

FACULTY OF LAW
STELLENBOSCH UNIVERSITY
**LLM BY COURSE WORK
2013**



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HISTORY OF THE LAW FACULTY

Stellenbosch University traces its origin back to the opening of the Stellenbosch Gymnasium in 1866. The Gymnasium subsequently gave birth to the “Arts Department” which became “Stellenbosch College” in 1881. In 1887, the golden jubilee of Queen Victoria’s reign, the Stellenbosch College was transformed into the “Victoria College” in honour of the Queen. The possibility of the establishment of a single national university in Cape Town after the unification of South Africa, seriously threatened the continued existence of the College and the status of Dutch as an official language of the Cape Colony. The Victoria College, however, was not prepared to give up its heritage. By April 1918 it had managed to convince the Government of the need for the institution, and Victoria College then became Stellenbosch University.

At the centre of Stellenbosch, at the corner of Victoria Street and Ryneveld Street, is the Old Main Building, home to the Stellenbosch Faculty of Law. Inaugurated in 1886 as the main building of the Victoria College, this building also serves as a monument to commemorate the 200th anniversary of the establishment of the town by Simon van der Stel in 1686.

The Stellenbosch Law Faculty itself was established in 1921. Initially the Faculty focused on LLB degrees, training and equipping students, not merely as legal practitioners, but also as jurists. Graduates of the Faculty include judges, advocates, attorneys, business people, politicians and academics. In 1976 the LLM degree (by thesis) was awarded for the first time to two students. The Law Faculty introduced the Master of Laws programme (LLM by course work) in 1995. A wide variety of modules is offered (see paragraph 16 below). The purpose of our LLM is not only to enable law graduates to specialise, but also to afford them an opportunity to concentrate on current issues brought to the fore by societal transition and constitutional and other recent developments, including South Africa’s resurgence as an important trading nation.

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I. The LLM Programmes at Stellenbosch

- 1.1 Stellenbosch University offers three LLM programmes by course work, namely a general LLM, an LLM in International Trade Law and an LLM in Intellectual Property Law.
- 1.2 The curriculum for the general LLM by course work is not formally organised on a departmental basis, and there is no uniform set of prescribed modules. Instead, students are invited to compile a curriculum from modules offered by the Faculty. Selections must meet the formal degree requirements and are subject to approval by the Faculty Board. The timetable also restricts the options available to the student. This is inevitable. The timetable, while leaving room for interdisciplinary choices, permits student specialisation by the selection of modules within the broad areas of either Private, Mercantile or Public Law. In addition to the modules a research paper must be completed. For more information on the research paper see paragraph 17 below.
- 1.3 The LLM in International Trade Law comprises the three compulsory modules, International Business Transactions A and International Business Transactions B, International Commercial Arbitration and one elective being either International Tax Law or Legal Aspects of World and Regional Trade (all modules from the Department of Mercantile Law). In addition to the modules a research paper must be completed. For more information on the research paper see paragraph 17 below.
- 1.4 The LLM in Intellectual Property Law comprises four compulsory modules, Copyright Law, Intellectual Property Law in the Digital Environment, Patent Law and the Law of Registered Design, as well as Trademark Law (all modules from the Department of Mercantile Law). In addition to the modules a research paper must be completed. For more information on the research paper see paragraph 17 below.
- 1.5 The timetable for 2013 is set out in schedule A of this prospectus. Seminars are usually presented after normal working hours to accommodate part-time students.

- 1.6 With exception of the LLM in International Trade Law and the LLM in Intellectual Property Law, under university regulations, the degree certificate will not reflect any chosen field of specialisation.
- 1.7 The LLM by course work is not a correspondence course. Class attendance at Stellenbosch is required.

2. Registration of modules elsewhere

- 2.1 Students registering for a LLM degree at Stellenbosch may be allowed to enrol – subject to the prior approval of the respective Faculty Boards and subject to paragraph 4.2 below – for a maximum of one approved module from the LLM programme at UCT or UWC. The practical legal training course will not be accredited as a LLM module at Stellenbosch.

