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PROGRAM NAME: WOMANITY – WOMEN IN UNITY

GUEST NAME: PROFESSOR CAROLINE NCUBE – HEAD OF THE DEPARTMENT OF COMMERCIAL LAW AT THE UNIVERSITY OF CAPE TOWN

SPEAKER	TRANSCRIPTION
DR. MALKA	Hello, I'm Dr. Amaleya Goneos-Malka, welcome to 'Womanity– Women in Unity'. The show that celebrates prominent and ordinary African Women's milestone achievements in their struggles for liberation, self-emancipation, human rights, democracy, racism, socio-economic class division and gender based violence.
DR. MALKA	Joining us on the line today from Cape Town is Professor Caroline Ncube who heads up the Department of Commercial Law at the University of Cape Town; she is also the South African Research Chair in Intellectual Property, Innovation and Development; she is a member of the African Policy Research and Advisory Group on STI; a member of the Advisory Board of the African Network of International Economic Law and of the Academy of Science of South Africa. Additionally, she is the co-editor of the South African Intellectual Property Law Journal and she joins us in our series on Women in Law. Welcome to the show Prof!
PROFESSOR NCUBE	Thank you very much, thank you for having me Dr Malka.
DR. MALKA	Prof Ncube, to begin with please can you tell us a bit more about the work that you do and the responsibilities that are associated with heading up the Department of Commercial Law?
PROFESSOR NCUBE	So describing the role that an academic head of department plays is quite a mission because the role is so broad, there are so many things that one has to look after and maybe I should just rattle off a list and maybe that will give some idea. So the general description would be to provide academic leadership to a department. The Department of Commercial Law is the largest in the Faculty of Law at UCT, so it has a lot of academics and a lot of students and so as HOD my role then would be to play a pastoral role with regards to the students, primarily with regard to their studies and so it is about the department offering courses on time properly, to a high standard, exams are written, marked, results are out, so that is really from the student perspective and then from the staff perspective then the head of department would look after the professional development of the colleagues, so that entails human resources management, career advancement, promotion, so it is a really broad range that some of the things that one would do.
DR. MALKA	And how many students are in the faculty?
PROFESSOR NCUBE	That is a very hard question to answer but I know that in first-year our law students are typically around 280 to 300 in the law faculty, undergraduate, there is attrition as they go through the stages, but so if one says about 300 first-year, maybe we are talking 500 students; this is a thumb suck, but I think about that, but in our department we don't only teach law students, we also teach students in the other faculties in the professional disciplines who need to do commercial law courses, like your accountants, your engineers and so there we have thousands of students in the other faculties.
DR. MALKA	It sounds like it is very much an applied discipline where it lends itself to other professions, so be it in the accountancy space or otherwise.
PROFESSOR NCUBE	Absolutely correct and having taught on some of those courses I really enjoyed them because that is where you encounter the real world, that is

	where you talk to students in commerce and when you rattle off some commercial law terms they talk to you about real life, about you know, what they would do as company secretaries and so yes, the application of the law in other faculties is fascinating and we are really proud to be in this department.
DR. MALKA	And when we are talking about real life applications, do you think there is enough collaboration between industry and academia and how best do you think those relationships can be fostered?
PROFESSOR NCUBE	I think that there is some relationship although sometimes I think that in our discipline in law it might be somewhat an uneasy one, in the sense that when we train students in the law, we are not necessarily training them for a particular profession, we don't feel that we are churning out lawyers to go into private practice, we want a broader group of students, whereas perhaps the industry is looking to us to actually provide them with these professionals and therein lies the unease between us I think in our missions and objectives, but I think we collaborate really well, law firms for example take our students on back-work placements, they take them for longer placements, they hire them and they provide a lot of capacity, so there is quite a lot of collaboration I think between us and the legal profession.
DR. MALKA	And getting that throughput right is so important because I think long gone are the days when people would be studying for fun, it's about well what can I do with this qualification and how can I apply it in the field of practice. So given that notion, how do you see the responsibilities of universities towards shaping the thinking of students as the country's or perhaps the continent's future socio-political or economic players?
