

North West University (NWU) Hybrid 2nd Annual International Conference on Corporate & Financial Markets Law

Theme: Rethinking Global Economies, Financial Markets, Corporate Practices & Business Activities Post-Covid-19 Pandemic



PROGRAMME

27 and 28 October 2022 – Hybrid, Faculty of Law, North West University (NWU)

Registration: To be done prior to the conference dates

DAY 1		THURSDAY 27 OCTOBER 2022	
09:00-09:30	Breakfast & Registration		
09:30-09:35	Welcome and Opening	Dr N Morei, Executive Dean, NWU	
		KEYNOTE SESSION 1 – Chair: Prof M Carnelley, NWU	
		KEYNOTE ADDRESS: Prof B Rider, University of Cambridge, United Kingdom	
<p>Biography: Professor Rider was called to the Bar in 1979. His main areas of research are the role of the law in promoting integrity and in particular the identification and management of legal and regulatory risk associated with the inter-play of different legal systems and the civil and criminal law. He has written and contributed to numerous books on such issues as insider dealing, market abuse, money laundering and governance. He is a respected corporate and financial lawyer having authored several standard texts and founding and serving as the General Editor of the established legal journal, <i>The Company Lawyer</i>. He is also worked in comparative law and more recently Islamic finance law. In addition to teaching law at the University of Cambridge since 1976, Professor Rider has held numerous public service appointments including Head of the Commonwealth Commercial Crime Unit and Assistant Director (Legal) in the Commonwealth Secretariat. He has also worked for the IMF, as counsel and has been a consultant to the World Bank, Asian Development Bank, Islamic Financial Services Board, European Union and various UN and regional organisations. He has practiced law as a barrister, government lawyer (in various jurisdictions) and with the City law firm Beachcroft LLP and the US international law firm Bryan Cave LLP. In recent years his principal clients have been the Kuwait Investment Authority and the People's Bank of China. Professor Rider has held and continues to hold a number of visiting appointments at universities around the world and participates in courses on a regular basis in the USA, China, Japan, Italy, South Africa, Argentina, Malaysia and the Philippines. Professor Rider is also the General Editor of <i>The Company Lawyer</i>, <i>Journal of Financial Crime</i>, <i>Journal of Money Laundering Control</i> and <i>Amicus Curiae</i>. He also sits on the editorial and advisory boards of a number of other publications and journals including the <i>Hong Kong Law Review</i> and the <i>Journal of Economic Law</i>. In 2010, Professor Rider was appointed a Master of the Bench of Inner Temple.</p>			
Keynote address: Prof B Rider, Jesus College, University of Cambridge, United Kingdom			
Corporate and Financial Integrity			
Abstract			
The importance of integrity in the financial and business world and the seeming inability of the legal system to effectively and efficiently discourage fraud, self-dealing and corruption is emphasised. Moreover, the implications for businesses of focusing on anti-money laundering laws and arguably the disproportionate costs over benefits are explored. This is done to unpack and discuss the problems associated with corporate liability and holding those who manage companies to account.			
09:35 – 09:55	Corporate and Financial Integrity, Prof B Rider, University of Cambridge, United Kingdom		
09:55 -10:00	Tea/Coffee/Comfort Break		
SESSION 1 (Chair: Dr JC Kanamugire, NWU) – Covid-19, Corporate Law & Practice: Panel Discussion			
10:00 –10:15	The Differences Between Material and Non-Material Disclosures in Insurance Law, Dr N Kilian, NWU		
10:15 –10:30	TBA, Mr G van Deventer, Financial Sector Conduct Authority, South Africa		
10:30 –10:42	Legal Costs Against Quasi-Judicial Bodies: An Emerging Trend, Ms MN Ledingwane, Chief Operations Officer, Companies Tribunal, South Africa		
10:42 –10:50	Q & A		
SESSION 2 (Chair: Dr PT Magau, UKZN) – Covid-19, Corporate & Financial Law & Practice			

