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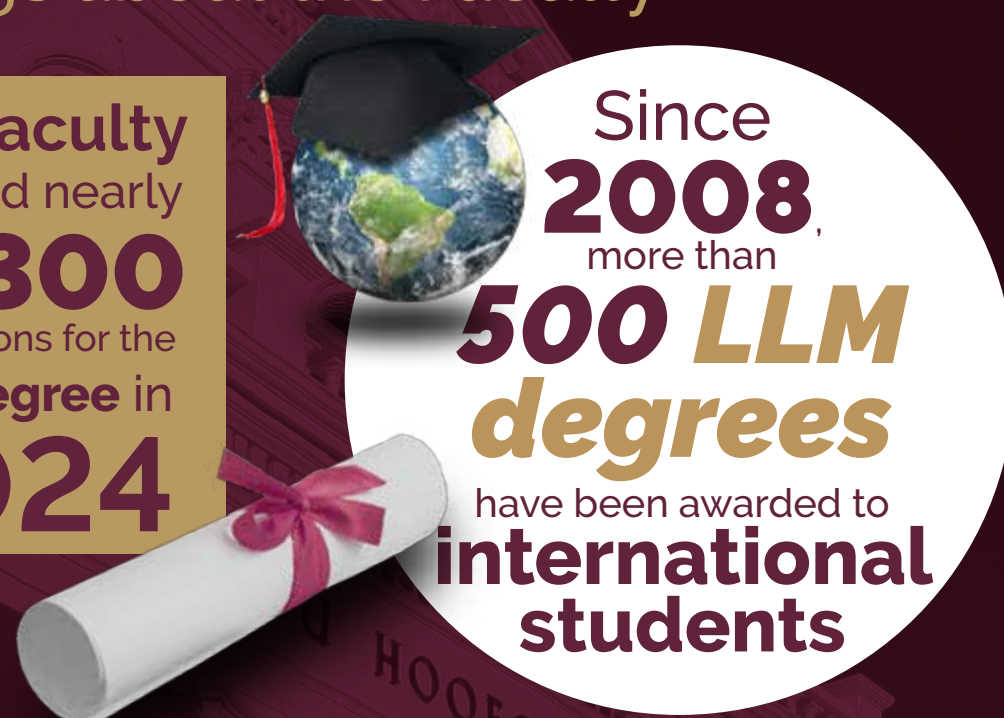


FACULTY OF LAW
NEWSLETTER

Did you know?

Some interesting, or helpful, things about the Faculty

The Faculty received nearly
15 300
applications for the
LLB degree in
2024



Since
2008,
more than
500 LLM
degrees
have been awarded to
international
students

One of the Faculty's staff members
is an accredited
SNAKE CATCHER



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News from the Deans Office

Nuus van die Dekaan se kantoor

Message from the Dean Prof Nicola Smit

It gives us great pleasure to showcase some aspects of the Faculty's second semester. We were very active on all fronts and, in particular, the long-awaited arrival of the new public procurement and other far-reaching bills led to several seminars and colloquiums. Through commenting on and debating the potential reach and impact of bills and other new developments and judgments, the Faculty uses our subject expertise and convening power to help shape the society we live in. The focus of our research is wide-ranging, but the golden thread is that it is relevant and impactful. On the teaching front, we are satisfied that our graduation rate has returned to pre-COVID levels; in December, 55 LLB students (including a good number of international students) are graduating. We are also proud of the 11 LLB students who will graduate cum laude. The SU Law Clinic and other academic and social impact initiatives have ensured our presence in our communities; this remains a key strategic objective for us, and we are committed to making a positive difference in the daily lives of people.

Having regard of this commitment and excellence of our staff and students, it is therefore gratifying that the Faculty improved in the international rankings for the third consecutive year, namely in the Times Higher Education Subject Rankings 2024 (THE). Law (THE is probably the most authoritative ranking platform). In the latest edition, our Faculty is now ranked between 126–150 worldwide, which is a really remarkable feat considering our size and shape. The THE-scores focus on the following: teaching, research environment, research quality, industry, and international outlook. Although ranking is never a goal in itself, it underscores the quality of our activities and may, at least indirectly, strengthen our reputation and influence who chooses to collaborate with us. This is good for our students (potential employers take note of the quality of our education) and our colleagues (collaborative networks and internationalisation are strategic imperatives for us).

We are fortunate to consistently engage

with our alumni and the 1993 year group visited the Faculty for an alumni event in October. After a couple of years where class photos were not possible due to the pandemic, it was wonderful to gather our final-year group for a photo again. Please remember that class photos are now accessible at [Gallery - Law Trust \(sun.ac.za\)](https://sun.ac.za/gallery-law-trust). We also appreciate the financial support for our students in the form of bursaries and prizes made possible by generous donations. The SU Law Trust also continues to support our academic activities in various ways.

Most of us enjoy a good story, and a great ending is a satisfying end to any story. But then if you look closely at those good stories, the end is usually only one page or one chapter long, and sometimes even one sentence. It is the quest, the journey between the start of the story and the magnificent ending that we hope for, that makes the story a good one. The journey paves the road from where we are to where we want to be. We experienced a great journey this year and I wish to thank everyone who helped to write our good story. Colleagues, students, alumni, and friends, thank you for showing up and for your support.

Best wishes for a joyful festive season and a peaceful and prosperous 2024.

**Professor
Nicola Smit**
Dean



Dean, Professor Nicola Smit.

Boodskap van die Dekaan

Dit verskaf ons groot plesier om sekere aspekte van die Fakulteit se tweede semester ten toon te stel. Ons was baie aktief op alle fronte en veral die langverwagte aankoms van die nuwe staatsverkryging en ander verreikende wetsontwerpe het tot verskeie seminare en kollokwiums gelei. Deur kommentaar te lewer op en te debatteer oor die potensiele reikwydte en impak van wetsontwerpe en ander nuwe ontwikkelings en uitsprake gebruik die Fakulteit ons vakkundigheid en byeenroepingskrag om die samelewing waarin ons leef te help vorm. Die fokus van ons navorsing is wydlopend, maar die goue draad is dat dit relevant en impakvol is. Op die onderrigfront is ons tevrede dat ons graduerings na pre-COVID-vlakke teruggekeer het en in Desember gradueer 55 LLM-studente, waaronder 'n groot aantal internasionale studente. Ons is ook trots op die 11 LLB-studente wat cum laude gradueer. Die US Regskliniek en ander akademiese en sosiale impak-inisiatiewe het ons teenwoordigheid in ons gemeenskappe verseker; dit bly 'n belangrike strategiese doelwit vir ons, en ons is daartoe verbind om 'n positiewe verskil in die daaglikse lewens van mense te maak.

Met inagneming van hierdie toewyding en uitnemendheid van ons personeel en studente, is dit dus verblydend dat die Fakulteit vir die derde agtereenvolgende jaar op die internasionale ranglyste verbeter het, naamlik in die Times Higher Education Subject Rankings 2024 (THE), Law (THE is waarskynlik die mees gesaghebbende rangordeplatform). In die jongste uitgawe is ons Fakulteit nou tussen 126–150 wêreldwyd, wat werklik 'n merkwaardige prestasie is met inagneming van ons grootte en vorm. Die THE-tellings fokus op die volgende: onderrig, navorsingsomgewing, navorsingsgehalte, industrie en internasionale uitkyk. Alhoewel ranglysprestasie nooit op sigself 'n doel is nie, beklemtoon dit die kwaliteit van ons aktiwiteite en kan dit, ten minste indirek, ons reputasie versterk en beïnvloed wie kies om met ons saam te werk. Dit is goed vir ons studente (potensiele werkgevers neem

kennis van die gehalte van ons onderrig) en ons kollegas (samewerkende netwerke en internasionalisering is strategiese imperatiewe vir ons).

Ons is bevoorreg om deurlopend met ons alumni in gesprek te tree en die 1993 jaargroep het die Fakulteit besoek vir 'n alumni-geleentheid in Oktober. Na 'n paar jaar waar 'n klasfoto weens die pandemie nie moontlik was nie, was dit wonderlik om weer ons finalejaargroep bymekaar te maak vir 'n foto. Onthou asseblief dat klasfoto's nou toeganklik is by [Gallery - Law Trust \(sun.ac.za\)](https://www.gallery-lawtrust.co.za). Ons waardeer ook die finansiële ondersteuning vir ons studente in die vorm van beurse en pryse wat moontlik gemaak word deur ruim skenkings. Die US Regstrust ondersteun ook steeds ons akademiese aktiwiteite op verskeie maniere.

Die meeste van ons geniet 'n goeie storie en 'n goeie einde is 'n bevredigende afloop van enige storie. Maar as jy dan mooi na daardie goeie stories kyk, is die einde gewoonlik net een bladsy of een hoofstuk lank, en soms selfs net een sin. Dit is die soeke, die reis tussen die begin van die verhaal en die manjifieke einde waarop ons hoop, wat die verhaal 'n goeie een maak. Die reis baan die pad van waar ons is tot waar ons wil wees. Ons het hierdie jaar 'n wonderlike reis beleef en ek wil almal bedank wat gehelp het om ons goeie storie te skryf. Kollegas, studente, alumni en vriende, dankie dat jy opgedaag het en vir jou ondersteuning.

Beste wense vir 'n vreugdevolle feestyd en 'n rustige en voorspoedige 2024.

Professor Nicola Smit
Dekaan

Umyalezo ovela kwiNtsumpa

Kundinika uvuyo nochulumanco ukuthi thaca ezinye iinkalo zekota yesibini yale Fakhalthi. Besixakeke mbombo zone, yaye, ingakumbi ngexesha lokufika komthetho osayilwayo ophathelele ukuthengwa kweenkonzo nezinto zoluntu kwakunye neminye enyathela kwinkalo eziliqela eqhubele ekubeni kubekho uthotho lweenkomfa neengqungquthela. Ngokuvumela abantu ukuba bagqabaze baze bashukuxe ifuthe eza kuba nalo le mithetho isayilwayo, bathethe nangezinye izinto ezenzeka kutshanje kunye nezigwebo eziwiswayo, le Fakhalthi isebenzisa ubugcisa babalingwa kwakunye namandla okudibanisa iintloko ukuze yakhe uluntu esiphila kulo. Ugxilo lophando lwethu lubanzi, kodwa eyona nto ibalulekileyo yeyokuba lufanelekile yaye lunefuthe. Kwicala lezifundo, isanelisa kakhulu into yokuba umgangatho wabafundi abaphumelelayo ubuyele kwindawo owawukuyo ngaphambi kweCOVID yaye kulo Disemba abafundi abayi55 beLLM baza kuthweswa izidanga zabo kuquka abafundi abaliqela bamanye amazwe. Kanti sinelunda ngabafundi abayi11 beLLB abaphumelele emagqabini. IKliniki yoMthetho yaseSU namanye amaphulo ezemfundo nophuhliso loluntu iye yaqinisekisa ukuba siyafumaneke kwiindawo esihlala kuzo; le into lolona sukelo lwethu lubalulekileyo yaye sizimisele ukwenza utshintsho olubonakalayo kubomi bemihla ngemihla babantu.

Iqonda oku kuzimisela nobunkcuba buchopho babasebenzi kunye nabafundi bethu kwanelisa kakhulu ukuba le Fakhalthi iye yaphucula kwizilinganiso zehlabathi iminyaka mithathu ilandelelana, iTimes Higher Education Subject Rankings 2024 (THE), Law (kusenokwenzeka iTHE yeyona platform yokulinganisa inegunya). Kuhlelo lwa-kutshanje iFakhalthi yethu ilinganiswa phakathi ko126-150 ehlabathini lonke, nto leyo ephawuleka ngokwenene xa ucinga ngamanani nokubunjwa kwayo. Amanqaku-eTHE ajolisa kwezi zinto zilandelayo: ukufundisa, icala lezophando, umgangatho wophando, icala lemizi mveliso nehlabathi. Nangona zona izilinganiso zizodwa zingelosukelo lwethu, zibethelela umgangatho womsebenzi

wethu, yaye ngendlela engangqalanga, zomeleza udumo lwethu yaye zinefuthe kwabo bakhetha ukusebenza nathi. Oku kubanceda kakhulu abafundi bethu (abo banokuba ngabasebenzi bethu bayawuqwalasela umgangatho wemfundo yethu) namahlakani ethu (iinethwekhi zentsebenziswano kunye nehlabathi lonke zezona zinto ziphambili kuthi).

Sinethamsanqa kuba ngokuqhubekayo sifakan' imilomo nezifundiswa zethu yaye 1993 iqela lonyaka liye latyelela iFakhalthi yethoko lezifundiswa ngo-Okthobha. Emva kweminyaka eliqela apho bekungenakwenzeka ukuthatha ifoto yeklassi ngenxa yobhubhane, kuluyolo kakhulu ukudibanisa iqela lonyaka wokugqibela ukuze liphinde lithathe ifoto. Nceda ukhumbule: ukuba iifoto zeklassi ngoku ziyafumaneka ku Gallery - Law Trust (sun.ac.za). Kanti siyayivuyela inkxaso yezemali kubafundi bethu efumaneka kwiibhasari namabhaso alungiselelwa ngeminikelo yesisa. ISU Law Trust nayo iyagqibeka ixhasa izifundo zethu ngeendlela ezahlukeneyo.

Uninzi lwethu lunandipha amabali amnandi yaye iziphelo ezimnandi zanelisa kakhulu. Kodwa ukuba uwajongisisa kakuhle la mabali amnandi, isiphelo ngokuqhelekileyo siba liphepha elinye okanye isahluko esinye ubude, yaye maxa wambi siba sisivakalisi esinye. Ngumgudu, uhambo phakathi kokuqala kwebali nesiphelo esimnandi esinethemba laso ezenza ibali libe mnandi. Olu hambo luhlahla indlela ukusuka apho sikhoyo ukuya kutsho apho sifuna ukuba khona. Sihambe uhambo olubalaseleyo kulo nyaka yaye ndithanda ukubulela wonke umntu oye wancedisa ekubhaleni ibali lethu elimnandi. Mahlakani ethu, bafundi, zifundiswa nezihlobo, sithi maz' enethole ngokuza nize nisixhase.

Sinithumelela iminqweno emihle yeeholide zokuphela konyaka no2024 onoxolo noyokozela amathamsanqa.

UNjingalwazi Nicola Smit
INtsumpa

Research and Internationalisation

Postgraduate Community

Bryony Fox and Tanveer Jeewa report that over the past few months, the community has benefited from being members of the Research Community, where they meet at least once a month to discuss pressing research concerns. True to its name, the group has allowed postgraduate students to meet, and to make the research journey less lonely. Every month, two students present their current research endeavours to the group. Community members are given the opportunity to engage with the material in their own time prior to the presentations. This has allowed for a rich discussion on whether the research meets the author's targets, but, more importantly, has created the space for constructive feedback.

Since the Research Community's inception, students of different backgrounds and with different research interests have presented. Dr Divesh Kaul, a postdoctoral fellow, has presented research articles, which are currently in the pipeline for publication, on International Trade Law. Several doctoral candidates have also presented research chapters and articles, this includes Bryony Fox on Children's Rights and International Law,

Christiaan van Schalkwyk on Socio-Economic Rights, and Tanveer Jeewa on Constitutional Property Law. Younger researchers (including Claire Rankin, a Master's candidate) have also presented on forthcoming articles related to the right to housing.