Recognition of such module followed at other universities is however subject to prior approval by the Faculty Board of Stellenbosch University. Such recognition may be given on condition of additional work being done.

- 2.2 Students who decide to enrol for a module at UCT and/or UWC, should note that registration as a special student at those universities would also be required.

For more information contact:

Mrs Sheryl Ronnie at UCT;

tel +27 (0)21 650 2997 or e-mail: sheryl.ronnie@uct.ac.za

or Ms D Snyders at UWC;

tel: +27 (0)21 959 3292 or e-mail: dsnyders@uwc.ac.za.

3. Exchange programme with Utrecht University

The faculty of law has an exchange agreement with Utrecht University. According to this agreement South African citizens following the LLM programme at Stellenbosch University may complete two LLM modules at Utrecht University during the second semester of the academic year. Interested candidates may apply with the LLM coordinator, before 16 February 2013.

4. Completion of degree

- 4.1 A student will be awarded the LLM degree after
- (a) the successful completion of prescribed curricula in four modules; and
 - (b) the acceptance of a research paper, prepared under supervision, of 15 000 to 20 000 words (including footnotes, but excluding bibliography) on a topic approved by the Faculty Board.
- 4.2 Students will be required to complete and submit their research papers at the university where they are registered for degree purposes. See paragraph 17 below for more information on the research paper.

5. Module selection: some limitations

- 5.1 The availability, presentation and structure of modules in a given year may be affected by the absence of faculty members on leave. It is therefore also important for students who commence with their studies during the July intake of an academic year to consult the prospectus for the academic year that starts in January of the *following year*, as soon as it becomes available.
- 5.2 A minimum enrolment of five students is required for a module to be presented.
- 5.3 Students following the general LLM, may choose:
- (a) any number of modules offered in the LLM in International Trade Law;
 - (b) a maximum of two modules offered in the LLM in Intellectual Property Law.
- 5.4 The timetable as set out in schedule A also restricts the available options.

6. Duration of the programme

- 6.1 Full-time students are required to satisfy the prescribed requirements within one academic year (consisting of two semesters of 13 weeks each). Two modules must

be followed in each semester, and students will be examined on a semester basis.

- 6.2 The Faculty Board may allow students to extend their studies over a period of two years. Such students will be required to follow at least one module per semester. In such a case class fees will depend on the number of modules followed in a given semester.
- 6.3 Full-time and part-time students may elect to commence their studies at the beginning of the first or second semester.
- 6.4 Students are not permitted to register for more than two modules per semester.

7. First meeting and training sessions

All students are required to attend the first meeting at the beginning of the academic year. This meeting is scheduled for Monday, 28 January 2013 at 17:00 at the Old Main Building. The purpose and details of this meeting are set out in a further notice, which can be obtained from Karin Wiss (karinwiss@sun.ac.za). A separate informal meeting will be arranged for students who only commence with their studies in the second semester.

Students are furthermore obliged to attend the training sessions offered by the Faculty. A schedule will be provided to the students at the first meeting.

8. Medium of Instruction

The language of instruction is English. Yet assignments, research papers and examinations may be written in Afrikaans or English.

9. English Proficiency

Students of the Faculty of Law have to be proficient in English and must be able to study, write exams and compile research papers effectively in English. International students applying for admission to the LLM Programme are required

to submit proof of their current level of proficiency in English (i.e. TOEFL or IELTS scores).

Please note that, where appropriate, the Faculty will refer students to various support services offered by Stellenbosch University in this regard.

10. Method of instruction

- 10.1 Modules will be presented by means of seminar sessions based on prescribed material. Active student participation is required.
- 10.2 There will be one session of 2 hours in each module per week, or as otherwise arranged with students (e.g., one 4-hour session every second week).

