

North West University (NWU) 3rd Annual International Conference on Corporate & Financial Markets Law

Theme: Towards Financial Inclusion in the Global Economies to Promote Socio-Economic Justice, Viable Financial Markets & Reputable Financial Institutions



PROGRAMME

25-27 October 2023 – Hybrid, Swakopmund Plaza Hotel, Namibia

Registration: To be done by all delegates

TUESDAY 24 OCTOBER 2023	
19:00-21:00	Welcome Cocktail, Venue: Swakopmund Plaza Hotel (All delegates are welcome)
DAY 1	WEDNESDAY 25 OCTOBER 2023
08:00-08:20	Breakfast & Registration
08:20-08:40	Welcome & Opening Remarks (Chair: Prof HT Chitimira, NWU) Mrs N Russmann , Director, Konrad-Adenauer-Stiftung, Namibia & Angola Office Ms Q Munyai , CEO, Consumer Goods & Services Ombud, South Africa Mr E Beerwinkel , Chief Content & Product Officer, Juta & Co. Ltd Dr N Asheela-Shikalepo , Associate Dean, UNAM
08:40-09:00	
09:00-09:20	
09:20-09:35	

KEYNOTE SESSION 1 – Chair: Prof M Wiese, Research Director, NWU
KEYNOTE ADDRESS: Prof M Louw, UCT, South Africa

Biography: Professor Michelle Louw (writing as Kelly-Louw) holds the *Bluris (cum laude)*, LLB, LLM (cum laude) and LLD degrees (Unisa). She holds a Diploma in Insolvency Law & Practice (SARIPA) (UJ). She also completed an advanced short course in Outcome-Based Assessment in Higher Education and Open Distance Learning (with distinction – 99% Unisa (2009)) and a short programme in Construction Contracts (with distinction) (UP) (2019)). She was a professor of law at the University of South Africa from 21 June 1999 to 31 March 2022. She joined the University of Cape Town (UCT) on 1 April 2022 as a professor of law in the Department of Commercial Law. She is currently the Head of the Department of Commercial Law at UCT. Currently holds a B2 rating from the South African National Research Foundation. She holds a doctoral degree in international banking law. She has published widely in the fields of insolvency law, banking law and consumer credit law and her research has been cited with approval by the South African courts, including the Constitutional Court and the Supreme Court of Appeal, and a Namibian High court on several occasions. She has received five research awards, including the SA Department of Science and Technology's award for Distinguished Young Woman Scientist (Academic Excellence in Social Sciences) (2010). Throughout her career she has been extensively involved in the drafting of legislation. She was a drafter of the Land and Agricultural Development Bank Act 15 of 2002. She was a member of the Business SA's Task Group on Insolvency Law who investigated the proposed Unified Insolvency and Business Recovery Bill of 2003. She drafted the consequential amendments contained in the National Credit Act 34 of 2005, provided expert advice to the B team and also assisted with the drafting of the 2006 regulations to this Act. During 2005 she was one of the initial drafters that worked on proposals for a new SA Deeds Registries Act and Sectional Titles Act. In April 2010 she was appointed by the SA National Treasury and the Department of Cooperative Governance and Traditional Affairs as the drafter of the Financial Misconduct Regulations issued in terms of the Municipal Finance Management Act 56 of 2003 and the Disciplinary Regulations for Senior Managers that were issued in terms of the Municipal Systems Act 32 of 2000. She served on the panel of legal experts (legislative drafting) for the SA National Treasury and the legal panel of the SA National Roads Agency Limited Property Portfolio respectively. She was a visiting research fellow at the University of Westminster, London (2010) and a research fellow at the Institute of Advance Legal Studies in London (2016). She is the immediate past President of the International Association of Consumer Law. She is a member of the International Academy of Commercial and Consumer Law and an exco member of the International Academy of Financial Consumers. She serves on the advisory boards of various local and international law journals. She was also appointed to the Specialist Committee of the National Research Foundation's Rating System (Law) for a period of three (3) years (that is, 1 March 2023 to 28 February 2026). She was also re-appointed by the SA Minister of Science and Technology to serve on the adjudication panel of the SA Women in Science Awards (SAWiSA) for three years (that is, from 2023 to 2025).

Keynote address: Prof M Louw, UCT, South Africa

Challenges South African Micro-, Small- and Medium-Sized Enterprises (MSMEs) Face in Accessing Microcredit

Abstract

The biggest challenge micro-, small- and medium-sized enterprises (“MSMEs”) face is access to microfinance, particularly microcredit. Lack of this access prevent them from becoming successful. However, that is not the only challenge they face. The paper considers the current landscape of MSMEs in South Africa and some of the challenges they face preventing their success. It considers the current legislative framework and concludes that it is not conducive to the microcredit environment. It further examines the need to reform current credit legislation and other relevant legislation. It argues that the interim solution is to either amend existing consumer-credit legislation and accompanying legislation or to create separate microcredit legislation. Reasons are given for the microcredit legislation to focus only on micro- and small-sized enterprises because of their extreme vulnerability and to exclude medium-sized enterprises as they are often in fact rather large and sophisticated. The paper concludes that to properly deal with access to microfinance, all-encompassing legislation dealing with all facets of microfinance is required.