10:50 – 11:05	<i>Rethinking Appropriate Dispute Resolution Mechanisms for the Settlement of Banking Disputes Post-Covid-19 Pandemic, Dr J Olorunfemi, University of Nigeria, et al</i>
11:05 – 11:20	<i>The Covid-19 Pandemic & Innovative Practices by Revenue Authorities in Nigeria, Dr OA Akintoye, Kwara State University</i>
11:20 – 11:35	<i>A Critical Analysis of Post Covid-19 Business and Economic Recovery Strategies Framework: A Call for Economic Development in South Africa, Mr LS Ralana, LLB candidate, UFH</i>
11:35 – 11:50	<i>Exploring the Disconnect between the Statement of Corporate Objective & Corporate Structure under Nigerian Company Law, Mr H Adamu, Ahmadu Bello University</i>
11:50 – 12:00	Q & A
12:00 – 12:20	PRACTICAL TIPS ON BOOK PUBLICATION PROCESSES – Chair: Dr 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 and Head of Department 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. 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.
12:00 – 12:20	<i>Book Publication Tips for Lawyers/Legal Academics in the 21st Century, Dr TV Warikandwa, University of Namibia</i>
12:20 – 12:25	Q & A
12:25 – 13:00	Lunch
13: 00–13:20	KEYNOTE SESSION 2 – Chair: Dr T Kondo, University of the Western Cape KEYNOTE ADDRESS: Prof C Marumoagae, Wits University, South Africa
13:00 – 13:20	Biography: Prof Clement Marumoagae is an associate professor of law at the University of the Witwatersrand. He is also a practising attorney at Marumoagae Attorneys. He holds the following qualifications: PhD (UCT); LLM (NWU); LLM, LLB, Diploma in Corporate Law (Wits) and Diploma in Insolvency Law (UP). Keynote address: Prof C Marumoagae, Wits University, South Africa Does Section 26(1) of the Insolvency Act Contemplated Claims Based on Dispositions for Inadequate Value or No Value at All? Abstract <i>Company liquidators have the duty to approach the high court to set aside their companies' pre-liquidation dispositions. This is part of their duty to collecting and where necessary preserve the assets of these companies with a view to realise them for the benefit of creditors. This duty can be performed by recovering certain assets that were alienated by companies before being declared insolvent. There are different statutory avenues which allow liquidators to achieve this goal depending on specific timelines and dispositions carried out before companies were declared insolvent. However, in recent times, our courts have consistently been called to determine circumstances under which liquidators can successfully set aside pre-liquidation dispositions on the basis that companies did not derive value from such dispositions. In particular, judicial guidance was desperately sought on whether to be successful, liquidators are required to illustrate that there was no value at all or claims that there was inadequate value would be sufficient. This paper seeks to critically evaluate the approaches of different divisions of the High Court and the SCA with a view to determine whether our courts have adequately interpreted section 26 of the Insolvency Act of 24 of 1936. This paper seeks to specifically evaluate how courts dealt with the concept of good faith when interpreting this section in relation to liquidated companies that disposed of their assets before their liquidation.</i>