11. Examinations

- 11.1 Formal examinations will be conducted in all modules. The research paper will be evaluated by a supervisor in conjunction with an internal and external moderator.
- 11.2 Written examinations may be combined with oral examinations and/or assignments.
- 11.3 In addition to any other requirements which apply to the calculation of the final mark for a module (for example those stated in the module framework) a final mark of less than 50 must be allocated if a student obtains a mark of less than 40 in the written examination.
- 11.4 There are no supplementary examinations for LLM modules. However if a student has failed only one module, and has passed the other three modules, such student may, at the discretion of the Dean in consultation with the relevant academic department, be permitted to write a dean's concession examination. The pass mark for such examination is 50%.

12. Admission requirements

A student with an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the BLuris degree) and who has attained an average of 60% in the final year of this degree or a comparable achievement in another (for example, foreign) qualification, or a student who has attained a level of proficiency or accomplishment in Law which, in the judgement of the Senate, is regarded as adequate for this purpose, may apply in writing to read for a Master's degree in Law. The Senate will consider every application on merit.

13. Admission procedure

- 13.1 By written application to the Faculty Officer, Faculty of Law, University of Stellenbosch, Private Bag X1, Matieland 7602. South African students must apply before 15 January of the year of registration and foreign students before 30 September of the year before registration. However, late applications will also be considered. Application forms may be obtained at www.sun.ac.za or applications may be submitted online at www.maties.com.
- 13.2 Applications for registration for the second semester have to be submitted by 15 July in the case of South African students and 30 April in the case of foreign students. However, late applications will also be considered.

14. Tuition fees (approximate)

- 14.1 Although the tuition fees for 2013 have not yet been finalised, they will amount to approximately R8 420 per module and R4 820 for the research paper. Fees for the full complement of modules may accordingly amount to R38 500.
- 14.2 International students are also required to pay an international registration fee. Please contact the Postgraduate and International Office at interoff@sun.ac.za for more information.

- 14.3 The onus is on the student to establish the fees prior to registration. Students should note that student fees might be amended annually. This will affect students who decide to complete the LLM programme over two years instead of one, as well as students who enrol in the LLM programme during the second semester, thereby completing the degree over two academic years.
- 14.3 The tuition fees do not include the cost of textbooks, notes or other materials prescribed for the specific modules.

15. Financial assistance

Consult Part 2 of the Yearbook of Stellenbosch University.

16. Modules

DEPARTMENT OF MERCANTILE LAW

Advanced Company Law

Prof AH van Wyk and Dr R Stevens (Second semester)

The corporation or company has been the vehicle for wealth creation in all modern economies. However, the company form has often been abused to the detriment of investors, employees and the general public. Since the turn of the 21st century this was spectacularly illustrated by the Enron and Worldcom scandals in the United States and also by similar events elsewhere. Corporate governance concerns the structures and practices that must be in place to ensure that all stakeholders in a company are fairly treated and that their interests are properly guarded. The student who completes this module successfully will have an understanding of international trends in Company Law and the most important international documents on corporate governance from a comparative point of view.

The module has the following content: Introduction to comparative company law; company structures and principles in common law systems (including South Africa); company structures and principles in other European legal systems. Corporate Governance: corporate governance issues with examples from South Africa, the UK, USA, Germany, France and the Netherlands; self-regulatory codes; accounting, accountants and analysts; conflicts of interest; corporate governance and corporate reconstructions. Other capita selecta in the field of company law may also be covered.

Competition Law

Prof PJ Sutherland (convenor) and various other guest lecturers (Second semester)

In this module, South African competition law is studied from a comparative perspective. The main jurisdictions for comparison are the European Union and the United States but passing reference will be made to German, Canadian, Australian and UK law. In most legal systems the focus of competition law now is on interests of consumers in productive dynamic and allocative efficiency. The first part of the module considers the goals of South African competition law against this backdrop. The next section concerns the economics

of competition. Economics is central to the resolution of competition law issues and this part of the module is intended to provide the student with the basic economic skills that are needed for this purpose. Thereafter the jurisdiction of competition authorities and the international dimension of competition are studied. Next comes the central part of the module. The substantive competition law, that is the law regarding horizontal and vertical restrictive practices, abuse of dominance and mergers, is evaluated in detail. Finally, a brief survey of the institutions responsible for regulating competition law and the remedies available for breaches of competition will be done.