09:35 – 09:55 *Challenges South African Micro-, Small- and Medium-Sized Enterprises (MSMEs) Face in Accessing Microcredit, Prof M Louw, UCT, South Africa*

09:55 -10:00 Tea/Coffee/Comfort Break

SESSION 1 (Chair: Dr PT Magau, UP) – Corporate, Competition & Consumer Law in Practice: Panel Discussion

10:00 –10:15 *The Mandate of the Companies Tribunal and the Possible Amendments to the Companies Act, Mr R Bradstreet, Companies Tribunal, South Africa*

10:15 –10:30 *Consumer Protection Act: Successes & Challenges from a Decade of Implementing the Alternative Dispute Resolution (Ombud scheme) & Advocating for the Rights of Consumers in South Africa, Ms Q Munyai, Consumer Goods & Services Ombud, South Africa*

10:30 –10:45 *Promoting Effective Entry and Participation of Women Entrepreneurs in the South African Economy, Ms K Majola, Competition Commission*

10:45 –10:55 Q & A

SESSION 2 (Chair: Dr S Munedzi, NWU) – Corporate & Financial Law in Practice

10:55 – 11:10 *Responsive Regulation and Pyramidal Approach to Promote Financial Inclusion in Africa: Some Lessons from the European Union, Dr MD Tuba, UNISA*

11:10 – 11:25 *Legal Violence Against Market Capital? Progressive South African Competition Laws in Review, Dr T Kondo, University of the Western Cape*

11: 25 –11:40 *Promotion of Financial Inclusion for Low-Income Earners in South Africa, Dr JC Kanamugire, NWU*

11: 40 –11:55 *An Exploratory Analysis of the Financial Incentives for Small Businesses amid Erratic Electricity Supply in South Africa, Prof K Odeku & Mr T Mudzielwana, University of Limpopo*

11: 55 –12:10 *Exploring the Challenges Faced by Black-Owned Small, Medium and Micro Enterprises in the City of Tshwane Metropolitan Municipality, Ms FK Tihagale, UNISA*

12:10 –12:25 *Enhancing Socio-Economic Justice in Financial Inclusion Claims in Nigeria Via Integrated ADR Institutions, Dr KMW Owolabi, Kwara State University*

12:25 –12:35 Q & A

PRACTICAL TIPS ON BOOK PUBLICATION PROCESSES – Chair: Prof N Kilian, NWU Book Publication Tips: Dr TV Warikandwa (University of Namibia)

Biography: Dr Tapiwa Victor Warikandwa holds a Doctor of Laws in International Trade Law. He is a Senior Lecturer in the Faculty of Law at the University of Namibia. He specialises in International Trade Law, Labour Law, Indigenisation Laws, Mining Law and Constitutional Law amongst other disciplines. Prior to coming to Namibia, Dr Warikandwa worked as a legal officer and later legal advisor in the Ministry of Public Service Labour and Social Welfare in Zimbabwe. Key amongst his duties was legal drafting. Dr Warikandwa worked with the law reviser of the Ministry of Justice in Zimbabwe in reviewing laws administered by the Ministry of Public Service Labour and Social Welfare. Dr Warikandwa also completed an ordinary and advanced training in Labour Law Making at the International Labour Organization’s International Training Centre in Turin Italy. On numerous occasions, Dr Warikandwa was actively involved in the activities of the Cabinet Committee on Legislation on behalf of the Ministry of Public Service Labour and Social Welfare. Dr Warikandwa has since written books on labour law and women’s rights in South Africa and Namibia amongst others, as well as publishing articles in accredited peer reviewed journals such as *Law, Development and Democracy*, *Speculum Juris*, *Journal for Black Studies*, *Potchefstroom Electronic Law Journal*, *Comparative International Law Journal for Southern Africa* and the *African Journal of International and Comparative Law*, *Juridical Tribune*, amongst others.