The Research Community has also endeavoured to host more experienced senior colleagues on specific workshops, and, recently, Professor Maurice Adams gave a guest lecture on Comparative Legal Methodology. Earlier in the year, Dr Delano van der Linde gave a workshop on Publication Processes for research articles.

The Research Community is an initiative started by the postgraduate community at the Faculty of Law, and supported by the Vice Dean of Research, Professor Juanita Pienaar, and the Dean, Professor Nicola Smit. Championed early on by post-doctoral fellow, Dr Annemarie Strohwalde, the initiative was later taken over by Bryony Fox and Tanveer Jeewa.

Research enhancement

A "Journal landscape, peer review and feedback" session was held on Monday, 4 September. Some of the Faculty of Law's local journal editors, including Professor Sope Williams, Professor Shannon Hoor, and Dr Franziska Myburgh, presented their respective journals and shared valuable tips and best practices on how to publish articles. Professor Zsa-Zsa Boggenpoel shared her experience on peer review and feedback, followed by a general discussion on the process of peer review and

how to deal with critical feedback.

Getting published can be very daunting, especially for younger colleagues, and the peer-review process remains challenging – even for seasoned academics and researchers. The session was well attended by staff and postgraduate students, and the discussion was productive. Younger colleagues found the words of wisdom and support from more established staff very encouraging.

Research Excellence Awards

The Research and Innovation Excellence Awards took place on Monday 30 October 2023. Professor Sope Williams, Professor Zsa-Zsa Boggenpoel, Dr Delano van der Linde, and Dr Stephan van der Merwe were nominated.

Professor Zsa-Zsa Boggenpoel received an award in the Women in Research category. This award recognises female researchers at the associate or full professor level who have demonstrated significant growth in publications, postgraduate supervision, mentoring of others, and who have a demonstrated record of grant acquisitions. Receiving this award was a testament to Professor Boggenpoel's legacy in concluding the NRF Research Chair in Property Law at the end of 2022 and her continued commitment to research and mentoring.

Dr Delano van der Linde received an award in the Early Career Research Awards. This award recognises early career researchers with at least a Master's degree or a LLD/PhD (obtained within the previous eight years), who have demonstrated significant growth in terms of publications and graduated students while also successfully sourcing research funding.

Professor Bernard Wessels received a Top DVC Research Output award. This award recognises full-time, permanent academics who made the biggest contributions in terms of publication subsidy units and/or who produced the highest number of accredited research publications. For the 2023 awards, research outputs of 2021 were considered.



Internationalisation

The Faculty of Law received the first staff member on the staff exchange programme with Münster University, Germany. Professor Bernd Holznagel visited the Faculty in September 2023. Bernd Holznagel is Professor for Public and Administrative Law and Director of the Institute for Information, Telecommunication and Media law (ITM) at the University of Münster. The main focus of his research work lies in Telecommunication and Media Law as well as in network regulation, notably energy law. He studied law and sociology at Freie Universität Berlin (Free University of Berlin) as well as at McGill University Montréal. Professor Holznagel is a member of the academic consortium for questions of regulation of the Bundesnetzagentur (Federal Network Agency) and the administrative board of the public service broadcaster of Berlin and Brandenburg (RBB). He is the co-editor of a renowned media law handbook and media law journal. During his visit, Professor Holznagel presented two public lectures, on 8 and 22 September respectively, and one research discussion session in the Department of Private Law. The first public lecture dealt with "Defamation on the internet", the second public lecture was titled "Legal reactions to disinformation and fake news", whereas the Private Law research discussion session dealt with "Fundamental rights and data protection law".

Professor Maurice Adams, Tilburg University, visited the Faculty of Law in October 2023. He presented an engaging and interactive session to the postgraduate community on the important topic of how to do

comparative law, on Friday, 13 October.

"During this seminar, by using a bottom-up and 'hands-on' approach, I will deal with the practical challenges comparative legal researchers are confronted with. By identifying the steps usually taken when doing comparative legal, specific methodological questions and challenges are being discussed: how to formulate a comparative research question? Which legal systems or cultures do you want to include in your comparison? What can be compared, and what is the role of the so-called *tertium comparationis*? What is the meaning of neutrality in comparative law research (also in a postcolonial context)? Based on which terminology do you correctly report on your research findings? What concept of law do you work with? What does interdisciplinarity mean in this regard? In addressing these questions, comparative law theory is linked to concrete examples."

On Tuesday, 17 October, Professor Adams dealt with the theme, "What research challenges and opportunities are Dutch law schools confronted with, what is their identity as law schools, and how do they shape their future?"

Mitchell Kowalski presented on the future of the legal profession/global legal innovation and alternative legal services, on Monday 2 October in the Old Main Building.

Professor Juanita Pienaar

Vice Dean Research and Internationalisation



(Image: Wikipedia)

Münster University, Germany



Teaching and Learning

We had, what could be classified as an "as close to challenge-free" academic year as possible. Despite the continuous impact of load shedding on society, we could proceed relatively interruption free at undergraduate teaching level. Postgraduate teaching, which mainly occurs in the evening was interrupted, however, when we were experiencing level 6 load shedding and all generator capacity was not available. From the teaching perspective however, it was a successful year in terms of external challenges being reduced to the minimum. We can to an extent look back at a year where the new second year LLB curriculum has been rolled out, and new assessment schemes and practices as well.

Assessment proceeded relatively smoothly. The devastating rain in June fortunately had no impact on assessments. We were, however, not as fortunate following the more devastating storms on 24 September. Due to the large scale damage to road infrastructure, many students and staff could not return to campus on 26 September 2023 and these assessments had to be postponed at short notice. Fortunately, the COVID-pandemic taught the Faculty and the University to be more agile in dealing with these unexpected curveballs that may come our way.

Although it is still too early to reflect on the roll-out of the renewed LLB curriculum, it would appear that the roll-out

of the new second year modules has been successful. A proper reflection will, however, take place in 2026 once the first cohort of students under the renewed LLB curriculum would have graduated. The roll-out of the new assessment schemes will also be reflected upon before the next academic year and what impact it has had on student success and students having a deeper learning experience.

We have also been fortunate and proud to celebrate the teaching of our colleagues. Professor Theo Broodryk was a recipient of the Scholarly Teacher category award at the University's annual Teaching Awards. There were nine applications in the Scholarly Teacher category and Professor Broodryk was one of seven successful applicants. SU has been rewarding scholarly teaching, where teaching practices are evaluated at a scholarly level over several years. Two categories exist, the Leaderly Teaching Scholar category and the Scholarly Teacher category. We therefore strive not only to excel with our research, but also to reflect on our teaching, learning, and assessment practices and to provide our students with the best teaching, learning, and assessment practices.

Professor Richard Stevens

Vice Dean Teaching and Learning

Research Chairs and Units Navorsingsleerstoele en Eenhede

African Procurement Law Unit (APLU)



Speakers and delegates at the July public procurement reform workshop

Creating a *public procurement community of practice*

Following on the success of the first workshop on a national conversation on public procurement in South Africa in February 2023, the African Procurement Law Unit (APLU) hosted two more workshops in July to bring together all stakeholders in public procurement in South Africa. The second of these took place on 21 July in Johannesburg and brought together more than 120 stakeholders in the field. These included public procurement practitioners, lawyers working in procurement, policy-makers, representatives of government suppliers, and civil society. This workshop focused on the Public Procurement Bill that was tabled in the South African Parliament on 30 June 2023.

Delegates deliberated on a range of key themes in public procurement relevant to the Bill, focusing on institutional arrangements, procurement integrity, targeted procurement, procurement procedures and dispute resolution. Based on the discussions at the workshop, APLU prepared a memorandum on behalf of participants, which it submitted to Parliament as part of the public consultation process on the Bill and in which key aspects of the Bill that require close attention were highlighted. (The submission can be accessed at: <https://drive.google.com/drive/folders/15qrqXmRQrSK77zwCaf2kDVrsKEcl6AR>.) The project is funded by the Millennium Trust.

Public Procurement Bill

On 30 June, the National Treasury tabled the Public Procurement Bill [B18-2023] in Parliament. The Bill proposes a complete overhaul of South Africa's public procurement law. If passed, it will be the first time that South Africa has a dedicated public procurement statute, covering all aspects of procurement regulation for all levels of government in one enactment. It intends to replace a large raft of highly fragmented regulatory prescripts on public procurement with a single instrument. The African Procurement Law Unit made several submissions to Parliament on the Bill as part of the public consultation process. APLU made a detailed submission on the Bill, including proposals for revision of various sections in the Bill. Professor Geo Quinot appeared before Parliament's Standing Committee on Finance on 13 September to talk to APLU's submission. In his presentation, Quinot noted the need for closer

alignment between the Bill and the Constitution's provisions on public procurement as well as the lack of clarity on the preferential procurement regime proposed in the Bill. Professor Quinot's submissions can be viewed at: <https://www.youtube.com/watch?v=4Fil6cJRnYO>. APLU associated researcher, Professor Annamaria la Chimia, director of the Public Procurement Research Group at the University of Nottingham in the UK, also made independent submissions to the Parliamentary Committee on the Bill. In her submission as well as during her appearance before the Committee on 12 September, Professor La Chimia placed specific emphasis on gender-responsive procurement and what aspects of the Bill should be refined in order to promote greater participation by women in public procurement in South Africa. La Chimia's submissions can be viewed at: https://www.youtube.com/watch?v=DWK_qDgrJ-Y.

A strategic public procurement paradigm for South Africa

Professor Geo Quinot formed part of the so-called Joint Strategic Resource (JSR) that assisted Nedlac in 2022 on its engagement with the draft Public Procurement Bill. Flowing from that process, Quinot, along with three other scholars that formed part of the JSR, Professor Jonathan Klaaren, Mr Ryan Brunette and Dr Ron Watermeyer, published a working paper in which they set

out the strategic procurement paradigm that underpinned their contributions to Nedlac and the approach that they consider appropriate for reform of South African public procurement to take. The working paper can be accessed at: <https://pari2.wpenginpowered.com/wp-content/uploads/2023/07/PPP28-06MAINfinx-1.pdf>.



2023 Procurement Watch Report Launched

For the third year in a row, Professor Geo Quinot of APLU assisted Corruption Watch to analyse reported data pertaining to deviations, contract extensions and debarment by national and provincial public entities in South Africa. The 2023 Procurement Watch Report on Procurement Risk Trends was released on 20 September 2023 during a webinar that discussed emerging trends. The Report covers the 2022/23 financial year and draws on statutory reports submitted to and subsequently published by South Africa's National Treasury. The 2023 Report indicates significant increase in the number of deviations reported, but at the same time, a significant decrease in the value of deviations. This suggests that deviations are occurring more frequently, but for lower-value acquisitions. On expansions, the Report indicates that while the number of contract expansions during 2022/23 remained largely the same as in prior years, the value of extensions increased significantly from about R88 billion in 2020/21 to R157 billion in 2022/23. The findings attracted wide interest in the media with several newspapers and TV news channels reporting on it.

The full report can be accessed at: https://www.corruptionwatch.org.za/wp-content/uploads/2023/09/ProcurementWatch-report-2023_FINAL_20Sept2023.pdf



www.corruptionwatch.org.za/wp-content/uploads/2023/09/ProcurementWatch-report-2023_FINAL_20Sept2023.pdf

Interdisciplinary Symposium on Public Procurement

On 28 to 29 September 2023, Professor Geo Quinot, participated in the 5th Interdisciplinary Symposium on Public Procurement in Cagliari, Italy. The Symposium was hosted by the University of Rome Tor Vergata in collaboration with Sardegna Recherche (Sardigna Chircas), the Sardinian Agency for Technological Research and Development. The aim of the Symposium is to bring together economists, engineers, lawyers, management scholars and professionals in the field of public procurement through dialogue and discussion to reduce the terminology barrier between all interested parties, bridging the cross-cultural divide and reaching a joint wider understanding of practical issues in public procurement. At the 2023 Symposium, Professor Quinot spoke on preferences and political economy in public procurement.



Anton Mostert Chair of Intellectual Property Law

Intellectual Property and Competition Law Short Course, Namibia

Having presented the Intellectual Property, Competition, Contract and Unjustified Enrichment Law Short Course in Namibia last year, our initial feeling was not to offer the course again in Namibia but to wait a year or two. The reason being that we thought that we had "exhausted the small market", when compared to South Africa, where we offer an Intellectual Property Law Short Course every year.

However, we were encouraged, from Namibia, to present the Short Course in Namibia, and did so, once again, with the specialist IP firm, Von Seidels. We are also grateful to the Namibian Law Society for its help in bringing the Short Course to the attention of its members, which helps to make the Short Course a success.

Students peppered Professor Karjiker, Professor

Sutherland, and Erik van der Vyfer (from Von Seidels) with questions, and the two-and-a-half days were nearly too short to address them all. The course attendees were clearly eager to expand their knowledge in the relevant areas, and urged us to return, with presentations that cover even more areas of law.

Thus, at the airport in Windhoek, as we were leaving, we already decided to present another short course in Namibia in 2024, with Intellectual Property as the foundation, but with the potential of one or two other subjects. For example, although Professor Jacques du Plessis could not join us this year, we hope to have him back again to do Contract Law and Unjustified Enrichment. Visiting Namibia this year was a great experience and encourages us to maintain this initiative.



Annual Intellectual Property Law Public Lecture

The annual highlight of the Anton Mostert IP Chair's activities is the Annual Intellectual Property Lecture. This year was no exception.

On 12 October 2023 Chris Job, senior consultant at Adams & Adams and former honorary professor at the Centre for Intellectual Property Law at the University of Pretoria, presented the lecture with the title: "Gin & Tonic Anyone? Similar or Not?". The lecture explored the test for similarity of goods and services, and different goods that have a close association with one another, like gin and tonic.

In keeping with the theme of the lecture, guests could enjoy a variety of gin and tonic cocktails,

along with other refreshments. Professor Nicola Smit welcomed the guests, while Bastiaan Koster, partner at our sponsor, Von Seidels, shared anecdotes from his long-standing relationship with Chris Job, and specifically mentioned that Von Seidels feel privileged to be part of such a prestigious event. Professor Karjiker thanked Mr Job for his informative lecture and his willingness to share his knowledge with us.

After the lecture, the guests had the opportunity to network and socialise in typical IP public lecture style. The Chair and the event sponsor, Von Seidels, consider the event a great success.



Development and Rule of Law Programme (DROP)

DROP receives the official mandate to develop a “Model Law for Sustainable Soil Management in Africa”

Based on the results of a previous (2019-2021) project “Mapping out options for a model legislation on sustainable soil management in Africa”, DROP received the official mandate to develop a model legislation for “sustainable soil management” for subsequent adoption and endorsement by the Pan-African Parliament (PAP) for transmission and domestication to national parliaments in the African Union (AU). The results of the previous project

(AMCEN), the German Environment Agency (UBA) and various regional and national organisations on the continent.

Soils are the second largest carbon sinks after the ocean and therefore critical for the achievement of the goals of the Paris Agreement on Climate Change. The project is also aimed at better global food security therefore including aspects related to inter alia urbanization,



have been captured in the book “African Soil Protection Law” published by Nomos Publishers, Germany. The new (and historic) project is funded by the German Federal Ministry for Economic Cooperation and Development (BMZ). Project partners include the Food and Agriculture Organization (FAO), the United Nations Convention to Combat Desertification (UNCCD), the United Nations Environment Programme (UNEP), the African Union (AU), the African Ministerial Conference on the Environment

agriculture, and mining, making specific proposals for a model legislation and for the establishment of more effective soil protection governance systems. The project involves legal and governmental experts from all over Africa and beyond. Professor Oliver Ruppel, as the director of DROP, serves as project leader. The project was officially kicked-off in Casablanca, Morocco (see photo attached with the members from the project team) on 9 October 2023 and has a duration of 2.5 years.