PROFESSOR NCUBE	I think we play a really vital role. I think our role is to temper perhaps the students' ambitions, if their ambitions are to go in one direction and to seek perhaps corporate legal practice, I believe it is our role to open their eyes wider and say but there are many other areas of law, there is public interest, you can go this way, you can go that way, so our role then I think is to temper ambitions and perhaps lead them to broader horizons, to say there are many things that you could do with your qualification.
DR. MALKA	And the world is changing so rapidly that what we learned in the past is potentially redundant as we move into the future, but an important question I have to ask you, because we are a gender-based programme naturally we are always looking at developments from a woman's point of view or developments towards what is happening for women, so from your perspective what would you say are some of the key challenges or the gains that women in law have achieved in the recent past?
PROFESSOR NCUBE	Women in law have really achieved a lot I think in South Africa, continentally and perhaps globally and one good example of this is, although it is really belated, but we finally saw, this year, a female judge in the running for the role of Chief Justice and so that is quite interesting to finally see a woman vying for a position at that level in the judicial system and then of course if you look globally you can see we have now finally the Director General of the World Trade Organisation who is female and of course she is not a lawyer, but that entails a lot of trade law, her role, and so for us that is really exciting for women in law.
DR. MALKA	In the introduction I'd mentioned that you hold the National Research Foundation, South African Research Chair's Initiative or SARChI for Intellectual Property, Innovation and Development and just for a bit of background, SARChI is an intervention by the government of South Africa, which is designed to significantly expand the scientific research base of the country in a way which is relevant to national development and in support of making South Africa an internationally competitive global knowledge

	economy. What does this chair mean to you and how do you use it?
PROFESSOR NCUBE	Let me start by how I use it because the way in which I use it is powered by what it means to me. So we use the chair to build a very strong pipeline of legal scholars with a social justice outlook, so obviously our area of expertise would be intellectual property but it is very closely aligned to innovation and development and so how we use that is to get students at LLB level already interested in these areas and so we recruit them in their final year to work with us as research assistants to expose them to research, then we have LLM students, masters and law students who write dissertations in areas to do with intellectual property, protection of traditional knowledge, gender aspects of intellectual property and innovation and then we have doctoral candidates and post doctoral scholars and so really the chair is being used to grow this very strong pipeline of academic leaders with legal qualifications who can understand how intellectual property, innovation and development align and so for me it means an awful lot, it is really important and one of the things that drive needs to actually make a contribution wherever or whatever I am doing I always want to see what the contribution is and so with the chair I actually see the tangible contribution because you see the students grow in their roles and graduate after a couple of years.
DR. MALKA	You're building this talent pipeline.
PROFESSOR NCUBE	Yes, exactly, that is it, yes. It is also very nice to see that some of our doctoral candidates are colleagues in a sense, so some work with me at the University of Cape Town, others are lecturers at the University of Free State and so it is a pipeline of students emerging but also capacity building for actually my own colleagues in various institutions in the country.
DR. MALKA	Law tends to be quite jurisdictional in terms of different countries have got their different views and different forms of legislation apply, but the reality is we are operating in a globally connected society where boundaries have become quite porous; can you tell us about some of the collaborations you've been working on with your counterparts in other countries?
PROFESSOR NCUBE	So that has been one of the highlights of my career, the ability to work with colleagues across the world, so let me start talking about colleagues with whom I work on the African continent because charity begins at home, right, so I have had the absolute joy of working with colleagues in universities in Kenya, Strathmore University, universities in Egypt, the American University in Cairo, in Nigeria at the Nigerian Institute of Advanced Legal Studies and all of this happens under the broad umbrella of a project called the Open African Innovation Research Partnership. So those are my collaborations on the continent, beyond that formal structure, working through my own networks I have collaborated with colleagues in Mozambique for example, so that is the African continent and then beyond the continent I have also had the absolute privilege of working with colleagues at the University of Colorado, working with colleagues at the University of Ottawa in Canada and so it has been really enlightening to actually work and on some of these projects I take students with and that is also again quite an achievement, to take them with us to international conferences and to have them network with firms.
DR. MALKA	In terms of some of the work that you have done in Kenya or Egypt or Nigeria or even in Mozambique, what has been some of the subject matter that you have dealt with?