12:35 –12:50	<p><i>He was also a Post-doctoral Fellow and has also worked as a senior lecturer at the University of Fort Hare in South Africa. Dr Warikandwa studied for his Bachelor of Laws, Master's degree and Doctoral degree at the University of Fort Hare in South Africa. He currently is the Chief Editor of the Namibian Law Journal.</i></p> <p>Book Publication Tips for Lawyers/Legal Academics in the 21st Century, Dr TV Warikandwa, University of Namibia</p>
12:50 –13:00	Q & A
13:00 –14:00	Lunch
14:00–14:20	<p>KEYNOTE SESSION 2 – Chair: Dr T Kondo, University of the Western Cape KEYNOTE ADDRESS: Prof L Ndlovu, University of Venda, South Africa</p>
14:00 – 14:20	<p>Biography: Lonias Ndlovu is a professor of law and acting director of the School of Law at the University of Venda, South Africa. His academic networks include the Society of International Economic Law (SIEL), the African International Economic Law Network, the Asian Association of International Law, the Society of Law Teachers of Southern Africa and the South African Association of Intellectual Property Law and Information Technology Law Teachers and Researchers (AIPLITL). His teaching and research areas of interest fall within intellectual property law, international trade law and commercial law. He is a non-practising advocate of the High Court of South Africa. He consults on intellectual property (IP) and access to medicines, specifically focusing on health equity and pharmaceutical patents in developing and least-developed African countries. Lonias has been an instructor on the recently developed WIPO/Harvard University PatentX course focusing on patent law and global pandemics since 2022. He reads classical literature and African fiction during his minimal spare time.</p> <p>Keynote address: Prof L Ndlovu, University of Venda, South Africa</p> <p>The Contemporary Corporate Legal Academic in a Managerial University</p> <p>Abstract</p> <p><i>The contemporary legal academic is caught between the trilogy of law, academia and business while expected to wear other hats, irrespective of the fit. The work of all legal academics in general and corporate lawyers in particular extends beyond the classroom. Corporate legal academics are expected to engage in disciplinary and interdisciplinary research, bridging the gap between law and management, and addressing contemporary challenges. They must embrace technology, innovation, and globalization, ensuring that students are prepared to meet the demands of the corporate world. Students want qualifications that prepare them for the ever-evolving market, while employers want custom-made graduates that will fit into their businesses and literally hit the ground running. At the same time, the managerial university, driven by the new managerialism and university rankings, imposes additional demands on academics – performance management and target not unlike those obtaining in the corporate sector. These developments may threaten the fundamental values that underpin the legal profession - ethics, justice, and the rule of law. While there is a need to adapt to the managerial university's demands, academics must also champion the specified enduring principles. The keynote address exposes some of the challenges associated with the managerial university by drawing on cross jurisdictional experiences of corporate legal academics in the global north and south. The address is descriptive, the aim being to draw the attention of participants and rejoinders to the contemporary challenges alongside possible solutions.</i></p>
SESSION 3 (Chair: Prof K Odeku, University of Limpopo – Aspects of Company Law & Corporate Finance	
14:20 – 14:35	<p><i>Overview of the Statutory Duty to Cooperate and Collaborate Between the South African Reserve Bank and Other Financial Role Players Under the Financial Sector Regulation Act 9 of 2017, Dr S Munedzi, NWU</i></p>
14:35 – 14:50	<p><i>Evaluation of the Financial Performance of Commercial Banks Listed on Namibia Stock Exchange (NSX): Based on Camel Model, Ms TM Shalukeni, UNAM</i></p>
14:50 – 15:05	<p><i>Analyzing the Companies Act Amendment Bill to Assess Remuneration of Directors, Ms B Asiema & Adv L Coetzee, NMU</i></p>
15:05 – 15:20	<p><i>Going Forward While Looking Back: Ranking of Claims when a Company has Commenced Rescue Proceedings, Dr SP Phungula, UCT</i></p>
15:20 – 15:35	<p><i>Company Strategies Designed to Curtail Minority Shareholder's Participation: Deliberate Denial of Sufficient, Clear and Specific Information or Explanatory Material, Dr SS Bidie, UFH</i></p>
15:35 – 15:45	Q & A
15:45 – 15:55	Tea/Coffee/Comfort break