HF Oppenheimer Chair in Human Rights Law

Postgraduate Human Rights Seminar 2023

On 21 September 2023 the HF Oppenheimer Chair in Human Rights, Professor Sandra Liebenberg, hosted the second annual Postgraduate Human Rights Seminar at the scenic Silo and Shed in Devon Valley. Postgraduate students working under the auspices of the Chair, Christiaan Van Schalkwyk and Claire Rankin, took a leading role in organising the seminar.

The seminar provides both LLM and LLD candidates writing in the area of human rights with the opportunity to present their research and field answer questions on their work from those in attendance. The event also aims to forge closer linkages between the community of postgraduate students, their supervisors and other Faculty staff. The seminar is a contribution to sustaining a vibrant and supportive postgraduate community in the Faculty of Law.

This year, LLM and LLD students presented on a variety of topics, traversing the application of both international law and domestic law. Presentations dealt with issues

relating to children's rights; the interpretation and application of the Maputo Protocol on the Rights of Women in Africa; gender-based discrimination in sport; animal rights trends in South Africa; the oversight of defence procurement; judicial engagement with budgetary constraints in socio-economic rights litigation; SGB-created pregnancy policies and mass unlawful occupation.

Students received feedback on their presentations from a variety of lecturers across Faculty Departments who attended the seminar, including the Head of the Department of Public Law, Professor Bradley Slade, and the Vice-Dean of Research and Internationalisation, Professor Juanita Pienaar. Overall, the presentations were of a high quality and are indicative of an exciting and impactful body of research in the field of human rights law emerging from the Faculty's postgraduate student community.



A photo of all those in attendance at the Postgraduate Human Rights Conference.

Alumni update

Recent alumni of the Chair are making impressive strides in their academic careers in diverse areas of human rights law. Here we focus on three recent alumni

of the Chair, Gideon Basson, Megan Donald and Reshard Kolabhai. We ask them to speak about what they are currently doing and their hopes and dreams for the future.

Gideon Basson

Introducing Gideon

Gideon received his LLM cum laude under the supervision of Professors Liebenberg and Botha in April 2022. Since then he has been a research and teaching assistant to the Chair in Human Rights Law, and a junior lecturer in the Faculty teaching the Constitutional Law 312 module in the first semester of this year. He has been a wonderful support to the Chair and assisted in all facets of the Chair's endeavours: producing quality research in the field of human rights law; helping to organise the Annual Human Rights lecture; and a variety of social impact activities.

Professor Sandy Liebenberg paid the following tribute to Gideon:

"Gideon has made an enormous contribution to all aspects of the work of the Chair and has produced a considerable body of research whilst based at the Chair. His absence is keenly felt by me and the other postgraduate students for whom he has been a wonderful mentor and role-model. I am confident that he will make a seminal contribution to the field of human rights law, particularly focusing on equality law in Africa. It is a credit to Gideon's research skills and dedication that, after providing research support to the international Drafting Group for the commentary on the Maastricht Principles on Future Generations for a short period, he was unanimously invited onto the Drafting Group as a fully-fledged member."

Short interview with Gideon:

Please tell us what you have been doing since leaving Stellenbosch Law Faculty and the Human Rights Chair?

I am pursuing a DPhil in Law at the University of Oxford for the next three years. I am honoured to be the recipient of the Shaun Johnson Memorial Scholarship from the Mandela Rhodes Foundation in South Africa, which enables my full-time stay and study at Oxford University. My research aims to develop a critical anti-discrimination

framework for 'fortune' as a prohibited ground of discrimination under the African Charter on Human and Peoples' Rights.

What are your first impressions of Oxford University and your hopes and dreams for the future?

Oxford is adorned with historical beauty and deep contradictions. I have had the pleasure of meeting wonderful fellow researchers from the Global South who are exploring various critical topics related to subaltern emancipation.



Gideon Basson at the Matriculation Ceremony on the 14th of October 2023 which marks the formal admission of a student into Oxford University.

I am grateful for the strong foundations and skills I gained through the skilful supervision of Professors Liebenberg and Botha during my LLM research at Stellenbosch University. It was during this time that we began to delve into the complexity of developing discrimination law into a credible tool to contest intersectional material deprivation and disadvantage.

My hope is that my DPhil study will provide a sophisticated human rights framework to assist judges, litigators, academics, policy-makers, activists, and impoverished

people in making a small dent in the deep levels of poverty, misfortune, and inequality that the majority of people in African states encounter. Importantly, I aim to develop the discrimination law framework within the regional African human rights system to demonstrate that poverty and misfortune are not simply natural inevitabilities, but challenges to be overcome through a reckoning with our discriminatory colonial past and its manifestations in structural exclusion in the present.

Megan Donald

Introducing Megan

Megan completed her LLD under Professor Liebenberg's supervision in March 2021. Her thesis dealt with the integration of environmental considerations into the International Covenant on Economic, Social and Cultural Rights. Since then she has been working as a research consultant on various aspects of international human rights law and its intersections with environmental law. She has been involved in research projects for the German Institute for Human Rights, the General Academy of International Law and Human Rights, and the UN Independent Expert on the Human Rights of Older Persons. She has also provided research support to the drafting group of the UN Committee on Economic, Social and Cultural Rights on its forthcoming General Comment on sustainable development and economic, social and cultural rights.

Professor Sandy Liebenberg said the following about Megan:

"Megan has done groundbreaking research into the intersections between economic, social and cultural rights and the right to a clean, healthy and sustainable environment. She was a brilliant doctoral student and a great mentor to the other postgraduate students working under the auspices of the Chair. I am confident that she will make an important contribution to international law on human rights and climate change in her new position at the Danish Centre for Human Rights."

Interview with Megan:

Please explain your new job in Denmark, and how you feel about it?

It is a two-year contract at the Danish Institute for Human Rights in Copenhagen as a Senior Adviser working on Human Rights and Climate Change. I start on 1 January 2024.

This is a wonderful opportunity to do meaningful work in a research area I am passionate about, and at an institution with an excellent reputation. I am grateful and excited!

Dr Megan Donald at her LLD graduation at Stellenbosch University in 2021.



Reshard Kolabhai

Introducing Reshard

Reshard completed his LLM (by research thesis) in April 2020 under the co-supervision of Professor Sandra Liebenberg and Professor Richard Stevens, which he received cum laude. His LLM thesis focused on a transformative approach to the human rights obligations of South African companies. After graduating, Reshard took up a lecturing post in Constitutional Law and Human Rights at North-West University, Potchefstroom Campus. He has recently commenced an LLM by coursework at Yale Law School. Since starting at Yale, he has also been awarded an Emerging Scholar Fellowship from the Association for the Promotion of Political Economy and Law (APPEAL).

Sandy Liebenberg described Reshard as follows:

"Reshard is a brilliant young scholar with a deep commitment to transformative legal research. He has already produced several innovative articles and book chapters. He is carving out a niche for himself in the role of law in sustaining, but also challenging structural economic injustices. I am confident that his scholarship will have a major impact and forge imaginative responses to the multiple crises facing our society and the international community."

Interview with Reshard

Tell us about the programme you are currently enrolled in at Yale Law School?

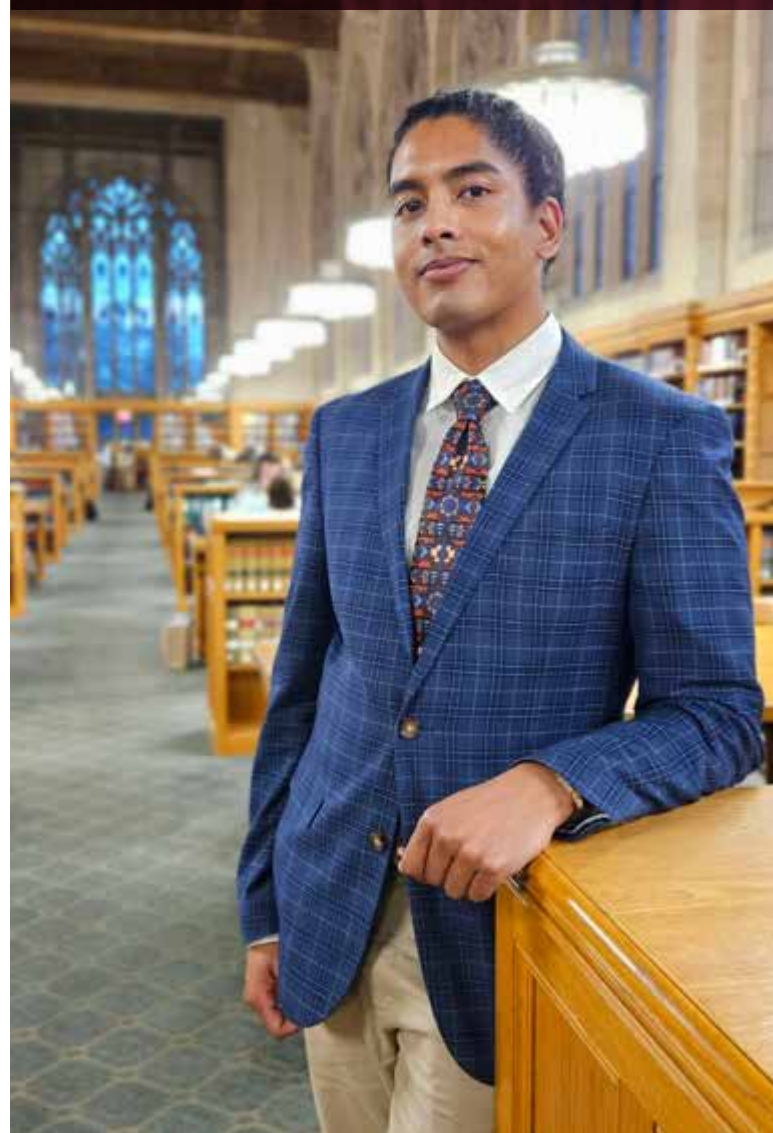
I recently began a one-year LLM by coursework at Yale Law School, in New Haven, Connecticut. I was awarded a Yale Law School scholarship, which covers part of my tuition. I am one of very few students from South Africa that have ever undertaken Yale's LLM programme. The present cohort consists of only 27 students, hailing from all over the world. This particular LLM programme is geared primarily towards those seeking a career in academia. My chosen courses generally speak to my research interests in legal critique at the nexus of political economy, constitutional law, and human rights. I hope to undertake doctoral studies after the LLM, or otherwise to pursue a fellowship programme.

What are your reflections on being a Yale student and your advice for future generations of young legal scholars?

Attending Yale is something I quite literally never thought possible until just a couple of months ago, when I got the call letting me know I'd been admitted. It's been an exhilarating experience – indeed, almost an information overload, being exposed to so many exciting ideas and

discussions from morning until late at night, from the seminars to the common rooms of the student dorm I'm staying in, and already so many hundreds of pages of required readings. I would like queer, POC, working-class, first-generation students like me in South Africa to know what I am only now discovering: we can study overseas at top institutions. We *can* find funding. And not only can we easily keep up in critical discussions with the very best students and faculty worldwide, we in fact have so much to teach the Global North about our struggles for a fairer legal system and society, and about our many truly groundbreaking innovations in constitutional and human rights law. Getting there may feel really tough, but my advice to my younger self and those like me would simply be these: be curious, be creative, be unashamed, be quirky, be brave, be loving and joyful, be involved, be unshakeably you, and just stick at it, no matter what. It gets better.

Reshard Kolabhai at the Main Reading Room at the Lillian Goldman Law Library in the Sterling Law Building at Yale Law School.



Litigating Resource Constraints: HF Oppenheimer Chair in Human Rights hosts a seminar with the Equal Education Law Centre

On 15 September 2023, Professor Sandra Liebenberg and LLM candidate, Claire Rankin hosted the Equal Education Law Centre, a non-profit public interest law centre, at the Law Faculty for a seminar focusing on the litigation of resource constraints affecting children's socio-economic rights. Ms Gretchen Adams, a junior lecturer in the Faculty, whose LLD research project focuses on school governing bodies and education rights in South Africa, also participated in the seminar.

Professor Liebenberg and Ms Rankin drew on their own research projects on the adjudication of budgetary issues in socio-economic rights litigation to do a joint presentation to staff of the Equal Education Law Centre. Their presentation focused on how courts have approached the adjudication of resource constraint

defences by organs of state, as well as potential avenues and arguments to explore in future litigation.

The presentation was followed by a lively discussion, focusing on particular issues faced by staff of Equal Education in litigating cases, particularly in the context of the right to basic education and other related aspects of children's rights. The seminar provided a vital opportunity for practitioners to connect with academics to discuss and brainstorm how to translate academic research into actionable litigation strategies and further the realisation of the rights of learners in South Africa. It was also valuable for academic staff to deepen their insights into the challenges faced by practitioners in the areas of their research.

Prof Liebenberg, Claire Rankin and Gretchen Adams with the staff of Equal Education Law Centre



Professor Liebenberg gives the Keynote Address at the Legal Resources Centre's Annual General Meeting

On 16 November 2023, Professor Liebenberg delivered the Keynote Address at the Legal Resources Centre's Annual General Meeting held at the Protea Hotel in Sea Point, Cape Town. The theme for the AGM was "Democracy and Transparency" and Professor Liebenberg, an alumnus of the organisation herself, was invited to present on how civil society organisations such as the LRC can contribute to upholding democracy, especially in light of the upcoming 2024 national elections. Professor Liebenberg drew from her own experience of the LRC as an organisation, starting from her completion of a fellowship at the LRC after graduating to her continued involvement with the organisation throughout her career, and offered a thought-provoking account of the work done by the organisation. She focused on considering the relationship between socio-economic rights and political rights and how they are mutually constitutive of South Africa's constitutional democracy, reflecting on how there is a lack of sufficient mechanisms in place to protect programmes focused on delivering

socio-economic rights and how this has contributed to growing disenchantment with liberal models of democracy evident across the world. She also focused on the need to deepen South Africa's democratic project, focusing largely on the work done by the LRC in strengthening the various participatory channels in South Africa's democracy. After her address, Professor Liebenberg engaged in a lively question and answer session with LRC staff. The discussion was broad ranging focusing on global, regional and national challenges to human rights and democratic governance.



From left to right: Sherylle Dass, co-lead of the LRC's Education Programme; Nersan Govender, Executive Director of the LRC; Cecile van Schalkwyk, an attorney at the LRC's Makhanda office and previous student of Prof Liebenberg; and Prof Liebenberg.

Centre for Social Justice



An Expert Roundtable on Social Justice and the Constitution was hosted on 17 August 2023, which was well attended by key thought leaders on social justice, including retired Constitutional Court Justice Albie Sachs and retired Judge President of the Competition Appeal

Court, Dennis Davis, which reflected on 30 years of constitutional democracy, achievements, challenges and opportunities for moving the needle on social justice. Great insights, including on constitutional weaknesses and missed opportunities were generated.



Group shots of the Expert Roundtable participants, including Justice Albie Sachs and retired Judge President of the Competition Appeal Court, Dennis Davis.

