Mandela University	Human-rights aspects of potential dispute-settlement mechanisms in ocean-related matters	on-site

12:30	13:30	Lunch and networking
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13:30	15:00	<b>Session 3 – Ocean Justice</b>			
<b>Chair:</b>		Ms Tanya Wagenaar			on-site
<b>Assistant to Chair:</b>		Dr Obinna Nkomadu			on-site
<b>Panelist:</b>	Prof Lena Gipperth	University of Gothenburg, Sweden	Exclusivity or multi-use of the ocean - the case of wind parts in Northern Europe	virtual	
<b>Panelist:</b>	Dr Vonintsoa Rafaly	University of Gothenburg, Sweden	Ocean Justice- bridging small scale and global fisheries governance	virtual	
<b>Panelist:</b>	Dr Gabriela Arguello	University of Gothenburg, Sweden	Justice for the Ocean: Dynamic management and the protection of marine ecosystems	virtual	
<b>Panelist:</b>	Ms Anthea Christoffels-DuPlessis / Dr Hashali Hamukuaya	Nelson Mandela University	Indigenous Communities and Meaningful Consultations: A Case Study of South Africa	on-site	

15:00	15:30	Refreshments and networking
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15:30	17:00	<b>Session 4 – “Is there an Obligation to Protect Human Rights in Marine Areas Beyond National Jurisdiction (ABNJ)?”</b>			
<b>Chair:</b>		Prof Edwin Egede			on-site
<b>Assistant to Chair:</b>		Dr Tajudeen Sanni			on-site
<b>Panelist:</b>	Prof Elisa Morgera	University of Strathclyde Law School, Glasgow (UK)	Ocean knowledge co-production in ABNJ as a matter of human rights and environmental justice	virtual	
<b>Panelist:</b>	Mr Eden Charles	The University of the West Indies	Opportunities and Challenges for Small Island Developing States in ABNJ- the need to affirm human rights	on-site	
<b>Panelist:</b>	Ms Adelaide Karomo	Nelson Mandela University	The common heritage of mankind and the right to development: a push for African States to participate in mineral mining in the Area	on-site	
<b>Panelist:</b>	Mr Thembile Joyini	Vice-Chair of the ISA LTC	The payment mechanism that balances commercial interests with a fair and equitable return to the Common Heritage of Mankind is a matter of human rights and environmental justice	virtual	

17:00	17:30	Networking
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17:30	18:30	<b>Keynote address 1</b>		
<b>David Boyd, UN Special Rapporteur on Human Rights and the Environment - "Oceans, Justice and the Right to a Healthy Environment"</b>				
<b>Introduction:</b>	Prof Sam Adelman			
<b>Thank you:</b>	Ms Ntemesha Maseka			

18:30	20:00	Dinner
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**DAY 2: Friday, 4 November 2022**

<b>08:30</b>	<b>09:30</b>	<b>Keynote address 2</b>	
<b>Prof Erik Franckx, Vrije Universiteit Brussel, Chair of the International and European Law Department; Director Master of Laws in International and European Law – “Part XV of the LOSC and Human Rights: Smooth Sailing?”</b>			
<b>Introduction:</b>	Prof Patrick Vrancken		
<b>Thank you:</b>	Ms Rachael Chasakara		

<b>09:30</b>	<b>11:00</b>	<b>Session 5 – “Protecting Marine Living Resources to Ensure Its Sustainable Use” - Panel 1</b>		
<b>Chair:</b>	Adv Phil Snijman			on-site
<b>Assistant to Chair:</b>	Dr Thobisa Simelane			on-site
<b>Panelist:</b>	Dr Kamal-Deen Ali	Centre For Maritime Law and Security, Africa	Gulf of Guinea Maritime Security: trends, neglected issues and future implications	on-site
<b>Panelist:</b>	Prof Paul Wambua	University of Nairobi	Overview of the FishFORCE project (objectives, achievements etc)	on-site
<b>Panelist:</b>	Mr Markus Burgener	Traffic	Quantities of MLRs poached and its impact on local communities	virtual
<b>Panelist:</b>	Ms Bianca Burger	National Prosecuting Authority	Prevention of fisheries poaching: Charges under the Riotous Assemblies Act	on-site
<b>Panelist:</b>	Ms Frances Craigie	DFFE	The need for an anti-poaching strategy to protect abalone	on-site