SESSION 4 – Chair: Prof B Mupangavanhu, UWC) – Corporate Banking, AI & FinTech Law	
15:55 – 16:08	<i>A Regulatory Analysis of the Causes of Bank Failures in Selected Southern African Development Community (SADC) Countries</i> , Dr E Torerai, Mr O Tsaura & Prof HT Chitimira, NWU
16:08 – 16:20	<i>The Use of Artificial Intelligence in Combating Market Manipulation: A South African Perspective</i> , Dr PT Ncube, UP
16:20 – 16:32	<i>Single Head vs Twin Peaks: Weighing Bank Supervision Models in Namibia and South Africa</i> , Prof D Zongwe, Alliance University
16:32 – 16:44	<i>The Use of Artificial Intelligence in Corporate Decision-Making</i> , Mr LT Tore & Adv L Coetsee, NMU
16:44 – 16:58	<i>A Statutory Analysis of Open Banking Practices to Enhance Consumer Protection and Access to Banking Services in South Africa</i> , Mr T Sethunyane, NWU
16:58 – 17:13	<i>Sustainable Corporate Governance Practices in South Africa</i> , Prof N Kilian, NWU
17:13 – 17:23	Q & A
17:23	End Day 1 & Vote of Thanks: Dr L Mavhuru, NWU
19:00	Opening Gala Dinner, Venue: Swakopmund Plaza Hotel (All delegates are welcome)
DAY 2	THURSDAY 26 OCTOBER 2023
08:30 – 08:50	Breakfast & Registration
	KEYNOTE SESSION 3 – Chair: Prof G Van Niekerk, University of Limpopo KEYNOTE ADDRESS: Prof L de Koker, La Trobe University, Australia
08:50 – 09:10	<p>Biography: Prof Louis de Koker holds a chair in law at the La Trobe Law School (Australia) where he is the coordinator and RegTech program leader of the La Trobe LawTech team. From 2014-2019 he was the national program leader of the Law and Policy research program of the Australian government-funded Data to Decisions Cooperative Research Centre. This program considered the legal and policy aspects relating to Big Data analysis and Australian national security objectives. He is also a senior financial crime policy consultant to Consultative Group to Assist the Poor (CGAP), an independent think tank housed at the World Bank promoting financial inclusion. Louis, the former director of the Centre for the Study of Economic Crime of the University of Johannesburg, has worked with CGAP, the World Bank, the Alliance for Financial Inclusion and regulators and financial service providers on integrity and inclusion over the past decade. He has advised on a range of laws and regulations in countries such as Jordan, Kyrgyzstan, Namibia, South Africa, Uganda, and Vietnam and his research on integrity laws and their impact on financial inclusion has been cited in publications of the various international bodies including the World Bank, IMF, the Financial Action Task Force (FATF) and the Basel Committee on Banking Supervision. He was a member of a World Bank team that researched financial crime controls relating to mobile money, a member of the core team that designed the World Bank tool for national money laundering risk assessment and a member of the FATF project group that drafted their guidance papers on aligning financial inclusion and financial integrity and digital identity guidance. Louis is currently also an Extraordinary Professor in the Department of Commercial and Labour Law of the University of the Western Cape. He has previously held visiting positions at institutions such as the Institute of Advanced Legal Studies of the University of London, the University of Johannesburg, the University of the Free State, George Washington University in DC, Deakin University in Australia, and the University of Florida.</p> <p>Keynote address: Prof L de Koker, La Trobe University, Australia</p> <p>The FATF's Combating of Financing of Proliferation Standards: Private Sector Implementation Challenges</p> <p>Abstract</p> <p>The financial integrity standards of the Financial Action Task Force (FATF) create a framework that enlists financial institutions and businesses. The effectiveness of the standards is highly dependent on the effectiveness of the measures employed by these regulated institutions. This paper considers the challenges faced by regulated institutions to comply with the rules envisaged by the 2020 amendments to the FATF's standards aimed at combating the financing of the proliferation of weapons of mass destruction. The FATF first adopted proliferation financing (PF) measures in 2012. These support the targeted financial sanctions (TFS) measures of the United Nations Security Council (UNSC), i.e. the UNSC's sanctions against named individuals and entities linked to proliferation programs of Iran and the Democratic People's Republic of Korea. The paper reflects initial perspectives gained in interviews</p>

	<p>with 46 experts globally. The challenges identified in this study can be clustered in four broad groups: navigating different definitions of proliferation financing; assessing and mitigating proliferation financing risk with limited information about proliferation financing threats and with a limited geopolitical and geoeconomic capacity to identify and mitigate threats; monitoring trade-related transactions effectively to prevent PF-TFS while having limited or no information about the goods involved; and efficiently and effectively combating PF-TFS without being allowed to simplify customer due diligence measures where risks are lower. An overarching challenge is, however, a surprising lack of considered policy about the purpose and strategic objectives of the new measures to be implemented.</p>
	<p>SESSION 5 (Chair: Dr E Torerai, NWU) – Aspects of Corporate & Financial Law</p>
09:10 – 09:25	<p><i>Microfinance for Small-Scale Fishermen in Namibia for Sustainable Development: A Legal Perspective</i>, Dr TV Warikandwa, UNAM</p>
09:25 – 09:40	<p><i>The Importance of Financial Education in South Africa's Law Regulating Beneficiary Fund</i>, Mr MJ Mangammbi, University of Limpopo</p>
09:40 – 09:55	<p><i>New Corporate Governance Era For Nigeria's Financial Sector: 2023 Corporate Governance Guidelines</i>, Dr PO Odiase, Adekunle Ajasin University</p>
09:55 – 10:10	<p><i>Some Thoughts on the Interplay between the Business Judgment Rule and Derivative Actions in Zimbabwe</i>, Dr F Hamadziripi, ZEGU</p>
10:10 – 10:25	<p><i>Debunking the Denial of Juristic Personality on Sole Proprietorship and Other Business Structures in Pursuit of Decolonising South African Corporate Law</i>, Dr S Mota Makore, UFS & Dr K Mpofu, WSU</p>
10:25 – 10:35	<p>Q & A</p>
10:35 – 10:42	<p>Tea/Coffee/comfort break</p>
	<p>SESSION 6 (Chair: Dr MD Tuba, UNISA) – Corporate Insolvency & Corporate Financial Law</p>
10:42 – 10:57	<p><i>Blood Diamond Trade: CSR Mandatory?</i>, Dr N Shaik-Peremanov, UFH</p>
10:57 – 11:12	<p><i>A Critical Analysis of Employees as Stakeholders' Claims During Business Rescue Post-Covid: A Quest for a Sustainable Balance</i>, Dr F Kaplan, Varsity College</p>
11:12 – 11:27	<p><i>Should Payment of Additional Remuneration to Business Rescue Practitioners Outside Section 143 of the Companies Act Be Prohibited?</i>, Prof C Marumoagae & Ms K Thambi, Wits University</p>
11:27 – 11:40	<p><i>A Case for the Creation of Specialised Insolvency and Business Rescue Courts in South Africa</i>, Dr K Mpofu, WSU</p>
11:40 – 11:52	<p><i>Corporate Corruption: Insights and Lessons for South Africa</i>, Ms T Njoko, UWC</p>
11:52 – 12:04	<p><i>An Examination of Artificial Intelligence Technology and its Place in Corporate Law and Governance in Zimbabwe</i>, Mr M Mbanjo, University of Zimbabwe</p>
12:04 – 12:12	<p>Q & A</p>
	<p>SESSION 7 (Chair: Mr S Tavuyanago, UFS) – Corporate Law, CSR & Consumer Protection</p>
12:12 – 12:22	<p><i>Freedom at Last for Zimbabwe's Low Earning Consumers or the Struggle Continues?</i>, Dr Shammah Boterere, UP</p>
12:22 – 12:32	<p><i>Overview of the Challenges Affecting the Consumer Goods and Services Ombud in Providing Effective Consumer Redress in South Africa</i>, Dr PT Magau, UP</p>
12:32 – 12:42	<p><i>Corporate Responsibility for Atrocity Crimes in Africa</i>, Dr P Masake, PM Writing Consultancy</p>
12:42 – 12:52	<p><i>Tit for Tith: The Intricacies of Non-taxation of Churches, Race and the Flow of Capital in Small Communities</i>, Ms M Ditsela, UOFS & Bongumsa Zweni (LLM Candidate, UWC)</p>