The CSJ hosted the 4th International Conference on Social Justice and the 5th Social Justice Summit, at Artscape Theatre Centre in Cape Town on 11 and 12 October 2023 under the overarching theme "The role of business and civil society in advancing social justice". Discussions centred on issues such as corruption, labour practices, legal empowerment, entrepreneurship, corporate social responsibility, food insecurity, land equity and the role of non-profit organisations, among others. The discussions aimed to redefine the role of businesses in advancing social justice, tran-

scending conventional corporate social responsibility (CSR) and corporate social investment (CSI). Stimulating a spirit of collaboration, both nationally and globally, the conference and summit spurred a recognition that government, business and broader civil society need to work together to advance social justice. An agreement reached at the conference was that the following year's conference would focus on "hunger", while the decision by Business Leadership SA to support in joining hands to fix energy security, transportation, crime and corruption was supported.



The enthusiastic participants

To help government enact social justice impact-conscious policies and laws, the CSJ team has organised and collaborated with diverse stakeholders in assessing draft bills. Through the use of SIAM, we have predictively assessed the impact of intended laws or amendments in our presentations to roundtables with others, in order to prepare *Parliamentary submissions and oral presentations*. Work during the period under review has included the following Law Review Roundtables on:

- Gender-Based Violence and Femicide Bill (b31-2022) (19 May 2023);
- The Small, Micro and Medium Enterprises (SMMEs) and Co-operatives Funding Policy for South Africa (9 June 2023);

- Employment Equity Act Amendment Bill 4 of 2022 (6 July 2023); and
- The Draft Marriage Bill 2022 (21 Aug 2023) and
- Oral Presentations at Select Committee Public Hearings on:
 - National Council on Gender Based Violence Femicide Bill (b31-2022) June 2023 – Committee Women, Youth and Persons with Disabilities;
 - Preventing and Combating Hate Crimes and Hate Speech Bill on 19 September 2023 to the Select Committee on Security and Justice; and
 - Expropriation Bill to the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure on 27 September 2023.

The CSJ presented the Administrative Law for State Functionaries Short Course on 28 – 30 August 2023. Co-presenters included Professors Thuli Madonsela, Sope Williams and Geo Quinot. Participants were offered an opportunity to understand administrative-law considerations that courts expect them and their principals to comply with and help them gain administrative-law insights from court jurisprudence. Public Protector and Auditor General reports were considered

with a view to minimising the possibility of having the decisions or those of principals they advise successfully reviewed by courts and administrative oversight bodies. The programme also provided basic leadership insights, including the understanding of lawyering as leadership, further aimed at improving good governance and minimising unproductive encounters with oversight bodies or personnel that leads to case hardening and related adverse outcomes.



Group photo with all participants and presenters, including Prof Madonsela, Prof Williams and Prof Quinot.

The CSJ hosted Social Justice Cafés, on 23 August 2023 on Food (in)security on campus: A solution driven conversation and on 20 September 2023: Student entrepreneurship as an avenue for achieving SDGs.

The Cafés held on 22 November 2023 and 29 November 2023 addressed the issue of Language & Access to Education and War, Peace & Children's Rights: The Role of Civil Society.



Numerous accolades and awards have been bestowed on the Director of the CSJ, Professor Thuli Madonsela. She not only graced the cover page of the Clicks Magazine, but was also appointed Director to

the UN Scientific Advisory Council, and received the SAELA Award and Rising Stars Inspiring Leader of the Year Award respectively.

The CSJ continued its Fundraising efforts to end Student Debt Under the #Action4Inclusion Initiative, which included massive media awareness action and key events in collaboration with partners such as the SU Alumni Office and Visit Stellenbosch including the Annual June 16 Social Justice Walk; Launching and achieving Phase 1 of the 300km Pilgrimage of Hope

for Action4Inclusion on 19 and 20 August 2023; #Action4Inclusion Mosselbaai Hike on 12 August 2023; #Action4Inclusion Dublin Hike on 30 September 2023; and the #Action4Inclusion cycling initiative by final year medical student at Stellenbosch University, Sarah Camp which had taken place from 26 October to 4 November 2023.



The CSJ staff participated and presented papers at the One Young World Summit in Belfast, where over 2000 young leaders from 190+ countries gathered in person and digitally. Delegates participate in four transformative days of speeches, workshops and networking.

Throughout the Summit, delegates are counselled by influential political, business, and humanitarian leaders, including Professor Thuli Madonsela, former President Mary Robinson, Didier Drogba and Professor Muhammad Yunus.



Pavocat Stellenbosch Academy (PSA)

On 2 to 3 November 2023, the Pavocat-Stellenbosch Academy (P-SA) convened the Pan-African Counter-Corruption Assembly (PACCA) in Stellenbosch. The PACCA brought together official delegations from 19 African governments to discuss the need for collaboration across the continent in the fight against corruption. Delegates included ten Ministers of Justice, as well as a host of ambassadors, high commissioners, heads of national anti-corruption agencies, academics and civil society organisations. All African regions were represented, from Egypt and Libya in the north, to Mali and Cote D'Ivoire in the west, to Cameroon in central Africa, to Kenya and Tanzania in the east and Namibia, Botswana, Zimbabwe and South Africa in the

south. In his opening remarks, South African Minister of Justice and Correctional Services, Ronald Lamola, emphasised the importance of African countries working together to overcome the scourge of corruption on our continent and the detrimental impact it has on development. Delegates agreed that while there are a number of organisations, networks and bodies working to counter corruption in Africa, there is a dire need to bring collaboration to these efforts. To this end, delegates committed to continue working on a joint approach to bring collaboration to this field. With the coordination of the P-SA, participants hope to finalise a statement on an approach to collaboration within the next few months.

Op 2 en 3 November 2023 het die Pavocat-Stellenbosch Akademie (P-SA) die Pan-African Counter-Corruption Assembly (PACCA) in Stellenbosch byeengeroep. Die PACCA het amptelike afvaardigings van 19 Afrika-regerings bymekaar gebring om die behoefte aan samewerking regoor die vasteland in die stryd teen korrupsie te bespreek. Afgevaardigdes het tien ministers van justisie ingesluit, sowel as 'n magdom ambassadeurs, hoë kommissarisse, hoofde van nasionale teenkorrupsie-agentskappe, akademici en burgerlike organisasies. Alle Afrika-streke is verteenwoordig, van Egipte en Libië in die noorde, tot Mali en Ivoorkus in die weste, tot Kameroen in sentraal-Afrika, tot Kenia en Tanzanië in die ooste en Namibië, Botswana, Zimbabwe en Suid-Afrika in die suide. In sy openingstoespraak het die Suid-Afrikaanse Minis-

ter van Justisie en Korrektiewe Dienste, Ronald Lamola, die belangrikheid daarvan beklemtoon dat Afrikalande saamwerk om die plaag van korrupsie op ons vasteland, sowel as die nadelige impak wat dit op ontwikkeling het, te oorkom. Afgevaardigdes was dit eens dat hoewel daar 'n aantal organisasies, netwerke en liggame is wat werk om korrupsie in Afrika teë te werk, daar 'n groot behoefte is om samewerking aan hierdie pogings te bring. Vir hierdie doel het afgevaardigdes hulle daartoe verbind om voort te gaan om aan 'n gesamentlike benadering te werk om samewerking na hierdie veld te bring. Met die koördinering van die P-SA hoop deelnemers om binne die volgende paar maande 'n verklaring oor 'n benadering tot samewerking te finaliseer.



Faculty of Law Fakulteit Regsgeleerdheid

Lectures • Conferences •
Seminars • Book Launches

Administrative Law Discussion Forum



On 12 to 13 June, Professor Geo Quinot participated in the Administrative Law Discussion Forum at the Université Paris Dauphine, in Paris, France. He presented a paper with the title, "The expanding role of compar-

ative administrative law in South Africa", in which he compared and contrasted the role of comparative law in South African constitutional and administrative law respectively.

The online symposium on the Chevron doctrine through the lens of comparative law

Between 27 September and 17 October, Professor Geo Quinot participated in the online symposium on the Chevron doctrine through the lens of comparative law. The symposium was organized by Professors Susan Rose-Ackerman (Yale) and Oren Tamir (Harvard) to reflect on interpretative deference in administrative law in various national legal systems from a comparative perspective. Professor Quinot contributed a paper setting out the approach to (interpretative) deference in South African administrative law. Other jurisdic-

tions covered in the symposium included the United States, Canada, Brazil, the UK, Australia, India, France and Germany. The impetus for the symposium was the upcoming US Supreme Court hearing in *Loper Bright Enterprises v Raimondo* in which the court is expected to revisit the well-known Chevron doctrine in US administrative law. The full symposium can be accessed on the Balkinization blog of Yale Law Professor Jack Balkin at <https://balkin.blogspot.com/>.



Prof Quinot at the Jackman Law Building of the University of Toronto

The Comparative Administrative Law conference at the University of Toronto in Canada

On 20 and 21 October, Professor Geo Quinot participated in the Comparative Administrative Law conference at the University of Toronto in Canada. The event forms part of the third edition of Edward Elgar's leading publication, *Comparative Administrative Law*, that will appear in 2024. Professor Quinot presented a paper entitled, "Vernacularizing administrative law in Commonwealth African jurisdictions", in which he explores the extent to which administrative law in African countries based on common law due to colonization, has shifted from an essentially common-law conception to a local conception in light of the constitutionalisation of administrative justice in these systems.

Environmental Law Association of South Africa Conference

The Environmental Law Association of South Africa (ELA) is the only organisation of its kind in the country. It is aimed at the development of scholarship, practice and constructive legal development in the field of environmental law and governance. It came into existence in 1991.

The ELA recently held its annual national and student conferences at the Faculty of Law, Nelson Mandela University. The conference took place from 12 to 14 October 2023, with the first day dedicated to the research of Masters and PhD students working on different aspects of environmental law. The conference was attended by academics and legal practitioners alike, and Judge Avinash Govindjee from the Eastern Cape High Court presented the keynote address.

Stellenbosch University was represented by Professor Anél du Plessis, a long-standing member of the ELA. She served on the ELA Secretariat from 2006 – 2019. Professor du Plessis' presentation was titled "Environmental law architecture and what it means for the emerging field of 'urban' law". She is the supervisor of four of the PhD and LLM students who received best presenter prizes at this year's conference.

Practitioners, officials, students and academics interested to join the ELA are invited to visit its website: <https://elasa.co.za/> or to follow its social media pages.



15th Global Legal Skills Conference

Dr Bradley Greenhalgh, the Faculty's Legal Education and Student Coordinator, attended the 15th Global Legal Skills Conference hosted by Nottingham Trent University's Nottingham Law School, in Nottingham (UK) between 30 July and 1 August 2023, where he presented a paper on "Operationalising a "New Standard" for Legal Education in South Africa: Opportunities & Challenges". The Conference saw presentations by over 100 participants from around the world, from as diverse a field as Brazil, Qatar and Czechia, with Dr Greenhalgh being the sole representative from the African Continent, on behalf of the Faculty.

His presentation was based on the work being done within the Law Faculty, as part of the continued roll-out of its renewed undergraduate LLB programme (across 6 programme-articulations). This remains an ongoing process involving both forward-looking pedagogical design and backward-looking iterative (re-)design, which followed the national review of LLB programmes on offer at all tertiary education institutions in South Africa in 2016, at the behest of the various stakeholders within the legal profession. The presentation unpacked the various steps taken by the Faculty since 2018/2019 in redesigning its LLB degree, through to the present-day rolling-out of the renewed programmes, with the key focus being on the practical operationalising of the roll-out, as underpinned by a legal skills and dispositions mapping project that seeks to embed the core attributes of the LLB Standard within the programme, both in terms of the hidden curriculum and explicit learning outcomes within the renewed modules.

During the course of the conference, Dr Greenhalgh attended sessions that varied from "Diversity and AI Ethics in the Legal Practice", "Professional Identity and Cultural Competency in the First-Year Curriculum" and "The Virtual Internship Model: Empowering Students with Drafting and Employability Skills", to that of "Student Community and Partnership: Using Legal Skills-Based Initiatives" and "Skills for Success: Preparing Law Students for Life after Law School". Whilst the presentations were of great use in showcasing different approaches followed by law faculties and schools across the length and breadth of the major jurisdictions worldwide, what was also clear is that the Faculty is on par with some of the world's

leading institutions, and in several areas, has already been implementing approaches and strategies that are only now being identified as necessary within various universities. Pictured is Bradley with Anneka Ferguson, a Senior Lecturer at the University of New South Wales (Sydney) Law School's Practical Legal Training Unit — taken on the final day of the conference. Bradley and Anneka are presently exploring options for future collaboration, in terms of the mapping of law graduate skills' development, and its embedding within the curriculum.

The opportunity to attend the conference in Nottingham, also afforded the chance for a visit to Coventry University, where Dr Greenhalgh was hosted for the day by Senior Teaching Fellow at CU Law School, Sharan Sandhu. Dr Greenhalgh also had the opportunity to meet and engage with Dr Gary Betts (Head of Coventry Law School, and Chair of the Legal Education Committee at the Society of Legal Scholars (UK)), and Alan East (Associate Head of Law (Student Experience)), on the various initiatives around law student support and skills' development within the Coventry Law School.



Succession and Trust Law Conference



Ms Rukshana Parker attended the 2023 Succession and Trust Law Conference, which was held at the Nelson Mandela University George Campus, on 6 October.

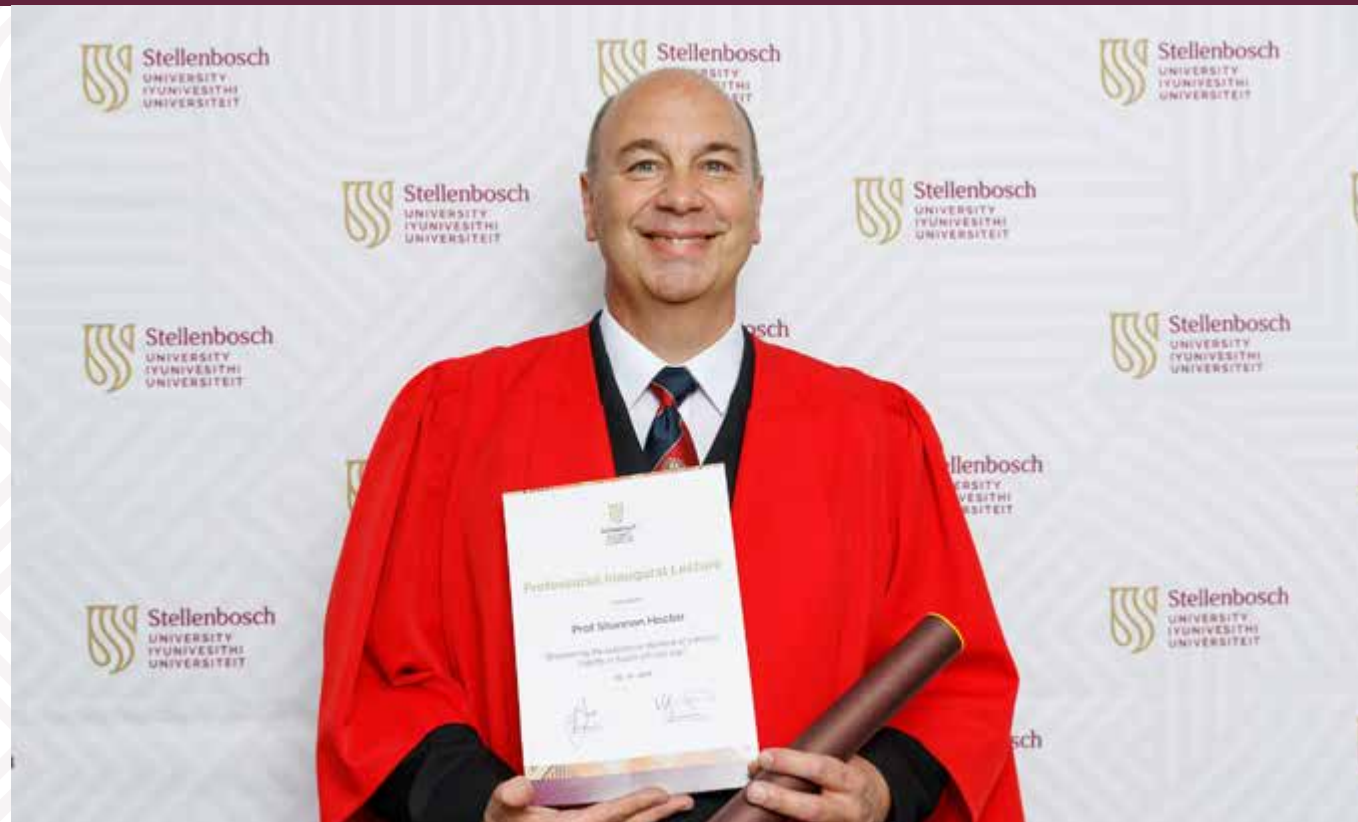


Annual Property Law Colloquium



Professor Pienaar also attended the Annual Property Law Colloquium from 2 to 3 November at UCT, and presented a paper titled 'Regulatory framework dealing with eviction and trespass: recent developments' on 2 November.