PROFESSOR NCUBE	So in this broad project that I spoke about, the Open AIR Project Network, we look primarily at innovation and how it pans out as being governed by intellectual property, which is a knowledge governance system, so we look at a variety of things, like the protection of traditional knowledge in Kenya and right now this most recent collaboration that I

	have just completed with a colleague from Mozambique and a colleague from Kenya, we were looking at patents and access to medicines in this particular context of the COVID-19 pandemic and so what I can say about that is that some of the work that we do is a response to immediate circumstances, COVID-19 pandemic need for vaccines, so we work on that and then the rest of it is perhaps more broader, more stable, looking at innovation and intellectual property of the continent.
DR. MALKA	Listening to what you are saying, it sounds like your work and knowledge base applies to such a variety of different industries, which must be incredibly exciting to see how those developments go forth.
PROFESSOR NCUBE	It is, it is and one learns so much when you talk about these things, so just to go back to the intellectual property and vaccines and access to medicines, I find myself now starting to learn about the economics of distribution of medicines, the regulatory controls and all of this really isn't intellectual property law, but one has to learn about those things and so the research is incredibly exciting in that sense.
DR. MALKA	And very real-life.
PROFESSOR NCUBE	Yes.
DR. MALKA	So, in addition to the work that you do, you are a member of the African Policy Research Advisory Group on SDI, a member of the Advisory Board of the African Network of International Economic Law and the Academy of Science of South Africa and you are co-editor of the South African Intellectual Property Law. Before I ask you how you find time to do all of this, I wanted to find out your views on academic citizenship and being part of growing the academic community and also with respect to the load that you carry as being a woman in academia.
PROFESSOR NCUBE	I believe that it is really important to be a good academic citizen and you know this will come out a bit off centre, but you know when you give somebody a present, we tend to in our humanity buy something that we would have liked, right, that is how you select a present and I think in my role in the various aspects of academia it is almost that, I try to be that which I sought from others to others, so where I wanted a good mentor I try and be that good mentor, where I thought I needed a friendly face and a sounding board or an advisory board in the past, I become that, so in a sense I am gifting others with what I myself wanted and needed.
DR. MALKA	That's such a fantastic philosophy and now let's ask that question; how do you manage to accomplish all of your academic achievements and still have a busy home life and keep everything together, what is your secret?
PROFESSOR NCUBE	My secret is that I love what I do and so I think it is easier to give of yourself to something that you believe in, that you're committed to because it is almost like breathing, so that is why I think I am so committed to all of it and of course it has been hard, one needs to burn the candle at both ends, which I shouldn't do, but you know if you are doing it as a labour of love it is somewhat easier.
DR. MALKA	That is so true, when you are doing something you love it often doesn't feel like work.
	AD BREAK
DR. MALKA	Today we're talking to Professor Caroline Ncube who heads up the Department of Commercial Law at the University of Cape Town. We would love to receive your comments on Twitter: @WomanityTalk.
DR. MALKA	Prof Ncube, you hold a PhD in IP law from the University of Cape Town, an LLM from the University of Cambridge and an LLB from the University of Zimbabwe, so you have tracked quite a journey around the world with your qualifications; tell us what attracted to the field of law?
PROFESSOR	I think it is maybe something that has always been innate in me, so I can

NCUBE	recall myself as the little girl, so I am the oldest of five, I recall myself as a little girl writing notes to my parents when I felt that they had treated one of my brothers unfairly or favoured another one and so when I look back I see oh I actually was pleading my brothers case as being an advocate for them at a very young age and seeking justice, so I think this notion of fairness and justice is one that I have always held and, you know, it seemed naturally that going into a career in the law would assist me with that.
DR. MALKA	And tell us about the role of education in your life.
PROFESSOR NCUBE	So education is really important, it has been the key to a lot of my mobility, you know, you spoke about the three different degrees from the three countries that I have acquired and that actually helped me to be able to move from jurisdiction to jurisdiction, because law is jurisdiction bound, if you are trained in one country you tend to stay there, but if you then get your training from different countries there is some level of flexibility and mobility that you acquire. So for me education actually has been the key that has allowed me to move across and also been the key that allows me to link with different colleagues and friends in different countries and continents.
DR. MALKA	And how do you see education as an instrument of empowerment for girls and women?