12:52 –13:02	<i>Defining 'Corporate Social Responsibility, 'Corporate Social Investment' and 'Corporate Philanthropy' for South Africa, Mrs M Preston, NWU</i>
13:02 –13:07	Q & A
13:07-14:00	Lunch
14:00–14:20	KEYNOTE SESSION 4 – Chair: Prof HJ Kloppers, NWU KEYNOTE ADDRESS: Prof E Snyman-Van Deventer, UOFS, South Africa
14:00 – 14:20	<p>Biography: Elizabeth Snyman-Van Deventer is a professor at the Faculty of Law, University of the Free State. She holds the degrees <i>Bluris, LLB, LLM, LLM and LLD (2001)</i>. She has been employed as a lecturer at the Department of Mercantile Law since 1991 and is now the HOD of the department. She teaches modules in Law of Business Entities and International Economic Law at both under and post-graduate levels. She has successfully supervised ten doctoral students, 15 full dissertation students, and over 100 mini-dissertation students over her 30-plus-year career. Her research focuses on most aspects of Mercantile Law, but currently, the major focus is the Law of Business Entities (especially aspects of company law and the Law of Partnership) and specific topics within International Economic Law. She has published 43 accredited journal articles, three articles in non-accredited international law journals, and four in other non-accredited law journals. She is responsible for the updates of Volume 19 Partnership in LAWSA. She has delivered 24 national presentations, 16 international presentations and two keynote addresses. She has served on several editorial boards and often does peer reviews for both national and international journals. She held a Y-rating and later a C rating from the NRF and also accreditation from the American Bar Association.</p> <p>Keynote address: Prof Elizabeth Snyman-Van Deventer, UOFS, South Africa</p> <p>Corporate Collapses and (Legal) Ethics: What Went Wrong?</p> <p>Abstract</p> <p>Numerous corporate scandals, which included investment scams, corporate malfeasance, unethical conduct and conflicts of interests, contributed to the collapse of USA companies such as WorldCom, Global Crossing, Xerox, Tyco, Enron, Sprint, AbbVie and Imclone. This led to alarmed investors abandoning the public securities markets and the tumbling of U.S stock markets. These companies suffered significant financial losses due to substantial and fraudulent misstatements and other illegal, corrupt or unethical practices. Executives were convicted of fraud and sentenced to prison. The corporate financial scandals, governance failures, and the ensuing public outcries led to mandatory legislation, e.g. the Sarbanes-Oxley Act in the USA. In European corporate scandals such as Parmalat, Royal Dutch Ahold, Vivendi, Adecco and Elan, the boards missed or were involved in financial misrepresentations. In South Africa, we had the Mastrbond collapse and the most well-known example of corporate collapse of course being Steinhoff, and now we can also add Tongaat Hulett. It seems as if fraud and corruption may be the major sources of these corporate collapses. In most instances, there is either the active involvement of the directors and managers in these fraudulent or corrupt practices, or there is a negligent or even intentional failure to act by directors to prevent these activities. However, besides directors and managers, auditors and lawyers failed in most of these companies to fulfil their professional duties. In most of these major collapses, the ethics of especially auditors and directors could be questioned. Despite the proper legal framework and the focus on good corporate governance eg in King IV these corporate collapses are due to (ironically) weak corporate governance, failure to fulfil fiduciary duties, poor procurement practice, feeble compliance measures, poor auditing and bookkeeping practices, insufficient disclosure to stakeholders, no or undermanaged internal controls, a disregard for codes of good governance, the absence of proper disclosure and no transparency. Consequently, the door for corruption has been opened, and damage has been caused to the economy. This paper will focus on these reasons for these collapses with a focus on unethical conduct will be discussed.</p>
	SESSION 8 (Chair: Dr L Mavhuru, NWU) – Corporate Finance & Socio-Economic Law
14:20 – 14:30	<i>Defining and Regulating De Facto and Shadow Directors: Lessons from New Zealand, Mr B Botha & Adv L Coetzee, NMU</i>
14:30 – 14:40	<i>Delays in the Conduct of Arbitration Proceedings, the Initial Arbitrator's Mero Motu Recusal and Misconduct by the New Arbitrator: A Clear Path to Encroachment of the Constitutional Right to Fair Arbitration, Adv Z Mashele, UP</i>
14:40 – 14:50	<i>South African Deposit Insurance System Design and Implementation: Lessons from the USA and Australia, Dr MA Matasane, Wits University</i>
14:50 – 15:00	<i>Environmental, Social and Governance (ESG) Considerations in Corporate Decision-making - African Contribution to the Global Movement, Prof B Mupangavanhu, UWC</i>
15:00 – 15:10	<i>An Evaluation of Consumer Alternative Dispute Resolution on Cross-Border E-Commerce Transactions Between South Africa and SADC Countries, Mr N Ncamane, UOFS</i>