Prof Shannon Hctor: Inaugural Lecture



On Thursday evening, 2 November, Professor Shannon Hctor delivered his inaugural lecture, "Sharpening the subjective element of criminal liability in South African law". It was an excellent lecture that was well attended by colleagues, students and family of Professor Hctor. Professor Hctor holds BA LLB and LLM degrees from the University of Cape Town (UCT), a DJuris from

Leiden University (Netherlands), as well as a Postgraduate Diploma in Latin from the University of Wales Trinity Saint David (United Kingdom). Having begun his academic journey at UCT, he taught at the erstwhile University of Port Elizabeth and the University of Kwa-Zulu-Natal in Pietermaritzburg before being appointed as a professor in the Department of Public Law at Stellenbosch University in July 2021.



2023 Regional Teaching and Learning Conference

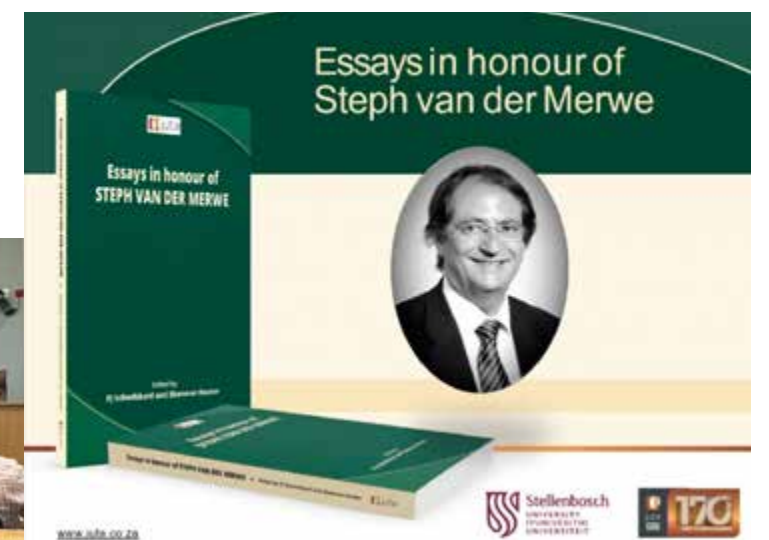


The UWC Law Faculty hosted the Regional Learning and Teaching Conference at UWC, on 28 September 2023. The conference allowed the Faculty's staff members and students to engage with colleagues

from UCT and UWC on the theme, "Driving Impactful Learning in the Classroom and Beyond". Next year's Regional Learning and Teaching Conference will be hosted at SU.

Essays in honour of Steph van der Merwe

"Essays in honour of Steph van der Merwe" was officially launched on 5 December 2023. This volume celebrates Steph van der Merwe, who left an indelible mark on students and colleagues. For more information, email cserv@juta.co.za



Prof Sope Williams



Professor Williams presented papers at several conferences.

On 7 July 2023, Professor Williams was a panellist on "Gender Aspects of Public Procurement in Africa: Where are We?" at the 8th Global Procurement Conference, University of Rome: Tor Vergata. Villa Modragone. On 21 July 2023, Professor Williams was a speaker at the Procurement Integrity in Procurement Reform Workshop, African Procurement Law Unit, in Boksburg. On 27 July 2023, Professor Williams was an online speaker at the Interests and Concerns of Developing Country MSMEs with respect to Sustainability and Public Procurement in Advancing Environmental Sustainability Goals Through Public Procurement and International Trade Policies, International Trade Centre, Geneva. Professor Williams was a part of the panel for the "Role and performance of government at three levels in advancing social justice" at the Expert Roundtable on Social Justice and the Constitution, Bertha Retreat, Boschendal, Stellenbosch, on 17 August 2023. On 28 August 2023, Professor Williams was an online speaker for Integrity Initiatives International, and presented a paper, entitled "International Criminal Court: Legacies and lessons learned from designing new international courts".

At the International Public Procurement Conference Africa, held at the Marriott Hotel, Century City, Professor Williams presented a paper titled "Empowering Equality: The Path Forward with Gender-Responsive

Procurement in SA" on 11 September 2023. On 23 October 2023, Professor Williams presented "The Imperative for Gender Responsive Procurement in Zimbabwe" at the 3rd Annual Conference of the Procurement Regulatory Authority, Zimbabwe, which was held at the Rainbow Hotel and Towers, Harare. On 25 October 2023, Professor Williams was a joint speaker, and presented on "Regional Economic Communities and the African Continental Free Trade Agreement", at Olu Akinkugbe Business Law in Africa Fellowship 10th Anniversary Conference at the University of Cape Town.

Professor Williams was also very involved with policy and advocacy work, including assisting the Department of Women, Youth and Persons with Disabilities to draft regulations for gender responsive procurement in South Africa (October 2023); writing a blog for Brookings Institute, USA "Can we change the narrative on corruption in public procurement in Nigeria?" (available at <https://www.brookings.edu/articles/can-we-change-the-narrative-on-corruption-in-public-procurement-in-nigeria/>); becoming a Board Member of Women in Procurement (July 2023-present, of the Advisory Committee of the International Anti-Corruption Court Treaty Committee, USA (August 2023-Present); and the International Academic Advisory Board, International Anti-Corruption Academy, Vienna (July 2023-Present).

Conference on Combating Organised Crime

The Journal of Anti-Corruption Law and Department of Criminal Justice and Procedure in the Faculty of Law at the University of the Western Cape hosted a conference on Combating Organised Crime on the 7th of September 2023. The conference focused on the impact of organised crime globally (especially the African continent); the intersection between organised crime

and other (emerging) forms of crime; the role of the police and civil society in combating organised crime as well as enhanced witness protection.

Dr Delano van der Linde presented a paper titled "Combating Sextortion and Romance Scamming as Organised Crime" as part of his ongoing research into organised crime and cybercrime in South Africa.



Panel discussion at International Fraud Awareness Week

Dr Delano van der Linde (Department of Public Law) participated in a panel discussion at KPMG, in association with the Association for Certified Fraud Examiners ("ACFE") for International Fraud Awareness Week. The topic of the panel discussion was "The political landscape in SA and the influence on our economy and corruption". Dr van der Linde specifically discussed the roles of the youth and the media in the upcoming

election, as well as the role of civil society in combating corruption. He was joined by Professor Shannon Hoor (Department of Public Law), Mrs Silke de Lange (Department of Mercantile Law) and a few law students who are driving the establishment of the ACFE Student Chapter at SU. The student chapter will be led by Liam Gillesen, Nur-Ayn Mohamed, Michaela Groenewoud, Nina Hanekom and Thejan Volschenk.

Raising the *(International)* Bar

On Wednesday 4 October, the second online workshop involving law students from SU and Coventry University Law School took place. Facilitated by Senior Teaching Fellow (CU) and Vice-President of the Warwickshire Law Society, Sharan Sandhu and Dr Bradley Greenhalgh (the Faculty's Legal Education and Student Coordinator), the two-hour session was titled "Interviewing International Clients". This built on the first Raising the (International) Bar session involving Coventry University, held in March 2023, which focused on the importance of and required skills for networking.

The workshop saw the presenters engage with the participants on interviewing international clients in an online environment. Hereafter, the participants were divided into two groups — one group was introduced to a specific factual scenario, which they were expected to embody as the "international client" in the next stage of the event, whilst the other group was taken through training on how to lead an interview as a trainee solicitor/candidate attorney. The participants were then divided into groups of two, with one acting as with one acting as the client and the other as the candidate attorney, interviewing them. The process then repeated, so that all participants were able to fulfil both roles — before returning for a plenary, large-group discussion about what they had learnt and experienced.

On the prior Monday, two days before the aforementioned online session with Coventry Law School, the Faculty hosted Mitchell Kowalski, the Visiting Professor of Legal Innovation at the University of Calgary Law School — also as part of the broader "Raising the (International) Bar" initiative. Kowalski, who was in South Africa as a guest of the Exigent Group, spoke to our students on the topic of global legal innovation in the alternative legal services sector, regarding non-traditional legal career options that can be followed post-graduation. Kowalski is the author of two books, namely "Avoiding Extinction: Reimagining Legal Services for the 21st Century", and "The Great Legal Reformation: Notes from the Field", and has spoken widely at numerous international engagements on the purpose of the law and lawyers within the context of the 4th Industrial Revolution, and what potentially lies ahead in the world of work.

The third Raising the (International) Bar session with Coventry Law School is planned for early 2024, and will focus on skills surrounding negotiations in the context of legal transactions. These all form part of continuing initiatives within the Faculty to expose our students to elements of different forms of professionalisation, whilst broadening the participants' perspectives by means of engagement with their peers and international students.



AI & the Law Seminar Series

The second iteration of the AI and the Law Seminar Series, presented in collaboration with Swart Law (a local IPO and legal tech firm), commenced on 30 August with the opening function hosted at the Faculty.

Participants from the 2022 series were invited to attend — which also saw the announcement of the 2022 prize-winners. Pictured is Mr Dérick Swart of Swart Law, and Chiara Nefdt, a final-year LLB student — whose article titled "The Revolution of the Lawyer in the 4IR" was the recipient of the Winning Contribution award. Doné Botha received the "Runner-up Contribution" award, whilst Juané Beukes de Kock received the "Most Engaged Participant" award — with all three winners receiving a generous prize-money contribution from Swart Law.

The 2023 Seminar Series saw the Swart Law experts being joined by presenters from industry, such as Dr Charl Botha, (CIO, Stone Three), and various SU academics including Professor Kanshukan Rajaratnam (Director of the School for Data Science and Computational Thinking), Professor Brink van der Merwe (Head of Computer Science), Professor Sadulla Karjiker (Anton Mostert Chair of the Intellectual Property

Law) and Dr Dirk Brand (School of Public Leadership). Topics that were explored over the course of the online seminars included the evolution of large language models (LLM's), initiatives to regulate AI, the intersection between AI and intellectual property, AI and personal information, and corporate governance in the era of AI.

The final assignment in the 2023 Seminar Series involved participants being tasked with using an LLM/AI tool of their choice, to prompt the chosen tool to produce an output that serves as a legal overview of recent changes to maternity/paternity leave in South Africa. The contribution was assessed on the participants' analysis and critique of the output received, as measured against what an accurate, comprehensive and authoritative legal overview should be expected to contain.

Initiatives such as the AI & the Law Seminar Series accordingly offer SU law students the opportunity to engage in a more informal setting with cutting-edge developments within niche areas of law, prior to same being incorporated into the mainstream academic curriculum.

Another successful Labour Law Colloquium



Following on the Labour Law Colloquium hosted in 2022 as part of the Faculty's centenary celebrations, the Law Faculty hosted a further labour law colloquium on 31 August and 1 September 2023 at STIAS, this time dedicated to a reflection on the labour and social security jurisprudence of the Constitutional Court over the past twenty years. International speakers included Professor Sandy Fredman (Oxford University), Professor Adelle Blackett (McGill University, Canada), Professor Dr Manfred Weiss (Professor Emeritus, Goethe

University, Frankfurt and Dr Pablo Arellano (International Labour Organisation, Geneva). South African speakers included Adv Anton Myburgh, SC (Johannesburg Bar), Prof Cameron Morajane (Director of the CCMA), Judges Basheer Waglay and Dennis Davis (both from the Labour Appeal Court), Judge Andre van Niekerk (Labour Court), Judge Avinash Govindjee (High Court)

as well as the Faculty's own Professors Nicola Smit, Thuli Madonsela, and Christoph Garbers. The colloquium brought together 120 academics (representing 14 universities), practitioners and students and was described by many as an event that has established itself as a highlight on the labour law calendar. Part of proceedings was a gala dinner at JC le Roux to honour the life-long contributions of Professors Evance Kalula and Marius Olivier to labour and social security law.



Top labour law students *visit Ghent and the International Labour Organisation*



From left: James Haw, Kaylee Krige, Dr Cecile de Villiers, Raffaella Clegg and Luke van Schalkwyk at Ghent University

During the September recess four students – James Haw, Kaylee Krige, Raffaella Clegg and Luke van Schalkwyk – selected for their performance in their group essay on strike violence in the undergraduate module in labour law, accompanied Professor Christoph Garbers and Dr Cecile de Villiers (post-doctoral fellow in labour law) on a visit to Ghent and Geneva. Ghent University hosted the XIV European Regional Congress of the International Society for Labour and Social Security Law (ISLSSL) from 6-8 September 2023. The congress focused on the lighthouse function of social law and how this is influenced by other fields of law.

The congress was followed by a visit to the International Labour Organization (ILO) in Geneva, Switzerland. The visit involved a tour of the ILO, followed by an afternoon of discussions with experts from the ILO about the activities of the Vision Zero Fund and Better Work, both projects of the ILO focusing on improving supply chain operations and working conditions in the Global South. The visit to the ILO was organised and hosted by Professor Ockert Dupper, director of the Vision Zero Fund and formerly professor, now extraordinary professor, of the Stellenbosch Law Faculty.



From left: Prof Christoph Garbers, Luke van Schalkwyk, Raffaella Clegg, James Haw, Dr Cecile de Villiers and Kaylee Krige in the foyer of the International Labour Organisation, Geneva

Staff abroad

Ms Jansen at the QMIPRI Annual Conference

Ms Gretchen Jansen attended the Queen Mary Intellectual Property Research Institute Annual Conference which took place in London, UK on 14 and 15 September 2023. The aim of this conference was to investigate the crucial and divergent narratives on the role of IP law and theory in promoting a sustainable world. Ms Jansen presented a paper, which focuses on how improved implementation

of performers' rights and copyright in the music industry may be beneficial for sustainable development in Southern Africa. This research is related to the topic of her doctoral dissertation. During her visit, Ms Jansen had the opportunity to meet with experts in various fields of intellectual property law, including copyright, trade marks and IP in the digital environment.