Copyright Law

Mr S Karjiker (First semester)

The principles of South African Copyright Law with reference to legislation, case law and academic opinion. Related principles of international copyright protection, data protection, moral rights and the protection of indigenous knowledge. Close study of international treaties relating to Copyright Law.

Equality in the workplace

Prof C Garbers and Prof K Calitz (Second semester)

This module focuses on the emerging field of employment discrimination law in South Africa. The Labour Relations Act of 1995 (LRA) and the Employment Equity Act of 1998 (EEA) prohibit discrimination against employees and extend that protection to applicants for work. The EEA also makes provision for the implementation of affirmative action measures to redress the disadvantages in employment experienced by black people, women, and the disabled. The module will be divided into two parts: The first part will concentrate on the prohibition of discrimination. Issues such as the meaning of discrimination, the structure of a discrimination claim, the difference between direct and indirect discrimination, justification and proof and evidence will be examined. Attention will also be paid to some of the typical areas of application, such as pregnancy, sexual harassment and equal pay claims. In the second part of the module, affirmative action will come under the spotlight. South Africa's Constitution breaks ranks with many legislative provisions elsewhere in the world by making

explicit provision for affirmative action policies. In this regard, it is asserted that the South African Constitution embraces a substantive or asymmetrical – rather than a formal or symmetrical notion of equality. In order to give effect to the Constitution, the EEA places an obligation on 'designated employers' to implement affirmative action measures to redress the disadvantages in employment experienced by black people, women and people with disabilities. Against this background, we will examine the response of the South African judiciary and arbitrators to challenges launched against affirmative action practices and policies, and evaluate the principles that have crystallised against the framework of the constitutional commitment to substantive equality. Even though the focus will be on South Africa, the module will be approached from an international and comparative perspective.

Employment Rights

Prof C Garbers and Prof K Calitz (First semester)

In this module we will evaluate the interaction of the three main sources of labour law and of terms and conditions of employment, namely the Constitution, legislation and the contract of employment (as influenced by collective agreements). Once the scene has been set with an overview of the interaction between these three sources, attention will shift to the examination of selected issues under each of the three headings. Although the emphasis of the module is on individual labour law (i.e. the relationship between the individual employee and his or her employer), the principles of collective labour law will also be addressed and incorporated where necessary. Students who complete the module will have a sound understanding of South African labour law in general, as well as an advanced understanding of some of the more important issues in individual labour law (many of which have proved to be problematic in other jurisdictions). Note, however, that some issues – such as discrimination and the individual rights underlying collective labour law (e.g. freedom of association and the right to strike) – will not receive detailed attention in this module, simply because these topics are dealt with in other LLM-modules in labour law to which students have access (see page 7).

International Tax Law

Mrs E Jansen van Rensburg (Second semester)

The tax implications of cross-border transactions are examined. Topics covered include the bases of taxation, unilateral relief from double taxation, double taxation agreements; transfer pricing, thin capitalisation and similar techniques; certain aspects of customs and excise; controlled foreign company legislation; and the taxation of trusts.

Note: A prior knowledge of South African tax law is recommended

International Business Transactions A

Dr J Coetzee and guest lecturers (First Semester)

This module deals with international sales law and related issues. The following topics are dealt with: the structure of the international sales transaction and its context; salient features and problems requiring legal regulation; the documentary nature of the transaction; trade terms (with special emphasis on the ICC's Incoterms 2010); the role of private international law; the evolving international law; the need for a uniform law of international sale, and the agencies involved therein; an overview of the structure and general characteristics of the Vienna Convention for the International Sale of Goods, 1980 (CISG); factors relevant to the decision of a state to accede to the convention; criteria governing the application of the convention; the formation of contracts of sale under the CISG; the substantive sales law under the CISG including the duties and remedies of the parties, remedial provisions common to the parties, exemption from liability, and the passing of risk; evaluation of the CISG with reference to the needs and concerns of international trade and the extent to which it succeeds in striking a balance between divergent principles of the important legal families of the world.