15:10 – 15:20	Slow Violence, Marginalisation and the Pursuit of Financially Inclusive Sustainability Pathways, Prof CB Soyapi, NWU
15:20 – 15:25	Q & A
SESSION 9 (Chair: Dr J Kanamugire, NWU) – Financial Inclusion & Corporate Finance	
15:25 – 15:35	<i>Digital Finance and Financial Crimes in South Africa: Exploring the Links</i> , Ms S Stal, UFH
15:35 – 15:45	<i>Responsive Regulation and Pyramidal Approach to Promote Financial Inclusion in Africa: Some Lessons from the European Union</i> , Dr MD Tuba, UNISA
15:45 – 15:55	<i>The Determining Factors and Interventions of the Official Exchange Rate in Namibia</i> , Ms S Kanguvi, UNAM
15:55 – 16:05	<i>Exploring Financial Literacy-Related Consumer Protection in the General Code of Conduct for Authorised Financial Services Providers and Representatives 2003</i> , Prof HJ Kloppers, NWU
16:05 – 16:15	<i>Financial Education in Different Levels of Analysis: Macro, Meso, and Micro Levels</i> , Dr M Maake-Malatji, NWU
16:15 – 16:20	Q & A
SESSION 10 (Chair: Prof B Soyapi, NWU) – Financial Inclusion & Corporate Finance Law	
16:20 – 16:30	<i>Potential For Financial Inclusion in Namibia as a Result of the Proposed Enactment of 'Equity Solvency' (Liquidity) Test as the Only Test for Shareholder Distributions in Namibian Corporate Legislation</i> , Prof T Mongalo, Wits University
16:30 – 16:40	<i>An Analysis of the Role of Technology in Promoting Financial Consumer Protection in South Africa</i> , Ms N Mapefane, UP
16:40 – 16:00	<i>Financial Inclusion and Intellectual Property Rights in Mobile Banking Applications: A Survey of the Regulatory Regime in Botswana, Kenya, South Africa, & Zimbabwe</i> , Prof L Ndlovu, UNIVEN
16:00 – 16:10	<i>Financial Inclusion and Women-owned SME Financing in Namibia: Utilizing Intellectual Property Rights (IPRs) as Collateral for Funding and Growth Capital</i> , Mrs L Ihuhua, UNAM
16: 10 – 16:20	<i>Financial Inclusion as a Socio-Economic Right in Selected Countries</i> , Dr L Mavhuru, NWU
16: 20 – 16:30	Q & A
SESSION 11 (Chair: Ms F Kaplan, Varsity College) – Corporate Finance Law & Practice	
16:30 – 16:42	<i>The Nexus Between Financial Stability and Financial Inclusion: A South African Perspective</i> , Prof G Van Niekerk, University of Limpopo
16:42 – 16:54	<i>Mortgaged Primary Homes Foreclosures: Towards Efficient Judicial Oversight</i> , Mr PC Nhekaire & Dr N Asheela-Shikalepo, UNAM
16:54 – 17:06	<i>Exploring Fraud Mitigation Strategies in South African Medical Scheme Claims</i> , Ms T Legotlo, UNISA
17:06 – 17:18	<i>Dispositions Based on the Subjective Assessment of the Conduct of Insolvent Companies: When Would Preference be Regarded as Undue?</i> , Prof C Marumoagae, Wits University
17:18 – 17:28	Q & A
17:28	End Day 2 & Vote of Thanks: Mr O Tsaura, NWU
19:00	Juta Gala Dinner & Juta Book Launch, Venue: TBA (All delegates are welcome)
DAY 3	FRIDAY 27 OCTOBER 2023
08:00 – 08:30	Breakfast & Registration
KEYNOTE SESSION 5 – Chair: Prof TH Mongalo, Wits University	