SESSION 3 (Chair: Dr F Hamadziripi, NWU) – Covid-19, Company Law, Corporate Citizenship & Practice	
13:20 – 13:35	<i>An Analysis of the Consumer Protection Act & Competition Act Against Excessive Pricing in the Era of Covid-19, Mr S Mbulawa, LLB candidate, UFH & Mr J Madi, LLM candidate, UFH</i>
13:35 – 13:50	<i>The Constitutional Right of Persons to Access to Company Information, Dr S Bidie, UFH</i>
13:50 – 14:05	<i>Redefining the Concept of Corporate Citizenship in the King 1V, Ms Z Naidu, Varsity College</i>
14:05 – 14: 20	<i>Reflecting on the Corporate Opportunity Rule in Company Law Through a Jurisprudential Review of the Modise and Another v Tladi Holdings (Pty) Ltd, Dr J Mudzamiri, UCT</i>
14:20 – 14: 35	<i>Ethical Challenges Versus Corporate Law Reform Measures Against Corruption, Mr W Schoeman, University of Limpopo</i>
14:35 – 14: 50	Q & A
14:50 – 15:00	Tea/Coffee/Comfort break
SESSION 4 (Chair: Ms S Munedzi, NWU)– Covid-19, Corporate Financial Education & Practice	
15:00 – 15:15	<i>The Regulatory Nexus Between the Promotion of Financial Education and Financial Inclusion in Enhancing Consumer Protection in South Africa, Dr PT Magau, UKZN</i>
15:15 – 15:30	<i>The Regulation & Protection of Financial Consumers in South African Banking Institutions, Dr PT Ncube, UP</i>
15:30 – 15:45	<i>Stakeholder Engagement in Post-Covid19 Recovery Strategies by Companies, Dr K Aina & Dr J Lokulo-Sodipe, University of Ibadan</i>
15:45 – 16:00	<i>Vicissitudes of Corruption in Nigerian Judiciary: Implications During Economic Comatose, Ms EE Archibong & Ms O Onyeulor, Federal Polytechnic, Nigeria</i>
16:00 – 16:15	<i>The Petroleum Industry Act as a befitting Legal Garb for a Post-Covid-19 National Oil Company in Nigeria, Dr US Bebeji, Ahmadu Bello University</i>
16:15 – 16:30	Q & A
SESSION 5 (Chair: Dr M Ncube, NWU) – CSR, Corporate & Tax Law	
16:30 – 16:45	<i>Opportunities and Challenges for Corporate Social Responsibility Post-Covid-19 Pandemic, Ms CN Kazangarare, PhD Candidate, Leicester University</i>
16:45– 17:00	<i>Post Covid-19 Pandemic Corporate Social Responsibility Challenges, Ms N Mdingi & Ms Y Nyeka, LLB candidates, UFH</i>
17:00 – 17:15	<i>A Case for the Adoption of Virtual Annual General Meetings by Public Companies in Nigeria Post the Covid-19 Pandemic, Mr IK Ukwu, University of Nigeria</i>
17:15 – 17: 30	<i>An Analysis of the Adequacy of the Legal Measures Meant to Curb Tax Evasion in Post-COVID Nigeria, Dr O Animashaun, NWU</i>
17:30 – 17: 45	<i>Restart or Rescue? The Implication of Business Rescue in Difficult Times - A Case Study of Ster-Kinekor, Dr LR Ngwenyama, NWU</i>
17:45 – 18: 00	Q & A
18:00	End Day 1 & Vote of Thanks: Dr PT Ncube, University of Pretoria
19:00	Dinner, Mmabatho Palms (All delegates attending in person are welcome)
DAY 2	FRIDAY 28 OCTOBER 2022
09:00 – 09:30	Breakfast & Registration
KEYNOTE SESSION 3 – Chair: Prof M Wiese, Research Director (NWU)	
KEYNOTE ADDRESS: Dr E Tongoi, Charles Sturt University, Australia	
<i>Biography: Dr Edwin Tongoi has spent the better part of his career as a legal practitioner with focus on the wider aspects of business and commercial law in different jurisdictions. He is admitted as an Advocate of the High Court of Kenya, an Australian Legal Practitioner and as a Barrister and Solicitor of the High Court of New Zealand. He has a keen interest in and been involved with research on fraud and financial crime as it relates to digital financial services. He currently lectures in subjects relating to technology, fraud and financial crime at Charles Sturt University, Australia. He also has been involved in teaching Business Law and Corporate Law. He has a particular interest in regulatory aspects that mitigate criminal</i>	