PROFESSOR NCUBE	That is a lesson that was drilled into me I think from a very young age and so one looks to your own life and how you have been raised and so I could see in bold bright colours that education was what liberated women in the various generations and my own family. So my maternal grandmother wasn't educated, she was homebound and she always insisted that she wanted us to be educated, I could see that my mother got some education that took us someplace, you know, and she always said to me I want you to be more educated than I am and so I could see in the generations of my own family that each generation did better than the previous one and the reason for that frequently turned on education, the education that they had acquired.
DR. MALKA	I love that view of building and building for the next generation and opening those doors of possibilities and opportunities. Going back towards the law aspect, I came across a quote from the then International Development Law Organisations Director General Irene Khan, where she said "the quality of justice for women improves when women are not just consumers of justice, but also providers of justice". I found it a very profound remark; what's your perspective on this statement?
PROFESSOR NCUBE	I agree wholeheartedly with that statement because I think whoever is making the call, whoever is adjudicating, if that person can relate to the parties, so if I am a woman appearing for another woman before a female judge, I have already covered a lot of ground because I believe that the judicial officer already relates to the client, to the parties, she understands certain things and so I don't have to be making a case for certain fundamentals, whereas if the judicial officer was of a different gender then you have to start right from the beginning and you might face some difficulty in actually convincing them of certain aspects. So I think that women as providers of justice are really important, they consolidate the playing fields, they level out the playing field I think for female litigants because they can relate to them or even if they don't relate, they can understand and appreciate the positions that have been advanced on behalf of those women.
DR. MALKA	Yes, it's that degree of empathy and being able to identify with someone more readily when you are perhaps aware of their circumstances and their lived experiences. Our programme, 'Womanity – Women in Unity' is all about

	celebrating women's achievements, as I mentioned in the introduction, in their struggles for liberation, self-emancipation, human rights, democracy, racism, sadly gender-based violence and socio-economic class division. Can you tell us about some of the obstacles that you've encountered as a woman whilst you've been building your career and how you overcame them and really utilising your experiences in a similar way where we were talking about the generational development and providing learnings, so other women going through similar experiences have a tool to combat them?
PROFESSOR NCUBE	So that is a really loaded question and that is one on which I could go on and on about, I mean because once you start to tell the story of your own personal circumstances and your own personal challenges, then of course there is always a lot to tell, so I am going to try and do some of that but also speak generally because I know that not all of our challenges are the same, they are different. So I wanted to say as a starting gambit that I would say that the obstacles that I faced can potentially be divided into two, so the personal and the professional and in each of those categories those challenges would have been influenced by my gender. So when I say the personal then, you know, my stage in life, you know, when I had younger children, that was really difficult because I couldn't then participate in a full academic life, attend conferences, lunch-time seminars, travel; I couldn't do all of that because I had family commitments that I had to fulfil. So you can see quite easily how the personal then bleeds into the professional because I had this home life and these obligations, they then impact on my engagement professionally. How did I deal with that; it was really difficult but I think that in the end one of the main tools was acceptance, accepting that as one goes through life one does go through certain stages and that you need to accept the stage at where you are, young mother, young children and then just operate within the realm of what is possible within that stage and as you progress to other stages then you can broaden your activities and so I think that has been quite key for me, acceptance. Secondly also building supporting systems because these are important, one of the biggest challenges for me was of course the movement from one country to another, immigration and coming to South Africa and then growing this family quite frankly just on my own, just a nuclear family and nobody else, so we had no support and that was really difficult and so we had to build friendships and support to assist us in raising my children. So acceptance and support networks I think would be the key.
DR. MALKA	Thanks for sharing your experiences and as I was listening to you, you know, this is one of the realities that many women face, on how you juggle and manage between raising your children and then pursuing with your career and I often wonder if there is perhaps a way of almost being late bloomers, that we can look at sort of delaying those career promotions after motherhood, although that never ends because they will forever be your children, but I wonder if there are some types of interventions where we are not left behind the curve of male counterparts, that we just go on a little bit longer.
PROFESSOR NCUBE	I am not sure that there actually are intentional interventions that make sure that women don't get left behind, I think that we are faced with the reality that we do get left behind in those formative years of our children's lives, for example some of us are coping with looking after aged parents, whatever the challenge is that is personal that a female has to encounter, I think that we do get left behind and then we just have to speed up at later stages to catch up.