	KEYNOTE ADDRESS: Prof A Boraine, UP, South Africa
08:30 – 08:50	<p>Biography: André Boraine is currently a professor in the Department of Mercantile Law and the former Dean of the Faculty of Law at the University of Pretoria, South Africa. His areas of specialisation include insolvency law and aspects of property law. Amongst others, he is the course leader of the law modules of a transdisciplinary M-Phil in insolvency law and business management, and he is deeply involved with practical training in the field of insolvency law and practice. He has published widely and he is also a co-author of <i>Meskin: Insolvency Law</i>, a seminal work on insolvency law in South Africa. André is an honorary member of the South African Rescue and Insolvency Practitioner's Association (SARIPA), a member of the Academics Forum of Insol International and the International Insolvency Institute. He acted as a consultant to the World Bank team which conducted a ROSC analysis of the South African Insolvency and Creditor Rights system, and he served on the World Bank team who conducted a similar analysis of the Namibian system. The World Bank also tasked him to conduct a peer review of the ROSC Report on the Zimbabwean system and the Draft Insolvency Bill of Lesotho.</p> <p>Keynote address: Prof André Boraine, UP, South Africa</p> <p>Some Insolvency Law Developments Relevant to Africa</p> <p>Abstract</p> <p><i>In my keynote address, I will refer to some developments in various African jurisdictions, like new insolvency legislation and some ongoing law reform efforts. Furthermore, I will refer to some important global developments that may also be relevant to insolvency law developments in Africa. In particular, I will refer to topics such as the adoption of the UNCITRAL Model Law on Cross-Border Insolvency and related matters, the consideration of special insolvency rules for MSME insolvencies and aspects relating to business rescue.</i></p>
	SESSION 12 (Chair: Dr M Ncube, UNISA) – Corporate Investment & Financial Law
08:50 – 09:02	<i>A Legal Analysis of the South African Reserve Bank's Approach to Interest Rates Regulation in South Africa, Prof HT Chitimira, Dr E Torerai & Ms TJ Khakhathiba, NWU</i>
09:02 – 09:14	<i>Reclaiming the Right to Regulate in a Neoliberal Economic Order: A Decolonial Reflection on the African Continental Free Trade Agreement's Approach to International Foreign Direct Investment Regulation, Dr ST Mota Makore, UOFS</i>
09:14 – 09:26	<i>Public Interest Considerations in the South African Merger Control Regime, Mr S Tavuyanago, UOFS</i>
09:26 – 09:38	<i>Retirement Funding as a Strategy for the Promotion of Financial Inclusion in South Africa: A Case for the Establishment of the National Retirement Fund, Prof C Marumoagae, Wits University</i>
09:38 – 09:50	<i>Exploring the Investment Principles and its Effect on Pension Fund Investments from the Namibian Legal Perspective, Dr M Awarab, UNAM</i>
09:50 – 09:58	Q & A
	SESSION 13 (Chair: Dr ST Mota Makore, UOFS) – Corporate Financial Law & Financial Crime
09:58 – 10:10	<i>A Legal Analysis of the 2022 Naira Redesign Policy in Fostering Financial Inclusion in Nigeria, Dr O Animashaun, Kwara State University</i>
10:10 – 10:22	<i>A Statutory Analysis of the Anti-Money Laundering and Counter-Terrorism Financing Measures on Mobile Money Remittances in South Africa and Zimbabwe, Dr E Torerai, NWU</i>
10:22 – 10:34	<i>Money Laundering and Related Financial Crime Regulatory Challenges in South Africa, Dr M Ncube, UNISA</i>
10:34 – 10:44	<i>Flaws and Challenges Affecting the Effective Enforcement of Anti-Money Laundering Measures in Zimbabwe, Ms L Jana & Dr E Torerai, NWU</i>
10:44 – 10:54	<i>NFT's – Buyer's Remorse and a Flash in the Pan? Some Thoughts on the Nature and Usefulness of NFTs, Prof W Erlank, NWU</i>
10:54 – 11:00	Q & A
11:00 – 11:10	Tea/Coffee/comfort break