09:30 – 09:50	<p><i>abuse in the mobile money environment and obtained his doctorate on the topic: “Mobile Financial Services: Regulatory Responses — Kenya, South Africa and Australia” which interrogated regulatory approaches to Mobile Financial Services through a comparative legal study of rules adopted in Kenya, South Africa and Australia. It focused on privacy, financial loss and criminal abuse, to establish the need or otherwise for the development of country specific MFS legislation and to strengthen or augment existing regulation.</i></p> <p>Keynote address: Dr E Tongoi, Charles Sturt University, Australia</p> <p>Revisiting the Post Pandemic Role & Challenges of Mobile Money/Mobile Financial Services in Digital Transformation</p> <p>Abstract <i>As a response to the global COVID-19 pandemic, mobile money was promoted by global standard setting bodies, various governments and regulators, as an alternative to cash payments. To minimise the threat posed by the virus and to improve financial inclusion, new contactless payments were encouraged as a means to allow completion of daily transactions without putting the public at risk of infection. The effect of this was that a number of small and large business entities were compelled to adapt or to reinvent their business models, operational processes and customer experiences to create value. At the centre of this process was the ability to enable fast and convenient methods of payment in the context of a contactless environment, which resulted in the growth of digital payments such as mobile money. The relative novelty of mobile money and the unforeseen new contactless environment, meant that different stakeholders had to make the changes to their strategies, processes, products and services, without necessarily understanding the full role and challenges that were associated with mobile money as a payment option. The focus of this presentation will be to revisit the role of mobile money in the process of digital transformation and to highlight a range of pertinent challenges that persist in the wake of the pandemic and particularly in relation to the enablement of mobile financial services and the mitigation of risk.</i></p>
SESSION 6 (Chair: Dr E Torerai, NWU) – Corporate & Financial Markets Law & Financial Crime	
09:50 – 10:05	<i>Legal Framework on the Comparative Analysis of Insider Dealing and Privatisation in Nigeria, Dr EO Enakireru, Western Delta University & Dr IA Aigbe, University of Benin</i>
10:05 – 10:20	<i>Digital Banking Fraud and Cyber-Crime: A Synopsis of the Regulatory Approaches & Concomitant Challenges in South Africa, Dr M Ncube, NWU</i>
10:20 – 10:35	<i>A Comparative Analysis of the Shareholders’ Right of Access to Company Information in Zimbabwe & South Africa, Dr F Hamadziripi, NWU</i>
10:35 – 10:50	<i>Overview Analysis of the Regulation of Insider Trading in Zimbabwe During the Corona Virus Pandemic, Prof HT Chitimira, NWU</i>
10:50 – 11:00	Q & A
11:00 – 11:10	Tea/Coffee/comfort break
SESSION 7 (Chair: Dr PT Ncube, UP) – Corporate Insolvency, Digital Technology, Digital Financial Law & Practice	
11:10 – 11:25	<i>Abusing Business Rescue Proceedings by A Director & its Impact on the Ethics of Good Corporate Governance, Mr S Phungula, UCT</i>
11:25 – 11:40	<i>A Legal Analysis of the Regulation of Non-Fungible Tokens as Digital Assets in South Africa, Ms K Motlogeloa, LLD candidate, NWU</i>
11:40 – 11:55	<i>Customer Verification, Financial Inclusion and Digital Financial Services in Ghana: Post Pandemic Implications, Ms S Munedzi, LLD candidate, NWU</i>
11:55 – 12:10	<i>Post Covid-19 Impacts on the Use of Digital Technologies for Resolution of Corporate & Commercial Disputes in Nigeria, Ms KMW Owolabi, Kwara State University</i>
12:10 – 12:20	Q & A
12:20 – 13:25	Lunch
13:25 – 13:45	KEYNOTE SESSION 4 – Chair: Prof R Cassim, UNISA
KEYNOTE ADDRESS: Prof VA Lawack, University of the Western Cape	
<p>Biography: Prof Vivienne A Lawack is the Deputy Vice-Chancellor: Academic at the University of the Western Cape (UWC). She is also a Professor of Law in the Department of Mercantile and Labour Law in the Faculty of Law at UWC and serves on a number of boards and councils, including being the former chair of the board of the Cape Higher Education Consortium (CHEC), a member of the South African Judicial Education Institute Council and a member of the Kepler Institute Board and Kepler College Board (Rwanda) to name a few. Professor Lawack holds a BJuris (cum laude), a LLB (cum laude) and a LLM from Nelson Mandela University in Port Elizabeth. She also holds a LLD from UNISA. She is an admitted,</p>	