DR. MALKA	Yes and you're so right, that that catch-up process might not happen because when you are done with the lower end of the spectrum of your own children, then you have to contend with ageing and ailing parents at the other end of the

	spectrum and I loved what you said about building in support networks that may not directly be family, but it could be through friends or establishing some type of support structure to benefit women.
PROFESSOR NCUBE	100% and I think that in those circumstances or places where there aren't intention interventions that are provided, for example, by one's employer, then of course then it is up to us build our own networks and to build our own interventions to help each other along.
DR. MALKA	Given what you know now and your lived experiences, if you had let's say a magic glass ball or globe to look into the future for women, what do you think we need to do to build a more egalitarian society where no limits are imposed on women?
PROFESSOR NCUBE	One of the main things we probably need to reconsider or reconfigure is our perceptions of gender roles in families, in society, perhaps we should be thinking about more fair ways of actually bearing those burdens, whether they be childbearing or looking after old or aged family members, I think that would be key, a more fair distribution of some of these obligations that we have in our personal lives.
DR. MALKA	And some of those elements are so culturally ingrained into our psyche and stereotypical roles that we have been playing as women and have kind of been programmed.
PROFESSOR NCUBE	That's true and I hope you can hear the smile in my voice, I am thinking about this now almost clichéd image that we see often, I see often on social media you will see a picture of a professor, male or female, carrying a baby and then the caption will be "oh I had nowhere to leave my baby so I brought the baby to class and my professor is carrying the baby". So I, you know, it is clichéd, it's sweet, it's kind, I think that what needs to happen is more than those individual displays of empathy and kindness from the individual professors who take on their students children in class to relieve them, maybe we should have on our campuses spaces where our students can bring their children and so they can attend classes unencumbered, so that would be for example one of the intentional interventions that we might bring into academic spaces.
DR. MALKA	And why not, it is such a practical idea?
PROFESSOR NCUBE	Yes, why not?
	AD BREAK
DR. MALKA	Today we're talking to Professor Caroline Ncube who heads up the Department of Commercial Law at the University of Cape Town. We would love to receive your comments on Twitter: @WomaniTalk.
DR. MALKA	Prof Ncube, one of the questions that I ask all my guests on this show who have made tremendous achievements in their lifetime across their respective discipline, is about some of the factors that they believe have contributed to their success. Some people speak about discipline, values, focus, faith; in your opinion what have been some of the key drivers for your success?
PROFESSOR NCUBE	Every single one of those has been. I believe in planning, I believe in putting a vision down and putting some faith behind that vision, being disciplined to push through even when it looks like you're not going to attain this goal, like you've missed the boat by a thousand miles, I believe you still keep pushing, you draw on your faith and somehow that has always stood me good stead. I have been astounded to pick up pieces of paper many years later to find that I had actually written something down as something I wanted to do and then got distracted, got discouraged, but you find eventually later on you are so surprised that you actually did actually achieve that. So I do believe in writing things down, there is something about that, putting your plans to paper and then just doing the work, just slogging, even when it seems hopeless.

DR. MALKA	And please tell us about a few pivotal moments in your life growing up that have shaped you.
PROFESSOR NCUBE	That is a really difficult question and one that is hard to answer. I would say for me though it is probably my subject choice in high school, looking back the story is unbelievable, but it is true. So my parents dropped me off at a boarding school where I was to do my advanced level, my Cambridge A levels and my subjects then were maths, biology and I think geography and they had signed the paperwork and that is what I was supposed to do. For some reason I did not take a liking to the maths teacher and I moved myself from maths, so I completely did this subject change without parental approval, I cannot believe how that happened because I was 16, but it happened and I think for me that was pivotal, so I changed from this mixed bag of subjects into a pure arts curriculum and I think that is what helped me to actually achieve the marks that I then needed to get into law school, so that for me probably is one of the most pivotal moments, a little bit of mischief that actually paid out in the end.
DR. MALKA	That's a great story. And tell us who have been some of the strong female role models in your life?