	SESSION 14 (Chair: (Chair: Ms K Motlogeloa, NWU) – Corporate Financial Law
11:10 –11:22	<i>Cryptocurrency as Property, Adv V Mashinini, Private Practice</i>
11:22– 11:34	<i>Reflective Losses Suffered by Shareholders, Mr C Mupande & Adv L Coetzee, NMU</i>
11:34 –11:46	<i>Severance Pay: A Tool of Financial Inclusion During a Period of Social Transition (Calculating and Forfeiting Severance Pay), Prof R Le Roux, UCT</i>
11:46 – 11:58	<i>Unveiling the Veil of Secrecy: Assessing the Role of Secrecy Provisions in the Tax Administration Act in Combating Money Laundering in South Africa, Mr Ruddy Kabwe, UP</i>
11:58 – 12:10	<i>Attaining Social and Economic Justice in Namibia: A Critical Evaluation, Dr N Asheela-Shikalepo & Dr KF Mundia, UNAM</i>
12:10– 12:20	Q & A
12:20–12:40	KEYNOTE SESSION 6 – Chair: Prof C Marumoagae, Wits University, Wits University KEYNOTE ADDRESS: Prof M Njotini, UFH, South Africa
12:20 – 12:40	Biography: Prof Mzukisi Njotini holds an LLB (Vista University), LLM (cum laude) in Information Technology Law (UNISA) and LLD (UNISA). He is a seasoned academic and Dean of the Faculty of Law based at the East London Campus of the University of Fort Hare (UFH). Prior to joining the UFH, he worked as the Vice-Dean: Teaching and Learning, and Associate Professor in the Faculty of Law at the University of Johannesburg (UJ). As Vice-Dean, he devised and introduced teaching and learning frameworks that support education for sustainable development. He also worked as Professor and Director of the School of Law at the University of Limpopo (UL), and Senior Lecturer and Lecturer in the College of Law at the University of South Africa. As Director, he oversaw, inter alia, the re-accreditation of the LLB programme by the Council on Higher Education (CHE). Prof Njotini developed several courses and programmes, the most notable being the Research Methodology in Law and Criminal Justice (UNISA) and the Short Learning Programme in Law and the Fourth Industrial Revolution (4IR) (UJ). Prof Njotini's areas of specialisation include Information and Communications Technology (ICT) Law, 4IR and the Law, Cybersecurity and the Law, Legal Philosophy, and Law and Ethics. He has contributed extensively to academic knowledge in his chosen area. Furthermore, he has taught multiple courses, for example, Legal Ethics, Corporate Governance and the Law, Law for Social Work, Law of Delict, Cyber Law, and Law and Industry. Prof Njotini did his post-doctoral research with the Centre for Socio-Legal Studies, Faculty of Law, Oxford University in the UK. Keynote address: Prof Mzukisi Njotini, UFH, South Africa Universities and Academies in a Society that is Continuously Evolving: A Pedagogical Approach Abstract Not provided.
	SESSION 15 (Chair: Prof W Erlank, NWU) – Aspects of Financial Law
12:40 –12:52	<i>State-Dependency in the Nexus Between Digital Financial Inclusion and Economic Growth in Sub-Saharan Africa, Prof OO David & Dr L Jimoh, NWU</i>
12:52– 13:04	<i>Beyond Stock Exchanges' Financial Performance: A Critical Analysis of Regulatory Issues Arising from Demutualization of Dar Es Salaam Stock Exchange in Tanzania, Mr H Kimela, LLM Candidate, Mzumbe University</i>
13:04 – 13:14	Q & A
13:14-14:00	Lunch
	SESSION 16 (Chair: Dr MA Matasane, Wits University) – Aspects of Property, Tax & Financial Consumer Law
14:00 – 14:12	<i>A Closer Look at the Common Law Enrichment Lien – The Legal Consequences of Unethical Behaviour of Creditors, Prof M Wiese, NWU</i>
14:12 – 14:26	<i>An Exploration of the Enforcement and Redress of Consumer Rights under the Consumer Protection Act 68 of 2008, Dr PT Magau & Mr S Maholwana, UP</i>

14:26 – 14:38	<i>A Legal Analysis of the Limitation of Shareholder Activism During Business Rescue Proceedings Under the Companies Act 71 of 2008, Ms K Motlogeloa, NWU</i>
14:38 – 14:50	<i>Does Nigeria Need a National Tax Crimes Commission?: A Legal Analysis of the National Inspector General for Tax Crimes Commission Bill, 2022, Dr OO Animashaun, Kwara State University</i>
14:50 – 15:12	<i>An Analysis of the Role and Mandate of the Motor Industry Ombud of South Africa Under the Consumer Protection Act 68 of 2008, Dr PT Magau & Mr T Tshabalala, UP</i>
15:12 – 15:22	Q & A
SESSION 17 (Chair: Dr K Mpfu, WSU) – Aspects of Tax & Financial Consumer Law	
15:22 – 15:34	<i>A Legal Analysis of the Role and Mandate of the National Consumer Tribunal in South Africa, Dr PT Magau & Mhlali Nondala, UP</i>
15:34 – 15:56	<i>Digital Challenges in Tax Administration – A South African Perspective, Prof C Fritz & Prof T Legwaila, Wits University</i>
15:56 – 16:08	<i>The Impact of Tax Relief Measures Amid Covid-19 Pandemic on Effective and Efficient Tax Collection (South African Context), Adv MF Khuzwayo, University of Zululand</i>
16:08 – 16:22	<i>A Legal Analysis of the Regulation of Unfair Commercial Practices Under the Consumer Protection Act 68 of 2008, Dr PT Magau & Janniël Visser, UP</i>
16:22 – 16:34	Q & A
16:34	End Day 3 & Vote of Thanks: Prof HT Chitimira, NWU
19:00	Closing Gala Dinner, Venue: Swakopmund Plaza Hotel (All delegates are welcome)