International Business Transactions B

Prof CF Hugo (convenor) (Second Semester)

This module deals with the instruments of payment and guarantee encountered in international business transactions (50% of the module), as well as with aspects of the contract of carriage (50% of the module). The following issues are addressed: problems and risks relating to payment in international business; different payment mechanisms with

the emphasis on documentary collections and documentary credits and their regulatory frameworks (the ICC's Uniform Rules for Collections (URC) and Uniform Customs and Practice for Documentary Credits (UCP) and its addendum the eUCP, as well as Article 5 of the American Uniform Commercial Code; independent guarantees and standby letters of credit and their regulatory frameworks (the United Nations Convention on Independent Guarantees and Standby Letters of Credit, the ICC's International Standby Practices 98 (ISP98), the ICC's Uniform Rules for Demand Guarantees (URDG)); the relationships between the different parties in abstract payment and guarantee relationships; the documents and their presentation with special emphasis on the doctrine of strict compliance; the principle of independence of the different relationships and the exceptions to this principle; the frustration of payment especially in the context of fraud (by injunctions and attachments); discounting arrangements. With regard to the contract of carriage the emphasis falls on Admiralty Jurisdiction, contracts of affreightment within the context of international trade; regulatory materials regarding charterparties, bills of lading and waybills; carrier liability; and the limitation of liability of the international carrier of goods.

Note 1: International Business Transactions A is not a prerequisite for International Business Transactions B.

Note 2: Students who wish to register for the programme in International Trade Law must enrol for International Business Transactions A, International Business Transactions B and International Commercial Arbitration (Department of Mercantile Law), as well as for one of the following two modules: International Tax Law (Department of Mercantile Law) and Legal Aspects of World and Regional Trade (Department of Mercantile Law).

Note 3: Students who prefer to enrol for only one of the International Business Transactions modules are free to do so. Such students can also focus their studies largely on international trade law by combining the International Business Transactions module of their choice with other modules relating to international trade. However, such students must register for the general LLM by course work programme.

International Commercial Arbitration

Prof DW Butler (First semester)

This module focuses on the law and practice of international commercial arbitration, with specific reference to disputes involving South African, SADC and European parties. It includes the UNCITRAL Model Law on International Commercial Arbitration, which has yet to be adopted by South Africa, and selected modern arbitration statutes in other jurisdictions; the role of national courts in the international arbitration process; the evaluation of international arbitral institutions and their rules (particularly the ICC and LCIA); choice of law in the context of international arbitration (including the *lex mercatoria*); arbitrability; the drafting of an international arbitration clause or submission agreement; the appointment of the arbitral tribunal; competence/competence; modern techniques to make international arbitration proceedings more cost-effective and expeditious; interim measures; the award, including the challenge, recognition and enforcement thereof; investment arbitrations; and current issues in international commercial arbitration (e.g. confidentiality and consolidation). The use of ADR techniques like mediation as a prerequisite to arbitration and multi-tiered dispute resolution clauses are also briefly considered.

Note: A prior knowledge of domestic arbitration law and practice is not a prerequisite for this module.

Intellectual Property Law in the Digital Environment

Mr C Jooste (Second semester)

Review of local, foreign and international instruments for the recognition and management of IP rights arising from/relating to digital media. Issues in electronic data protection measures, copyright and trademark issues on the internet, legal protection of computer programs and websites, civil and criminal liability for infringement, counterfeiting/piracy, international standardisation and jurisdictional issues.