Staff exchange: University of Münster

Dr Delano van der Linde participated in a staff exchange with the University of Münster between the 16th and 27th of October. He presented an intensive five-day short course titled "Comparative Aspects of Cybercrime

in South Africa". He also had the opportunity to network with colleagues in the fields of criminal justice and international criminal law.

In the media

A senior lecturer in the Department of Public Law, Dr Delano van der Linde, provided commentary on various news events.

- Dr Van Der Linde was a guest on [Night Talk](#), SAfm. The discussion revealed that the Independent Police Investigative Directorate (IPID) says it is understaffed, with just 300 detectives across the country. According to reports, "During the 2022/2023 financial year, a total of 5,274 cases were reported to IPID. Of those cases, only 53 were successfully prosecuted by the National Prosecuting Authority." The police commissioner recently revealed that the SAPS lost 8,400 detectives from 26,000 in 2016/17 to 17,600 today. Six years ago, the detective manpower stood at approximately 26 000.
- In a [Netwerk24](#) article, "Onmin oor direkteiwes van Wes-Kaapse regter-president", Dr Van Der Linde discusses the pressure on courts.
- In an article featured in [News24](#), "Dickason trial: Unpacking SA mom's infanticide defence in New Zealand", Dr Van Der Linde comments on the Dickason trial in New Zealand.
- Dr Van Der Linde commented on the re-opened inquest into the death of Imam Abdullah Haron in [an article in IOL](#).



Law Clinic

The media release [Unscrupulous lenders continue to fleece vulnerable debtors](#), which was distributed in September, was one of the biggest stories this year. It featured prominently in top-tier media in, amongst

others, the Cape Argus; The Star; Cape Times; The Mercury; The Citizen; Cape Business News; Politicsweb; Moneyweb; Die Burger; on eNCA; and eTV news.

Recognition | Erkenning

The Faculty would like to extend warm *congratulations to colleagues for several achievements, milestones, and awards:*

- Professor Theo Broodryk with his promotion to full Professor with effect 1 January 2024. This is one of the most important milestones in an academic career and we know that Theo has worked continuously to grow and deepen his scholarship while also providing excellent leadership to our SU Law Clinic and participating in Faculty initiatives.
- Ms Phumla Banjwa, our HR practitioner, received a Masters degree in Industrial and Organizational Psychology from Unisa.
- Professor Thuli Madonsela with her appointment as an external member of the United Nations (UN) Scientific Advisory Board for Independent Advice on Breakthroughs in Science and Technology and with receiving the South African Education and Law Association (SAELA) annual (2023) life-time achievement award.
- The Faculty welcomed Professor Anél du Plessis, from 1 July, as Chair in Urban Law and Sustainability Governance.
- Ms Rukshana Parker was recognised as one of the Mail & Guardian's 200 Young South Africans for 2023.
- Professor Jacques du Plessis was re-elected as a Vice-President of the World Society of Mixed Jurisdiction Jurists.
- Ms Gretchen Jansen co-edited the book 'Art Law Handbook South Africa'.
- The Faculty improved on the THE Rankings Subject Index 2024- (2022:201+), (2023: 176-200), (2024:126-150).
- Professor Rudman with the publication of the book 'The protocol to the African charter on human and peoples rights on the rights of women in Africa: A commentary'.
- The 5th Annual Anton Lubowski lecture took place with speakers, Zackie Achmat and Dr Imtiaz Sooliman.
- Professor Nicola Smit presented at the 2023 annual meeting of the International Association of Law Schools in Santiago, Chile on 28 September. The topic was AI and Legal Education. Responding to present and future challenges.
- Professor Rudman (with Dr Moyo) organised the Raoul Wallenburg Institute and the Regional Africa Human Rights Academic Network Academic conference 'Women's Rights, Gender Inequality and Intersectional Vulnerabilities, in particular transformative sub-



Ms Rukshana Parker



Ms Phumla Banjwa

Continues from previous page

stantive equality 20 years after the adoption of the Maputo Protocol'.

- 'Legal culture 25 years on: Conceived, perceived and lived' organised by RULCI/Professor Botha.
- Professor Juanita Pienaar was invited to become a member of the Scottish Land Commission: Land and Human Rights Advisory Forum. The Scottish Land Commission was established under the Land Reform

(Scotland) Act 2016 on 1 April 2017. Its purpose is to provide direction, leadership and strategic thought to land reform in Scotland. The Advisory Forum plays a key role in supporting the Land Commission in the development of any new Human Rights legislation brought forward by the Scottish Parliament, as well as supporting contributions towards informing any future Land Reform legislation. Professor Pienaar attended her first Forum meeting on 19 September.

Welcome, little ones

Professor Bernard Wessels and his wife, Catrina, welcomed the birth of their second daughter, Heleen.



Graduation

The following degrees and diplomas were conferred during the December 2023 graduation ceremonies: **4 LLD, 55 LLM, 95 LLB, 18 BAccLLB**, and **26 PGDip**. The Faculty is very proud of all the students who graduated and wish them every success.

**95
LLB**

**55
LLM**

**18
BAccLLB**

**4
LLD**

**26
PGDip**



Doctoral Qualifications

Congratulations to Hendri Herbst, Ernst Heydenrych, Anisa Mahmoudi, and Layckan van Gensen for graduating with their doctoral degrees. Read more about their research below.

Hendrik Jacobus Herbst (Mercantile Law)

A comparative evaluation of the South African income tax regime for investments using trusts

This study evaluates the South African income tax regime for investments using trusts by comparing the position in South Africa to that in the United Kingdom and Belgium. To this end, it provides an overview of the essential aspects of trusts and investigates the notion of a 'tax haven'. The current general income tax treatment of trusts and the various special anti-avoidance rules applicable to trusts are also analysed. The study proposes a new, tier-based framework for the taxation of trusts, which changes the negative perception of trusts, and balances the need for an investment-friendly regime against the requirements of a responsible jurisdiction.

Supervisor: Dr I du Plessis

Supervisor: Prof N Appermont (external)

Anisa Mahmoudi (Public Law)

Resocialisation as an obligation, right and remedy under international and African regional human rights law in the fulfilment of African women's rights

The narrative of women being lesser than men, based on stereotypes and biases, will continue to dominate societal discourse, unless a shift in conceptions of women occur. While progressive laws protecting the rights of women exist, their utility remains subject to the biases of those bound to uphold such rights. Similarly, the normalised nature of these sociocultural assumptions also perpetuates the discrimination that women face. The realisation of substantive, transformative gender equality remains contingent on implementing measures of resocialisation across society. This study focuses on the modification provisions of international and African regional laws that mandate states to take the necessary measures to modify harmful sociocultural norms and practices that underpin inequality.

Supervisor: Prof EA Rudman

Ernst Heydenrych (Public Law)

An analysis of the regulation of defence procurement in South Africa

There is considerable literature on the regulation of public procurement – government's function of buying goods and services – in South Africa. However, the literature pays little attention to defence procurement, which is surprising given the country's large defence budget and the generally secretive nature of the defence sector. This study explores the role of transparency, as required under the South African Constitution, in defence procurement, and questions whether national security always trumps transparency. It provides a detailed analysis of defence procurement processes, challenges, and compliance with constitutional requirements. The study concludes with recommendations for reforming South African defence procurement, focusing on transparency.

Supervisor: Prof G Quinot

Co-supervisor: Prof M Nel

Layckan Inge van Gensen (Mercantile Law)

Legal protection of the individual's image against unauthorised commercial exploitation in South Africa: a critical evaluation of existing law, and suggestions for law reform

Modern commerce has experienced phenomenal expansion in terms of marketing that uses the images of individuals (mostly celebrities). This often happens without the consent of the individual, whose image (likeness, voice, etc.) may be exploited for significant commercial benefit. South African law has not sufficiently developed to address this. This study comprehensively examines all the areas of law that currently provide potential protection of the individual's image. It concludes that no such areas effectively address the problems, especially in light of the rapid development of social media, technology and artificial intelligence. Draft legislation is suggested to provide relief for affected claimants.

Supervisor: Prof AM Louw

Co-supervisor: Prof AB Wessels

Student Awards

Rector's Achievements Award Ceremony

In the elegant setting of the Stellenbosch Institute for Advanced Study (STIAS), Stellenbosch University (SU) recently hosted the annual Rector's Awards for Excellent Achievement. The formal gala dinner celebrated the

outstanding accomplishments of over 70 students in academics and co-curricular fields. Congratulations to Emma Dachs, Doné Botha, and Denisha Padachey, who were recognised for academic achievement.



Prof. Nico Koopman and Prof. Nicola Smit with Doné Botha and Emma Dachs, respectively.

2023 Memorial Prizes awarded

The recipient of the Marius de Waal Law of Succession Prize (annually awarded for the best academic performance in the module Law of Succession) is Ms EM Van der Watt. Ms R Retief and Mr U Grobler are the joint recipients of the AJ van der Walt Advanced Property Law Prize (annually awarded for the best academic performance in the module Advanced Property Law).

The prizes are sponsored by the SU Law Trust in memory of our former colleagues, Professor Marius de Waal and Professor André van der Walt. The value of each prize is R10 000. We hope that this recognition will inspire the recipients to continue to perform at such a high standard during the rest of their legal education and careers.

Moot Court



Several moot court competitions (including the Christof Heyns Human Rights Moot, Kate O'Regan Intersvarsity Moot Court Competition, and the AJM Tax Moot Court Competition) took place in the second half of 2023. Thank you to the colleagues, together with our Moot Society, involved in organising and coaching these events.

Kate O'Regan Moot Court Competition '23

Christof Heyns Human Rights Moot

Although the Faculty's Moot Court team did not proceed to the finals in the Christof Heyns Human Rights Moot, Janke de la Harpe and Sinethemba Dlamini represented the Faculty well in Kumasi.



AJM Tax Moot Competition

The Faculty and the Moot Society hosted the first AJM Tax Moot Court Competition on Saturday. Six teams participated in the preliminary round as the representatives for the taxpayer and SARS respectively. The final round was judged by Dr Albertus Marais from AJM (LLD alumnus from the faculty), Advocate Pieter-Schalk Bothma (LLD alumnus from

the faculty), Professor Afton Titus (tax law lecturer from UCT) and Dr Enelia Jansen van Rensburg (our colleague).

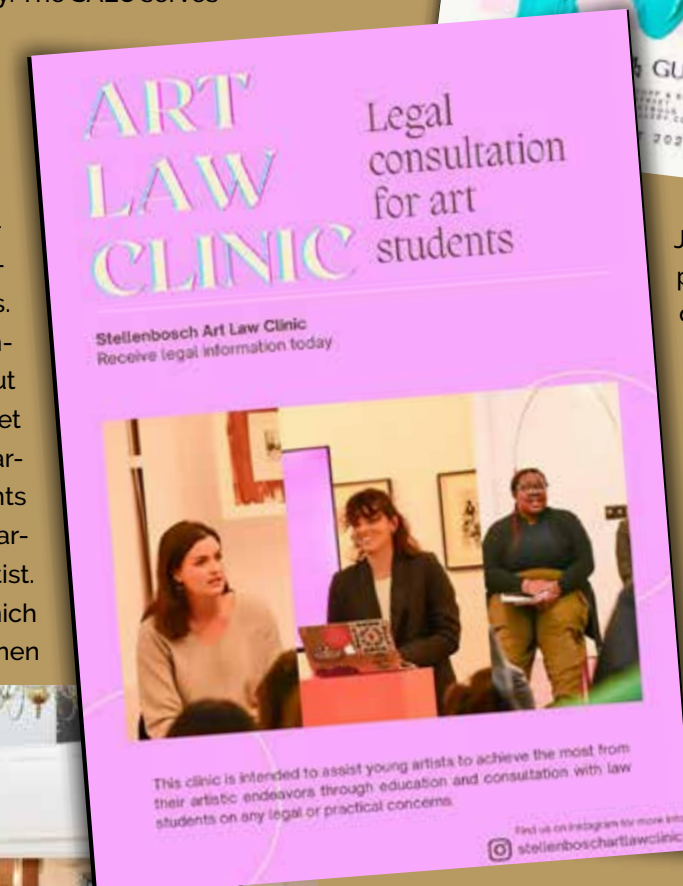
The Faculty is very proud of all the participants and very grateful to AJM for sponsoring the event. Congratulations to the winning team: Michelle Cousins, Marné van Zyl and Elizabeth Bentley.



Art Law Clinic

Stellenbosch Art law Clinic

The Stellenbosch Art Law Clinic ("SALC") is a student-based research and informational body operating out of Stellenbosch University. The SALC serves to be a bridge, bringing the legal and artistic worlds closer to one another by facilitating a dialogue between artists and law students who can become more educated and involved in the disciplines of their counterparts. The SALC is therefore a clinic where artists can seek out legal information and be met with knowledgeable and artistically enthusiastic students aiming to shed light on a particular legal query of the artist. The clinic's first booklet, which was co-edited by Ms Gretchen



Jansen, has recently been published under the name of "Art and Law – A Comprehensive Guide to South African Art Law". The primary goal of the SALC is to share legal knowledge and information with the art industry, supporting the artist with legal representation where needed. Ms Jansen states that, "Essentially, the clinic is not only supporting the industry through providing a platform for community service but also hosting a dialogue between the

two worlds to hopefully make

a real difference. "We are seeing young artists who are being exploited by an industry that thrives on the lack of knowledge of the very people who give it form. The SALC wants to empower and support the emerging creative, but we also want to do this for our own team of legal scholars. As such, we are invested in uplifting our community on the outside, we are also committed to investing in our own team. We want students who partake in this clinic to come out of this experience having gained valuable individual skills and interpersonal skills. We are committed to developing confident and competent human beings who will enter their legal careers with an ability to use these skills to add value to their firms and to their community."