13:25 – 13:45	<p><i>non-practicing advocate of the High Court of South Africa. Professor Lawack began and advanced her legal career by spending a number of years at the South African Reserve Bank in various capacities, including senior payment system analyst, senior legal consultant and legal consultant and as Senior Legal Counsel for Strate Limited, South Africa's central securities depository. In 2008, she moved to the Nelson Mandela University in Port Elizabeth where she served as the Executive Dean of the Faculty of Law. Professor Lawack joined UWC on 1 April 2015 and in her capacity as Deputy Vice-Chancellor at UWC, she is currently leading UWC's academic project in relation to its learning and teaching activities at both undergraduate and postgraduate levels. She is an expert in law, economics and the intersection of the two fields, both at an international level and in the South African context. She also has contract, policy and legislative drafting experience. As regards her academic career, Professor Lawack has published extensively, including numerous articles, reports and contributions to chapters in books. She has also delivered papers at conferences, both locally and internationally. Professor Lawack has supervised a number of masters and doctoral candidates and continues to do so. Her field of academic research is in the legal and regulatory frameworks pertaining to the payment system, banking system and fintech law and regulation in South Africa and on the African Continent. Professor Lawack is highly engaged in her community, regularly chairing and/or participating in various committees in the legal, financial and education sectors, leveraging her expertise to add value and push her community to greater heights.</i></p> <p>Keynote address: Prof Vivienne Lawack, Deputy Vice-Chancellor: Academic & Professor of Law, University of the Western Cape, South Africa</p> <p>An Exploratory Analysis of Central Bank Digital Currencies – Some Considerations</p> <p>Abstract</p> <p><i>The history of central banking began with payment services. Ever since then, payment-related innovation has always been an integral part of central banking (BIS Committee on Payments and Market Infrastructures and Markets Committee Report, 'Central Bank Digital Currencies' ((2018) iii). Payments have evolved extensively over the years with the emergence of various technologies, from the development of real-time gross settlement ('RTGS') systems, to electronic money, and mobile money, to name a few. The arrival of financial technologies or 'fintech' has led to cryptocurrencies and now central bank digital currency ('CBDC') (on cryptocurrencies, see Reddy & Lawack, 'An Overview of the Regulatory Developments in South Africa Regarding the Use of Cryptocurrencies' (2019) 31 SA Merc LJ 1–28. A CBDC represents another potential innovation in the area of an evolving branch of the law called 'fintech law'. This keynote address is an exploratory analysis that provides an overview of the meaning of CBDC and the legal nature of money and CBDC. In addition, it provides a broad overview of some legal implications, policy considerations and regulatory issues. Challenges and risks are also highlighted.</i></p>
SESSION 8 (Chair: Ms K Motlogeloa, NWU) – Financial Technology, Corporate & Socio-Economic Law	
13:45 – 14:00	<i>An Analysis of Legal Accountability for Artificial Intelligence Systems (AIS) in South Africa, Prof KO Odeku & Mr TJ Kgoale, University of Limpopo</i>
14:00 – 14:15	<i>Regulating Foreign Direct Investment in an Increasingly Challenging Social Context: The Curious Case of South Africa, Dr T Kondo, University of the Western Cape</i>
14:15 – 14:30	<i>A Comparative Legal Analysis of the Regulation & Use of Financial Technology to Combat Financial Exclusion of the Indigent Persons in the South African Informal Sector, Mr TI Sethunyane, LLD candidate, NWU</i>
14:30 – 14:40	Q & A
SESSION 9 (Chair: Mr SR Allcock, Juta/Prof HT Chitimira, NWU) – Juta New Book/Journal Panel Discussion	
14:40 – 14:50	<i>New Book/New Journal Author, TBA</i>
14:50 – 15:00	<i>New Book/New Journal Author, TBA</i>
15:00 – 15:10	<i>New Book/New Journal Author, TBA</i>
15:10 – 15:20	Q & A
SESSION 10 (Chair: Prof O Odeku, University of Limpopo) – Banking & Corporate Finance Law	
15:20 – 15:35	<i>Invigoration of E-Judicial System in Nigeria Towards Achieving Sustainable Development Goal 2030, Ms EE Archibong & Ms O Onyeulor, Federal Polytechnic, Nigeria</i>

15: 35 – 15:50	<i>A Legal Approach to The Protection of Customers of Banks & Other Financial Institutions from Identity Theft in Nigeria</i> , Dr K Anifalaje, University of Ibadan
15:50 – 16:05	<i>The Corporate Whistleblowing Provisions of the Companies Act 71 of 2008: Are they Adequate to Protect Whistleblowers Post the Covid-19 Pandemic?</i> , Prof R Cassim, UNISA
16:05 – 16:20	<i>Policy Implications for the Risk-Based Approach in the Regulation of Mobile Money to Promote Financial Inclusion for the Poor in Post-Covid-19 Zimbabwe</i> , Dr E Torerai, NWU
16:20 – 16:30	Q & A
SESSION 11 (Chair: Dr TV Warikandwa, University of Namibia) – Digital Financial Services, Corporate Finance Law & Practice	
16:30 – 16:45	<i>Critical Analysis of South African Financial Legislative Framework with Regards to Cryptocurrencies: A Need for Cryptocurrency Regulation</i> , Mr S Mbulawa, LLB candidate, UFH & Mr J Madi, LLM candidate, UFH
16: 45 – 17:00	<i>Regulation Of Cryptocurrency to Prevent Its Use for Illicit & Criminal Activities: A Suggested Approach for Nigeria</i> , Dr IO Ahmed, Kwara State University
17:00 – 17:15	<i>The Future of the Central Bank in Maintaining Financial Stability Post Covid-19</i> , Dr G van Niekerk, University of Limpopo
17:15 – 17:25	Q & A
SESSION 12 (Chair: Dr LR Ngwenyama, NWU) – Corporate Governance, Corporate Finance, Covid-19 & Practice	
17:25 – 17:35	<i>Title & Author, TBA</i>
17: 35 – 17:45	<i>Title & Author, TBA</i>
17:45 – 17:55	<i>Title & Author, TBA</i>
17:55 – 18:05	Q & A
18:05 – 18:10	Vote of Thanks: Ms K Motlogeloa, NWU
18:10	End Day 2
19:00	Gala Dinner, Mmabatho Palms (All delegates attending in person are welcome)