Legal Aspects of World and Regional Trade

Prof OC Ruppel (Second semester)

This module deals with the International Law principles governing trade among states. The focus is primarily on the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). The treaties

establishing them contain the principles and mechanisms regulating inter-state trade. The theory behind international trade is explained, as well as the present nature of the international economic order. This includes institutional arrangements and the dispute solving mechanisms of the WTO. The principles governing trade in goods (GATT), in services (GATS) and with respect to the protection of intellectual property (TRIPS) are discussed. Regional trade agreements (for example SADC, SACU and COMESA) are examined with reference to, inter alia, South Africa's position. The constitutional provisions on the incorporation of international trade obligations into the domestic sphere are comparatively explained and discussed.

Patent Law and the Law of Registered Design

Mr A Hooper, Mr B Koster and Ms A Dyer (First semester)

The principles of South African Patent Law and Designs Law, with specific reference to the procedure for obtaining patent/design protection, rights administration, devolution, transfer and revocation of protection, applicable international instruments, and infringement.

Selected issues in Collective Labour Law

Prof C Garbers and Prof K Calitz

This module complements the three other LLM modules in Labour Law and focuses on specifically selected issues in the field of collective labour law such as freedom of association, collective bargaining (including collective agreements and organisational rights), worker participation, and strikes and lock-outs. Although South African Labour Law will constitute the focus of the module, the material will be approached from an international and comparative perspective.

Selected issues in International Labour and Social Security Law

Prof K Calitz (First semester)

The purpose of this module is twofold. In the first instance, an advanced study will be made of a number of selected topics in labour law which students do not study in detail in the other two labour law LLM modules offered by the Faculty (Employment Rights and Equality in the Workplace). The selection will consist of issues which have proved to be of practical and theoretical importance such as, for example,

transfers of businesses, restraint of trade agreements, employment across national borders, globalisation and the development of international labour standards (with specific reference to implications for Southern Africa), the distinction between private and public sector employees, privacy in employment, jurisdictional questions raised by the dispute resolution regime, the liability of trade unions and union security arrangements. The choice of topics may change depending on developments in the field. In the second place, students will be introduced to the law relating to social security and undertake an advanced study of selected issues in this field.

Trademark Law

Prof O Dean (Second semester)

The principles of South African Trademark Law, with reference to legislation, case law and academic opinion. Common law issues of unlawful competition and the right to attract custom. Related principles of international trademark protection and foreign law.

DEPARTMENT OF PRIVATE LAW

Comparative Apartment Ownership

Prof CG van der Merwe (First semester)

The module provides an international overview of apartment ownership (condominium, strata titles, Wohnungseigentum, propiedad horizontal, appartementeneigendom), which relates to residential, commercial, office and resort condominiums. The role of the developer in the establishment of apartment ownership; sales off building plans and developments in stages in order to finance the construction of the buildings comprised in the scheme; the subdivision of the buildings into units, common property and limited common property as well as the rights owners have with regard to these areas will be discussed. The importance of participation quotas as a formula to determine an owner's share in the common expenses, the common property and the value of his or her vote at general meetings will be investigated as well as the enforcement of financial and social obligations in order to prevent the condominium from degenerating into a slum, alterations and improvements and the importance of sound management of the scheme. The module concludes with a discussion of the conversion of rental buildings into apartment ownership schemes. This module provides an excellent background for students to evaluate apartment ownership schemes in their own countries.

Comparative Private Law

Prof JE du Plessis (Second Semester)

This module – which is aimed at local as well as foreign students – first examines the method and purpose of comparative law in general, and then proceeds to focus on key issues of private law (most notably the law of obligations, i.e. contract, delict and unjustified enrichment) in the mainly Continental European civil law family and Anglo-American common law family. The specific issues vary from year to year, but usually include improperly obtained consent, breach of contract and resulting remedies, the relationship between contractual and delictual liability; pure economic loss; and different approaches to the law of unjustified enrichment. The purpose of this module is to promote an understanding of the merits of, and relationship between, various systems of private law. Attempts at guiding their development by devising internationally acceptable sets of model principles are also examined.