The Stellenbosch Art Law Clinic Executive Committee

Left to right: Siobhan de Bruyn – Chief Administration officer, Elke Mostert – Chairperson, Lucia Niland – client liaison officer, Amory Smith – vice-chair, Tawanda Masaire – treasurer, Lilitha France – secretary, Brittney Jephtha – marketing and social media manager

Juridical Society Juridiese Vereeniging (JV/S)

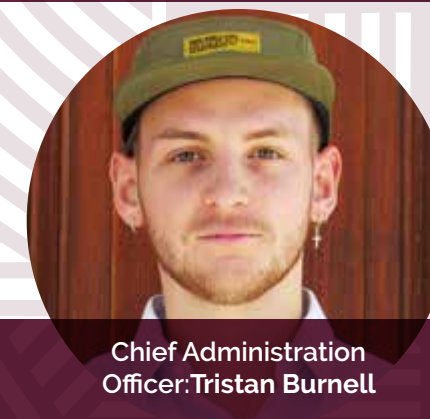
JV/S 2023/24



Chairperson
Nina Hugo



Vice Chairperson
Amory Smith



Chief Administration
Officer: Tristan Burnell



Student Enrichment
Ewan Pieterse



Events Manager
Phenyo Lewanika



Transformation Officer
Liam Gillesen



Public Relations Officer
Carina Duvenhage



Student Affairs
Cara Reyneke



Treasurer
Dajoon Kim



Media and Marketing Office
Emily Raubenheimer



Student Court

2024 BENCH



NICOLE BRYANT
Chief Justice



JARRED STEYN
Deputy Chief Justice



ZANDRI SWANEPOEL
Registrar



LUCA BESTER
Campus Liaison



**GUGULETHU
MUDZINGIRANWA**
Constitutional Compliance

Semester Exchange Programme 2023

Karli at Maastricht University



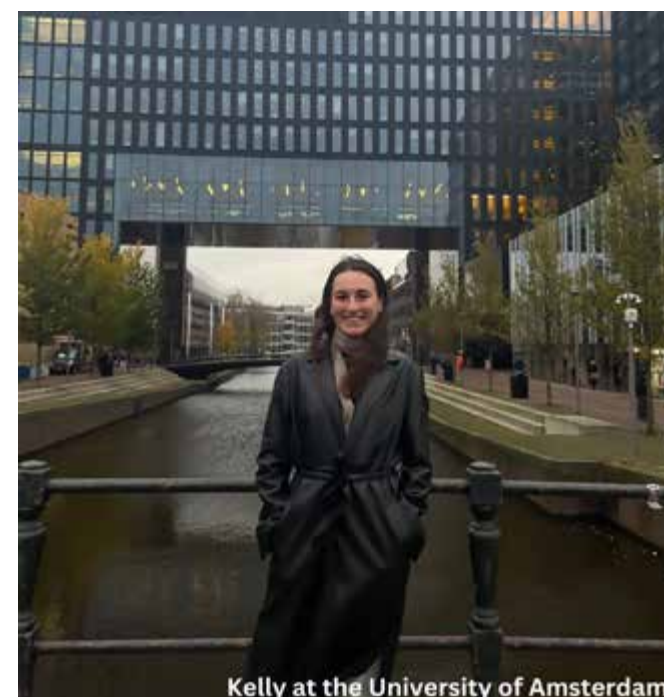
The exchange presents an exciting opportunity to push myself outside of my comfort zone, both personally and academically. It may not have been what I expected, but I have had the opportunity to learn and grow.

Alexandra at the University of Helsinki



I have been very fortunate to attend the university of Helsinki for my exchange. This experience has been enlightening and I am extremely grateful to be able to attend one of the best law faculties in Europe. I am beyond happy that I chose to take part in this epic program. I have learnt so much.

Kelly at the University of Amsterdam



The friends and memories I've made in Amsterdam make saying goodbye at the end the only downside to the exchange programme. Surrounded by other international students, you quickly realise that nobody knows what they're doing, but you're more than capable of figuring it out.

Shannon at the University of Bern



The knowledge, friendships, and growth this exchange has brought me are things I will forever be grateful for. You learn and experience things beyond the four walls of a classroom.

Welkom, beste studenten!



Kelly V at KU Leuven

Studying abroad has been an incredibly enlightening experience so far! At KU Leuven, my understanding of international legal institutions has been significantly broadened, sparking a keen interest in South Africa's role within these frameworks. I am thoroughly enjoying immersing myself in a new culture and am grateful for the opportunity to establish new connections with students from every corner of the world.

Robyn at the Vrije Universiteit Amsterdam



The exchange has been an opportunity to broaden my perspective.

Tshepiso at Bucerius Law School



The exchange has given me the opportunity to not only grow mentally and emotionally by being in a new environment but has also expanded my legal knowledge and given me new perspectives on different legal regimes. I have enjoyed the diverse experience and the ability to learn from all the experiences of each colleague.

University of Bern



Social Impact Sosiale Impak

US Regskliniek SU Law Clinic



Visit to Bishop Lavis

At the end of October, the Law Clinic conducted its first satellite visit to Bishop Lavis. The Clinic is pleased to extend the reach of its services to provide legal assistance and advice to qualifying clients in this region.



Admissions Examinations

Congratulations to Theo van Breda-Opperman, Tsavo Raath (pictured), and Zaakirah Charles on passing their admissions examinations.



RSG interview

Josie Parks, who heads up our family law department, conducted a very insightful interview on RSG. She spoke on the plight of women in the prevailing, challenging socio-economic context and shared some of the Clinic's experiences in this regard [more than 70% of our clients are female and a third of the Clinic's matters are family law related].



Nikita Stander

The Law Clinic is very proud of Nikita Stander, who has been promoted to Senior Attorney with effect from 1 November 2023.

Wills week

The Clinic conducted a successful Wills Week in the Paarl and Strand communities over four days. Having a last will and testament is vital, and the Clinic is pleased to bring this important service to the vulnerable members of these communities. The Clinic assists qualifying mem-

bers of the public with the drafting of their wills throughout the year. Appointments for the drafting of wills can be made in one of the following ways:

Telephone call to 021 808 3600

E- mail to rhkadmin@sun.ac.za

Visit the office, situated at 18- 24 Crozier Street, Stellenbosch



Practical Legal Training mock trials



The Practical Legal Training mock trials took place on 22 September 2023. The students were privileged to have advocate Geoff Budlender SC presiding in the Clinic's moot court venue.



Stellenbosch UNIVERSITY
(IFAKALTHI YEZOMTHETHO)

Law Clinic
kwikliniki yezomthetho
Regskliniek

Please take notice that a class action will be instituted in the Western Cape Division of the High Court of South Africa against the companies and individuals listed below:

1. Lifestyle Direct Group International (Pty) Ltd
2. Capital Lifestyle Solutions (Pty) Ltd via Lifestyle Legal
3. Loan Tracker SA (Pty) Ltd
4. Loan Spotter SA (Pty) Ltd
5. Loan Match SA (Pty) Ltd
6. Loan Choice SA (Pty) Ltd
7. Loan Quest SA (Pty) Ltd
8. Loan Connector SA (Pty) Ltd
9. Loan Hub SA (Pty) Ltd
10. Loan Zone SA (Pty) Ltd
11. Loan Locator SA (Pty) Ltd
12. Loan Scout SA (Pty) Ltd
13. Loan Tracer SA (Pty) Ltd
14. Loan Detector SA (Pty) Ltd
15. Lifestyle Legal (Pty) Ltd
16. Lifestyle Attorneys (Pty) Ltd
17. All Wheel Auto (Pty) Ltd
18. Damian Malander
19. Nandie Paich

Awarded: the leading African social justice and specialist law firm.

Stellenbosch University Law Clinic • kwikliniki yezomthetho • Universiteit Stellenbosch Regskliniek
18-24 Crozier Street • Crozierstraat • Stellenbosch 7600 • South Africa • Suid-Afrika
Tels 021 808 3600/3432 • Fax / Faksel 021 807 6270 • E-mail / E-pos rhkadmin@sun.ac.za

Notice further that the class action will be brought on behalf of the following

persons who have had any monies debited from their bank accounts and/or been harassed and threatened in connection with any demand for or payment by any of the respondents at any time from 20 May 2015 on the basis of them having concluded purported agreements with any respondents through any of the websites listed below:

www.loantrackersa.co.za
www.loanspotter.co.za
www.loanmatch.co.za
www.loanchoice.co.za
www.loanquest.co.za
www.loanconnectors.co.za
www.loanhubs.co.za
www.loanzones.co.za
www.loanlocators.co.za
www.loantracers.co.za
www.loandetectors.co.za

or Loan Detector SA (domain name unknown).*

Awarded: the leading African social justice and specialist law firm.

Stellenbosch University Law Clinic • kwikliniki yezomthetho • Universiteit Stellenbosch Regskliniek
18-24 Crozier Street • Crozierstraat • Stellenbosch 7600 • South Africa • Suid-Afrika
Tels 021 808 3600/3432 • Fax / Faksel 021 807 6270 • E-mail / E-pos rhkadmin@sun.ac.za

Class action notice

Notice to class members in the matter between Stellenbosch University Law Clinic // Lifestyle Direct Group International (Pty) Ltd

Matie FM Talk



Dr Stephan van der Merwe was invited to speak to Sibulele on Matie FM about the Clinic's recent research report on payroll deductions.

Josie Parks



The Clinic is proud of Josie Parks, the family law attorney, who is now a Conflict Dynamics Accredited Mediator. The course is accredited in South Africa by DiSAC and by the Public Service Sector – Education

& Training Authority (PSETA), and it is recognised internationally by the International Mediation Institute and the Centre for Effective Dispute Resolution (CEDR) in the United Kingdom.

Training on the Debt Credit and Consumer Rights

On 6 September 2023, the Clinic's Odwa Nweba collaborated with some of the Clinic's partners – the Black Sash Trust, Professor Deborah James from the London School of Economics and Political Science, and the Office of the Credit Ombud – to deliver training on the Debt Credit and Consumer Rights manual in Pampierstad, Northern Cape. The Clinic is delighted to contrib-

ute to vital community empowerment initiatives in remote areas like Pampierstad. The Clinic's commitment to these initiatives remains steadfast, and the Clinic's members eagerly anticipate future collaborations with its partners to extend this valuable knowledge to other communities in the Eastern Cape, Kwa-Zulu Natal, and Mpumalanga.



Constitutional Rights Training Project

The Law Clinic is excited to announce the first step in the expansion of its Constitutional Rights Training Project into the rest of Africa. The project has been implemented in all South African provinces in collaboration with other Law Clinics and NGOs. Now, in partnership with Strathmore University's Law Clinic, the Clinic is conducting a series of rights empowerment sessions in Kenya. These sessions focused on the Bill of Rights enshrined in Kenya's Constitution and were held early in November 2023. The Clinic assisted in preparing the training material and assisted in conducting the training sessions as well.



Hasselt University interns

The Clinic bids a fond farewell to Emily, Emma, and Britt, our three student interns from Hasselt University in Belgium, who completed their internship with a mock consultation in front of the Clinic attorneys on

Friday, 18 August 2023. Their dedication and hard work have undoubtedly left a positive impact, and the Clinic expects great things from them in the future.



7th annual Dullah Omar School for Paralegalism

At the 7th annual Dullah Omar School for Paralegalism, held from 9 August to 11 August 2023, Odwa Nweba led a comprehensive training session on debt, credit and consumer rights in collaboration with the Black

Sash Trust. The training was attended by dedicated paralegals from diverse regions across South Africa. The Clinic is grateful to have such a fruitful relationship with the Black Sash Trust!



Collaborative workshop

The Stellenbosch University Faculty of Law Moot Society and the Law Clinic recently collaborated in conducting a workshop aimed at equipping students with the skills and knowledge to tackle heads of argument. Tsavo Raath, a second year Candidate

Legal Practitioner in our Family Law Department, presented an introductory lecture on "a practical guide to drafting heads of argument" where he offered his insights and experience from his time as a clerk.

Final-year Practical Legal Training student group

In their final year of studies, law students may choose to take the Practical Legal Training module (the module will become compulsory for law students from 2025). In this clinical legal education module, students have the opportunity to learn in a

real-world setting, under the supervision of the Clinic's legal practitioners. Importantly, it also provides students with a front row seat to the access to justice challenges experienced by the majority of South Africans.



Class action *against* Lifestyle Direct Group International



Training session on applications for protection orders

Two of the Law Clinic's Candidate Legal Practitioners, Theo Van Breda-Opperman and Ruwayda Garson, recently conducted a training session on applications for protection orders due to domestic violence and

harassment at Bergzicht Training & Development, Stellenbosch. The aim of the workshop was to empower attendees with the knowledge of their rights and how the application process works.



Children's rights sessions

The Clinic recently conducted the second of four annual children's rights sessions at surrounding primary schools. The project entails educating primary school learners in the local community about their rights in a fun and interactive way. The Candidate Legal Practitioners

presented on important topics, including the right to family care, love and protection, the right to food and the importance of an education to approximately 234 learners. The Clinic is grateful to its collaboration partners, Legal Aid South Africa, for their continued support.



Caught *in the* Crossfire

A research article by Dr Stephan van der Merwe, which was recently published in the Potchefstroom Electronic Law Journal, deals with the (arguably unreasonable) responsibilities of employers involved in the garnishment of their employees' wages. Employers are currently more exposed and at risk from liability than they may generally appreciate. (Read the article here, <https://perjournal.co.za/article/view/15469>.)



Legal Writing Development short course

Are you a legal practitioner in need of a refresher course to improve your legal writing?

Sign up for this course if you want to improve general

writing skills in an academic environment and develop an effective and concise writing style in a legal context.

The next offering starts in 2024.

Alumni

A day in the life of a *postgraduate* *law student* at the University of Oxford

I recently graduated with a Bachelor of Civil Law (BCL) degree from the University of Oxford. What follows is what a busy day looked like for me.

It is 6 AM, and it is five degrees outside. As I roll out of bed, I curse the past version of me that decided it was a good idea to sign up for rowing which involves 6:30 AM training sessions twice a week. The regret soon disappears as I fall into a rhythm with the other seven members of our crew on the river. Muscles aching and thoroughly shocked awake from the cold, I cycle home around 8 AM for a shower and some breakfast.

This morning I am doing preparatory reading for a seminar in the afternoon in Corporate Insolvency Law, one of the four subjects I am taking. Today's seminar is on the English equivalent of business rescue. As with all options on the BCL, the seminar involves debating whether the existing law is satisfactory and how it might be improved. An interesting feature of today's seminar is that we will be comparing the English approach to that of the United States, so I try to familiarise myself with the basics of US insolvency law before switching back to a paper on when it might be desirable to let a company be liquidated rather than try to save it.

Just before my lunch break, I notice that an email has come in from my Commercial Remedies lecturer on the topic for my next tutorial. Tutorials involve writing an essay of about 2000 words and attending a 1-hour discussion with the lecturer and three other classmates. These sessions are my favourite part of the BCL because we are encouraged to develop our own opinions, even if it means disagreeing with the lecturer and our classmates. The tutorial question reads: "Is it ever justified to award damages for breach of contract where the breach has not caused the other party to be any worse off?" and provokes my usual reaction when getting these emails – huh? I decide to figure it out later and hop back on my bicycle to get to the Insolvency Seminar. After the seminar I listen

to some Australian classmates discuss how business rescue works in Australia. I decide that I prefer the US approach but fail to convince them.

Back home I take some time off before changing into a tuxedo and gown for a three-course formal dinner at my College. I end up sitting next to an American criminologist and a law student from Hong Kong. After the meal, everyone moves to another room where cheese and port is served as "second dessert". The night turns progressively more festive when someone puts on Dutch rap music and people start dancing. I get home around midnight after a spooky walk through the narrow streets lined with medieval buildings and collapse into bed – tired but infinitely grateful for it all.

Ferdinand Botha (BA (Law) 2017, LLB 2019, LLM 2022)



Stanford Experience

Christine Strauss, a 2017 alum of the Law Faculty, obtained her LLM in Law, Science, and Technology from Stanford University in the United States in July 2023. She had previously completed her Postgraduate 3-year LLB in 2017 having a background in Human Genetics. The interdisciplinary nature of Stanford's legal courses motivated her to pursue her LLM at the university.

During her time at Stanford, Christine took several legal courses as well as courses in other faculties where she learned about the legal, ethical and social implications of emerging technologies and new scientific innovations. Her courses spanned various fields such as the internet and social media platforms, genetic and reproductive technologies, neuroscientific innovations, artificial intelligence, and blockchain technologies. She was also a student fellow of the Centre for Law and Bioscience at Stanford Law School where she researched bioscientific innovations and their legal implications. Christine received the Leon M Cain Community Leadership Award for the LLM cohort of 2023

for her contributions towards enhancing the Stanford Law School community.