PROFESSOR NCUBE	This question again always grabs me, so it is easier when confronted with this question to rattle off the names of high achieving women who everybody can think of and can see, you know, your Graca Machels, I am inspired by her, she is just one name that always comes to mind, but I think in addition to those high-flying women I am also really inspired by people, women like myself, the woman I see on the street doing her utmost to achieve whatever she needs to achieve, dragging her two children behind her. So I think for me it is the high-flyers that stand out and then it is the women that one encounters in everyday life doing their utmost to achieve whatever goal they have set for themselves and to actually see them achieving it. So I don't know how better to put that, but it is seeing women doing ordinary life in extraordinary ways and making an outstanding contribution to their families, that is really what I am inspired by.
DR. MALKA	And that's the thing, isn't it, we are all ordinary but somehow the work that we do becomes the extraordinary.
PROFESSOR NCUBE	That's true and often I think that as women live their live their lives and do all of these things, they don't always think that they are doing anything extraordinary, they just are just being them and contributing, but when you are on the outside looking in you do see how extraordinary their achievements are and what they are doing.
DR. MALKA	And briefly, please tell us a little bit more about your journey, because you shared with us that you've gone across different countries to do your studies, that you had a little bit of a rebellion in a positive way when you went off to boarding school; what was the key or the angle that took you through your different phases, the common thread or the driving force that took you from Zimbabwe to South Africa to the UK?

PROFESSOR NCUBE	Again very difficult to answer but I think, you know, particularly moving from Zimbabwe to go to the UK to do my LLM, there that was just pure wanting to try out life, to learn something different, to earn a degree from a different country, to find out what the world had to offer; really it was curiosity and a desire to learn from a different perspective, that is what got me going and I applied almost again, it was just like let me just try, nothing will come out of it and then something did come out of it, but once I got there and I got into my studies and once again I did a mixed bag of courses because I wasn't sure what I wanted to do, so it was a bit of intellectual property law, international law, corporate law and in that mixed bag then the bug bit, intellectual property, I then realised that this is where I wanted to go and this is what got me and so that was it and so I suppose the curiosity paid off and having a mixed bag, then it allowed me to actually discover what it was that was really interesting for me. The move beyond Cambridge, beyond a masters degree to a PhD, that was the result of real life experience, after completing my masters I did go into practice for a large commercial firm in Harare, I very quickly learned that legal commercial practice was not for me, it is not what I wanted to do, it didn't inspire me, it didn't fire me up, I didn't feel I could live my life in the pursuit of, you know, mergers and acquisitions, that didn't mean anything to me and so again an opportunity arose for me to join the University of Zimbabwe to teach and so I went off there because I decided that commercial legal practice was not it, so academia possibly was it and once I was there, again, you know I fell in love with the work and so it seems to be always that curiosity leads me to interesting places and opens up avenues.
DR. MALKA	And now I understand why you try to introduce a broader perspective amongst your students so that they get a view of what all those options are that are available to them.
PROFESSOR NCUBE	You don't know what it is unless you actually open yourselves to the opportunities and to the chance, yes.
DR. MALKA	Now lastly, as we close out our conversation and being that this is youth month, please can you share a few words of inspiration which you'd like to pass onto girls and women in the continent who are listening to us?
PROFESSOR NCUBE	The moment is ours, the moment is yours, I should say yours, because I think I am not a bit young anymore. So when we talk about stats and we talk about the demographics of our continent, Africa, we find that by and large it is a youthful continent and that it has a majority of females and so the opportunity is ours, is yours, we are in the majority and when you start to consider business and who is driving business on the continent and who is leading when it comes to innovation you will find again it is women and youth and the hopes of the continent in fact are pinned on women and youth. When you look at the African Continental Free Trade Area and the messages it is trying to push across, it keeps on saying the secretariat or the leadership keeps on saying we want more women and youth to actually start to trade across the continent and so it is in that sense that I'd say that the moment is ours, is yours. If you are young, if you are female, the continent is wide open, why don't you reach out, take it.
DR. MALKA	That is such a fantastic message, thank you so much for joining us today.
PROFESSOR NCUBE	Thank you for having me Dr Malka, it has been fun, I am surprised that you know more than 40 minutes have passed, it is has been a pure pleasure, I enjoyed chatting to you.
	PROGRAMME END