International Law and Children's Rights

Mrs D Horsten (First semester)

This module deals with the main international children's rights documents pertaining to children and their rights. The following aspects are covered: the status of international children's rights instruments in South Africa; the United Nations Convention on the Rights of the Child; the African Charter on Rights and Welfare of the Child; The Hague Convention on Inter-Country Adoptions and Children in Armed Conflict.

The Law of Trusts

Prof MJ de Waal (First semester)

The origin, nature and development of the trust; the trust in legal comparative perspective; the formation of a trust and the requirements for a valid trust; the legal position of the trustee; the administration of the trust; the legal position of the trust beneficiary; the variation, revocation and termination of trusts; types of trusts; the trust and taxation; challenges and change in the law of trusts.

Note: *A prior knowledge of the South African law of succession and law of contract is recommended for this module.*

DEPARTMENT OF PUBLIC LAW

Aspects of Environmental Law

Prof OC Ruppel and Prof A Rabie (First semester)

This module will provide an overview and insight into the relatively new and fast developing legal discipline of environmental law both from an international law as well as from a South African domestic law perspective. It will be set against the backdrop of both global and local environmental challenges including climate change, water scarcity and deteriorating water quality, loss of biodiversity, waste management and pollution control. As such the course will traverse principles and sources of international environmental law including select conventions such as the UN Framework Climate Change Convention & Kyoto Protocol, the Shared Water Courses Convention and the SADC Water Protocol, the Convention on Biodiversity, Convention on Transboundary Movement of Hazardous Waste and others. South African aspects which will be covered include the historical development of South African environmental law, environmental governance, the implementation of environmental law, the environmental right in the Bill of Rights, indigenous law and framework environmental legislation namely the National Environmental Management Act, 73 of 1998 (NEMA) including environmental assessment law.

Forensic Law

Dr A le Roux-Kemp and guest lecturers (Second semester)

An introduction to Forensic Law for law students, focusing on death and dying as defined in legal medicine; post-mortem changes in the human body; the basic principles of human identification (including DNA samples and fingerprinting); the medico-legal interpretation of external forces on the human body; death by anoxia (also known as death by asphyxia); thermal, electrical and radiation injuries; injuries caused by firearms and explosives; toxicology (including carbon monoxide poisoning and intoxication by alcohol). The module also deals with the procedural and evidential rules and principles governing expert testimony in this regard and finally introduces the students to the concept of public health and human rights and more specifically covers a capita selecta of topics in public health care.

International Criminal Law

Prof GP Kemp (First semester)

This module comprises a study of both substantive and procedural issues in the emerging system of international criminal law (ICL). By way of introduction the sources of and basic principles underlying ICL will be discussed. In order to analyse the substantive issues in ICL a *capita selecta* of important international crimes such as aggression, war crimes, crimes against humanity, and genocide will be studied. In addition, we will also focus on some of the emerging transnational crimes like money laundering and corruption. In terms of procedural issues we will look at the most important aspects of direct and indirect enforcement of ICL. For this we will study the various international tribunals, with specific attention given to the permanent International Criminal Court. We will also look at the way ICL is enforced at national level through domestic legal systems.

Note: A prior knowledge of Public International Law is strongly recommended.

Medical Law

Dr A le Roux-Kemp (Second semester)

Of all the professions, none is more intimately involved with the law than the medical profession. The LLM module in Medical Law will therefore focus on this unique and reciprocal relationship by considering the legal provisions relating to the practice of medicine, the delivery of health care and the regulation of health care workers in general. This will be done from a legal comparative perspective. Some of the themes that will be covered are: the Constitution and Medical Law, the regulation of the medical profession and health system models including the proposed National Health Insurance (NHI) for South Africa. The relationship between health care provider and patient will be explored by looking at the contractual and fiduciary nature of this relationship, as well as at the role of other contributors and organisations in the context of managed care. The criminal and delictual liability of health care providers will also be considered. Finally, the legal basis of medical interventions, including the duties and rights of different role players, informed consent, emergency care, therapeutic and non-therapeutic procedures and the interplay between particular provisions of the Criminal Procedure Act 51 of 1977 and mental health care will be discussed.