<b>11:00</b>	<b>11:30</b>	Refreshments and networking	
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<b>11:30</b>	<b>13:00</b>	<b>Session 6 – “Protecting Marine Living Resources to Ensure Its Sustainable Use” - Panel 2</b>		
<b>Chair:</b>	Prof Paul Wambua			on-site
<b>Assistant to Chair:</b>	Dr Molefhi Phorego			on-site
<b>Panelist:</b>	Ms Musa Ncula	Sea Monster	Demonstration of mobile game and its educational value	on-site
<b>Panelist:</b>	Dr Motseki Hlatswayo	Southern African Development Community	A regional MCS Centre for the protection of MLRs and the role of FishFORCE	on-site
<b>Panelist:</b>	Prof Hennie van As	FishFORCE	Alternative approaches to law enforcement	on-site
<b>Panelist:</b>	Adv Phil Snijman	Nelson Mandela University	Amendments needed to SA legislation to improve the protection of MLRs	on-site
<b>Panelist:</b>	Dr Obinna Emmanuel Nkomadu	Nelson Mandela University	The contribution of the Lomé Charter to combating trafficking in persons at sea: Nigerian and South African legal perspectives	on-site

<b>13:00</b>	<b>13:45</b>	Lunch and networking	
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<b>13:45</b>	<b>15:15</b>	<b>Session 7 – “The role of courts in ensuring environmental justice: The need for a rights-based approach in addressing climate change”</b>			
<b>Chair:</b>	Prof Amanda Spies			on-site	
<b>Assistant to Chair:</b>	Dr Obinna Nkomadu			on-site	
<b>Panelist:</b>	Mrs Wandisa Phama	Deputy Director - Centre for Environmental Rights NPC		on-site	
<b>Panelist:</b>	Adv Naseema Fakir	Head of Litigation South African Human Rights Commission		virtual	
<b>Panelist:</b>	Prof Sam Adelman	University of Warwick	The role of rights in litigating to protect nature	on-site	
<b>Panelist:</b>	Dr Jenny Hall	University of Johannesburg		virtual	

<b>15:15</b>	<b>15:45</b>	Refreshments and networking		
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<b>15:45</b>	<b>17:15</b>	<b>Session 8 – Mining, Energy and Artificial Intelligence</b>			
<b>Chair:</b>	Prof Patrick Vrancken			on-site	
<b>Assistant to Chair:</b>	Dr Tajudeen Sanni			on-site	
<b>Panelist:</b>	Prof Doucouré, Moctar	SAIMI, Offshore oil and Gas exploration expert			
<b>Panelist:</b>	Ms Asanda Xawuka	Coega Development Cooperation (CDC)			
<b>Panelist:</b>	Dr Dusty-Lee Donnelly	Unit of Maritime Law and Maritime Studies - UKZN	The future of the seafarer in the era of automation and artificial intelligence	virtual	
<b>Panelist:</b>	Dr Vishal Surbun	Unit of Maritime Law and Maritime Studies - UKZN	The ocean is where our ancestors live: Offshore exploration and mining rights at a crossroads with cultural and spiritual rights of coastal communities in South Africa.	virtual	

<b>18:00</b>	<b>20:00</b>	Cocktail Party		
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## DAY 3: Saturday, 5 November 2022

09:00 – 13:00 Stakeholder Engagement Session

### Zoom Links

3<sup>rd</sup> /4<sup>th</sup> and 5<sup>th</sup> November:

Join Zoom Meeting

<https://mandela.zoom.us/j/4493072424?pwd=NU5YRlhnNWkvN2kvYzR5NnFTNCtmZz09>

Meeting ID: 449 307 2424

Passcode: Justice

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