Public Procurement Regulation

Prof P Bolton (First semester)

All governments need goods and services in order to function and in many if not most instances, contracts are concluded with private parties for the provision of such goods and services. The process preceding the conclusion of contracts is generally referred to as 'procurement' and worldwide it represents significant portions of government spending. The field of law that governs the process of procurement is generally known as public procurement regulation and it is one of the fastest growing areas of legal interest in practice and academia. This module will expose students to an in-depth exploration of advanced topics in the area of public procurement regulation. Topics will include: international and comparative procurement regulation, including international instruments such as the UNCITRAL Model Law on Procurement and the WTO Agreement on Government Procurement; the use of regulatory techniques to address corruption and conflicts of interest; the use of procurement as a tool of transformation and development, the use of procurement as an environmental protection tool; the conclusion of public-private partnership agreements; the use of electronic procurement; and defense procurement regulation.

Note: A prior knowledge of government contracts and procurement law is a recommendation, but not a prerequisite for this module.

17. Submission of research paper: information and instructions

- 17.1 A student will be awarded the LLM degree after successful completion of prescribed curricula in four modules and the acceptance of a research paper, prepared under supervision, of 15 000 to 20 000 words (including footnotes, but excluding bibliography).
- 17.2 The research paper must be on a topic approved by the Faculty Board. Students are requested to take the initiative and make their own suggestions. The chosen topic need not necessarily be linked to one of the modules offered in the LLM programme. Should a student be registered for the LLM degree in International Trade, however, such a student is required to complete a research paper

on an approved topic in the field of International Trade Law. Should a student be registered for the LLM degree in Intellectual Property Law, such a student is required to complete a research paper on an approved topic in the field of Intellectual Property Law. More information on the research paper, can be obtained from Karin Wiss (Tel: +27 (0)21 808 3780 e-mail: karinwiss@sun.ac.za).

18. Accommodation

18.1 Registration for the LLM-degree does not imply that a student automatically qualifies for accommodation in one of the official residences of the University. The Law Faculty is not responsible for arranging accommodation.

18.2 International students seeking accommodation must contact:

The Postgraduate and International Office
Private Bag X1
Matieland 7602
SOUTH AFRICA
Tel. no: +27 (0)21 808 4702
Fax no: +27 (0)21 808 3799
E-mail: interhouse@sun.ac.za

18.3 South African students seeking accommodation must contact:

Mrs D. Kuipers (for men's residences)
at tel no: +27 (0) 21 808 2620
and fax no: +27 (0) 21 808 2847.
Mrs M. Hendrikse (for ladies' residences)
at tel no: +27 (0) 21 808 3892
and fax no: +27 (0) 21 808 2847.

SCHEDULE A: Timetable for 2013

FIRST SEMESTER				
	Monday	Tuesday	Wednesday	Thursday
18h00 – 20h00	Aspects of Environmental Law	International Commercial Arbitration	Comparative Apartment Ownership	International Business Transactions A
18h00 – 20h00	Law of Trusts	Employment Rights	International Criminal Law	Selected issues in International Labour and Social Security Law
18h00 – 20h00	Copyright Law	Public Procurement Regulation	Patent Law and the Law of Registered Design	International Law and Children's Rights

SECOND SEMESTER

	Monday	Tuesday	Wednesday	Thursday
18h00 – 20h00	Legal Aspects of World and Regional Trade	International Business Transactions B	Advanced Company Law	International Tax Law
18h00 – 20h00	Forensic Law	Selected issues in Collective Labour Law	Trademark Law	Comparative Private Law
18h00 – 20h00	Intellectual Property Law in the Digital Environment	Competition Law	Medical Law	Equality in the workplace



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CONTACT US

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tel: +27 (0)21 808 4850

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