Christine described the Law School community at Stanford as a diverse international community that is intellectually curious and passionate about learning. The community places a strong emphasis on innovation, collaboration, and interdisciplinary approaches to problem-solving and entrepreneurship. The university also values work-life balance and encourages students to be involved in extracurricular activities from sports to arts to community service.

Christine was able to pursue her studies in the US thanks to funding from the FirstRand International Postgraduate Scholarship and the Oppenheimer Memorial Trust (International Postgraduate Studies).



Christine Strauss



Stanford School of Law

Ashleigh Gordon

I recently graduated from Stanford Law School with an LLM in Law, Science and Technology. During my time at Stanford (August 2022 – June 2023), I had an incredible experience that greatly contributed to my professional and personal growth. The exceptional professors at Stanford Law School provided me with invaluable insights and challenged me to think critically, fostering a deep understanding of complex legal concepts. Through engaging discussions, rigorous coursework, and thought-provoking assignments, I acquired a wealth of knowledge that will continue to benefit me in my legal career and future. I had the opportunity to take highly specialized and practical hypothetical based courses such as the law and business of IP licensing, high-tech transactions, M&A in the technology sector and cybersecurity and hack lab and attended cutting-edge seminars such as AI safety, Web3, and the social and ethical impact of AI.

Moreover, Stanford Law School provided me with the opportunity to attend a variety of outstanding networking events and conferences which enabled me to interact with leading legal professionals, experts, and scholars from various fields. For example, conferences on Digital Best Practices, Key Advances in Artificial Intelligence, and Developments in Patent Litigation: Key Learnings from the Bench. These events enabled me to expand my professional network, gain insights into emerging legal trends, and exchange ideas with like-minded individuals. In addition, I had the privilege of attending a Stellenbosch alumni event in San Francisco and was able to connect with fellow Maties in the Bay Area.

Further, the friendships that I have made and community I have built during my time at Stanford will undoubtedly last a lifetime. I had the opportunity to share this unforgettable experience with my fellow Stellenbosch Alum, Christine Straus (also enrolled in the LLM LST program), which made the journey that much more special. I am currently working at Sullivan & Cromwell as an Associate in the IP & Technology Transactions practice in Palo Alto, California, and look forward to further building my legal knowledge and network.

UAshleigh Gordon

Ndisandul' ukuphumelela eStanford Law School ndineLLM kwezoMthetho, iNzululwazi nezoBugcisa. Ngethuba ndiseStanford (Agasti 2022 – Juni 2023), ndiye ndanama-va amnandi ngeyona ndlela aye aba nefuthe elimandla ekuhlumeni kwam kumsebenzi wam nangokubuqu. Oon-jingalwazi abaphum' izandla eStanford Law School baye bandivul' amehlo ngeyona ndlela baze bandilola iingq-ondo, bendixhobisela ukukwazi ukuqonda iingcamango eziziintsonkotha zezomthetho. Ngeengxubuso ezishushu, izifundo ezibangel' umdla, umsebenzi oxhokox' ingcin-ga, ndinovimba wolwazi oza kuqhubeka undikhanyisela njengoko ndiqhubeka ndisebenza ngezomthetho nak-wixesha elizayo. Ndiye ndaba nethuba lokuthatha izifun-do ezikwizinga elikhethhekileyo nezifuna uzikis' ukucinga ezinjengomthetho nomcimbi welayisensi yelP, iintengiso ezikumgangatho ophezulu, iM&A kwicandelo lezobugcisa nokhuseleko kwizixhobo ze-elektroniki nelebhu yokuth-intela ukubiwa kwenkcazelo ndaza ndaya nakwiinkomfa ezisexesheni njengokhuseleko lweAI, iWeb3, kwakunye ne-futhe ekuhlaleni nasekuziphatheni leAI.

Ngaphezu koko, iStanford Law School iye yandinika ithu-ba lokuba kwimisitho yokuqhagamshelana nabantu abahlukeneyo neenkomfa eziye zandinceda ndagud-lana noomakhwekhwetha kwezomthetho, iingcungela neengqangangwili ezivela kumacandelo awahlukeneyo. Ngokomzekelo, iinkomfa engokuSebenzisa ngokuSe-magqabini iDijithali, iNkqubela Ebalulekileyo Eyenziwe kuBukrelekrele Obuyiliweyo nokuPhuhliswa kwemiithetho yokunika aMalungelo: Izinto Eziphambili Endizifunde kwiB-hentshi. Ezi ziganeko ziye zandenza ndakwazi ukwandisa inetwekhi yam yomsebenzi, ndafumana ubuchule bezimbo ezitsha zomthetho, nokwabelana ngezimvo namahlakani am. Kwakhona, ndiye ndaba nenyhweba yokubakho kwitheko lezifundiswa zaseStellenbosch eSan Francisco ndaza ndakwazi ukuqhagamshelana neeMaties endandi-funda nazo eBay Area.

Ukongezela, ubuhlobo endibakhileyo noluntu endiye ndal-akha ngoxa ndiseStanford ngokuqinisekileyo ezo zinto ziya kuhlala ubomi bam bonke. Ndiye ndaba nethuba lokwa-belana ngala mava angalibalekiyo nesinye iSifundiswa saseStellenbosch uChristine Straus (owayekwabhalisele izifundo zeLLM LST), nto leyo eyenza olu hambo lukheth-eke kakhulu. Sithethanje ndisebenza eSullivan & Cromwell njengehlakani kwinkampani yamagqwetha i-IP & Technol-ogy Transactions ePalo Alto, ekhalifoniya yaye ndikhangele phambili ekwakheni ngakumbi ulwazi lwam lwezomthetho. neenethwekhi.

My Oxford experience – why not?

On 4 November 2023, I graduated with a MSc in Law and Finance from the University of Oxford. This degree represents to me a process of overcoming self-imposed limitations, and the culmination of almost a decade of hard work.

I graduated from Stellenbosch University in 2021 with a BAccLLB, exhausted from completing the final two years during the pandemic. I was done with studying... but I had this nagging thought that my education was not complete and decided to pursue a Master's degree. I mentioned this to Professor Garbers and he suggested that I apply to Oxford – because why not?

I think it is important to be candid about my experience with imposter syndrome. Throughout my BAccLLB, I never viewed myself as a “good” lawyer. I felt like I could not articulate my thoughts as eloquently as some of my classmates, nor could I generate an opinion on a case immediately. When I received an email from the Dean awarding me the Law Faculty Trust Prize for Exceptional Academic Achievement, I thought that there had been a mistake.

But I decided to channel that “why not” energy and applied to Oxford and got in! I made the conscious decision that I would go into the experience believing that I am capable as a kind of evidence-gathering expedition. The hypothesis: believing that I am capable will result in the same, or better, achievements than not believing in myself. Result: positive. As my time at Oxford went on, I realised that I was more than capable. My Stellenbosch education had prepared me well – due to the intensity and



rigour of the BAccLLB-programme, I was well-equipped to deal with time constraints. I also found that my education in core doctrinal subjects, especially the law of contract, had equipped me well to analyse problems. Another big advantage was the exposure I had at Stellenbosch to company law, tax law and labour law. These subjects are not commonly taught at undergraduate level in the UK and I found myself much more comfortable navigating these areas than some of my classmates.

Studying at Oxford also allowed me to connect with individuals from all over the world. I spent a lot of time solidifying these friendships at formal dinners, which could involve debates from the sublime such as: “Is a crumpet a biscuit or a cake?” (important for UK tax purposes!) to the mundane – such as which Oxford College has the best food. I now have friends spanning the globe, and will already be attending weddings in two different countries. I also learnt a lot about British culture (basically pubs and football), and in the spirit of “why not”, I decided to apply to an international law firm in London to continue my cultural study. To my delight, and after a rigorous application process, I received an offer from a big corporate law firm in London.

In conclusion: most, if not all of us, face many external challenges to our aspirations, so there is no need to further limit yourself by not believing you are capable. In the spirit of “why not”, take the leap, trust yourself and chase your dreams.

Mieka Loubser – BAccLLB 2021



Memorial Herdenking

In Memoriam: **Gerrie (Tarra) Terblanche** (BCom 1970, LLB 1972)

Die onverwagte berig dat Gerrie Terblanche op 1 November 2023 oorlede is, was 'n groot skok vir sy vele vriende, kollegas, klasmaats en tydgenote.

Professor Andreas van Wyk skryf:

"Ek het net goeie herinneringe aan Gerrie: as student, as prokureur in Kimberley by Duncan & Rothman in Kimberley, 'n firma met 'n ou band met die Regsfakulteit, en daarna afgetree in Hermanus waar ons mekaar gereeld raakgeloop het en 'n rukkie kon klets. Requiescat in pace."

Ander beklemtoon tereg sy professionele hoedanighede as 'n knap regsgeleerde, reguit en onkreukbaar eerlik, ie-

mand wat groot vertroue ingeboesem het.

As vriende en klasmaats onthou ons Gerrie as iemand wat van vroeg af geweet het wat hy uit die lewe wou hê. Hy het jonk vir Irma, die vrou van sy drome, ontmoet en getrou. Hy wou altyd op die platteland praktiseer: Kimberley en Duncan & Rothman bied hom toe beide die omgewing vir 'n hegte gesinslewe en die werk uitdagings wat hy gesoek het. As vriend was Tarra wonderlike geselskap, iemand wat heerlijk kon lag vir die ironieë van die lewe. Hy sal baie gemis word.

Professor Dirk van Zyl Smit

In Memoriam: **Tertius Delpont** (BA (met regsvalke) 1959, LLB 1961)

Die Fakulteit het met leedwese kennis geneem van die onlangse afsterwe in Port Elizabeth (Gqeberha) van 'n bekende oudstudent, Jacobus Tertius Delpont (gebore in Humansdorp in 1939). Hy was 'n Oos-Kapenaar in murg en been en het die grootste deel van sy loopbaan in die Baai deurgebring.

Tertius Delpont behaal sy BA met regsvalke aan ons Fakulteit aan die einde van 1959 en sy LLB aan die einde van 1961. Hy was 'n inwoner en huiskomiteelid van Dagbreek en lid van die Studenteraad 1960-1961. Nadat hy in Port Elizabeth as prokureur gekwalifiseer het, raak hy betrokke by die regsfakulteit van die nuut gestigte Universiteit van Port Elizabeth waarvan hy van 1976 tot 1987 die dekaan

was. Hy verwerf ook sy LLD daar. In 1987 raak hy voltyds in die politiek betrokke as Nasionale Party-parlementslid vir Sondagsrivier en dien van 1992 tot 1994 as minister van plaaslike bestuur in die laaste kabinet van president FW de Klerk. Daarna is hy betrokke by die onderhandelinge vir 'n nuwe grondwetlike bedeling. In 2000 is hy een van die stigters van die Demokratiese Alliansie, vir wie hy tot 2009 in die Nasionale Vergadering sit.

Hy word oorleef deur sy vrou Ansie, drie kinders en agt kleinkinders.

Professor Andreas van Wyk

In Memoriam: *Dennis van Reenen* (LLB 1963)

Former Judge, Dennis van Reenen, passed away peacefully on 23 November 2023 at his home in Pinelands, Cape Town.

Dennis van Reenen was born on 26 June 1937 in Robertson. He went to school there, and retained a lifelong affection for the Breede River Valley. He liked to recall his father's wish to have his ashes scattered on the road to Agterkliphoogte so, he said, the wind could blow him up the valley in the morning and down again in the afternoon. Dennis had his father's energy and restless spirit.

Dennis was a graduate of the Stellenbosch Law Faculty. He joined the Department of Justice as a prosecutor, and thereafter qualified as an attorney. His attention to detail, capacity for unrelenting work and shrewd practical sense stood him in good stead when he joined the Cape Bar. He rapidly built up a busy practice across a wide range of commercial fields. He attracted pupils, including in immediate succession the late André Blignault (who was later to follow

him to the Cape Bench) and Jeremy Gauntlett. The two took Silk with him, on 20 February 1989 (both following him as Chairmen of the Cape Bar Council).

On 1 January 1995 he was appointed as a High Court judge in the Cape. He delivered a number of reported judgments: he was particularly intrigued by civil procedure and the dynamic field of administrative law. He retired in 2010. On his death the Cape Bar paid tribute to a dedicated judge with a forceful but kind personality, enquiring mind, relentless work ethic and innate sense of fairness. He hated dishonesty and shirking in equal measure: he was a good colleague, Bar and Bench, all his life.

He is survived by his wife, Peggy, his son, Deneys (who followed him to the Bar) and his daughter, Renee.

Jeremy Gauntlett SC KC

In Memoriam: *Charl Theron* (BA Regte, LLB 1977)

Charl André Theron (gebore 27 Februarie 1954 te Bellville) is op 14 November 2023 te Kaapstad oorlede.

Hy was vir sy hele skoolloopbaan op Jan van Riebeeck Hoër in Kaapstad waar hy in 1971 gematrikuleer het. Na skool het hy in 1972 'n jaar diensplig gedoen, onder andere in die Leërgimnasium in Heidelberg, Transvaal.

Charl was van 1973 tot 1977 'n student aan die Stellenbosse Regsfakulteit waar hy die grade BA (Regte) en LLB behaal het. Hierna was hy vir twee jaar 'n lektor aan die Departement Handelsreg in die Regsfakulteit.

In 1980 het Charl by Walkers Prokureurs in Kaapstad aangesluit as ingeskrewe klerk. In 1982 is hy as prokureur toegelaat en in 1983 uitgenooi om 'n vennoot in Walkers Prokureurs te word. Daar het hy in eiendomsreg en verwante

gebiede gespesialiseer. Charl het 'n termyn gedien as President van die Kaapse Prokureursvereniging. Hy het ook op die Eiendomsregkomitee van die Kaapse Regsvereniging gedien. Ten tye van sy aftrede by Walkers Prokureurs was hy voorsitter van die firma.

Charl word oorleef deur sy vrou, Barbara, hul oudste seun, Charl Jnr., en dié se dogter, Arya, hul dogter, Janina, en hul jongste seun, Jannie.

Fran du Plessis

In die woorde van Jan FE Cilliers;

"Stil, broers,

Daar gaan 'n man verby,

Hy groet,

En dis verlaas,

Daar is nog maar een soos hy;

Bekyk hom goed-

Ek dink aan Charl.

'n Boodskap van Naas Fisher uit die klas van 1977

Charl André Theron (Born 27 February 1954 in Bellville) passed away on 14 November 2023 in Cape Town. He attended Jan van Riebeeck High in Cape and matriculated there in 1971.

After school, Charl did a year of national service, inter alia, at the Army Gymnasium, Heidelberg, Transvaal.

Charl studied at Stellenbosch University from 1973 to 1977. The degrees BA (Law) and LLB were conferred upon him there, whereafter he became a faculty member, as a lecturer, of the Faculty of Law in the Mercantile Law Department of Stellenbosch University.

Charl joined Walkers Attorneys in 1980 as an articled clerk. Upon completion of his articles, and passing the attorneys' admission exam, he was admitted as an attorney to the Side Bar in 1982.

Charl was invited to become a partner of Walkers, Attorneys in 1983. He specialised in property and related law.

Charl served a term as president of the Cape Town Attorneys Association, and he was a member of the Property Law Committee of the Cape Legal Society.

At the time of his retirement from Walkers Attorneys he was Chairman of the firm.

Charl is survived by his wife, Barbara, their son, Charl Jnr, and his daughter, Arya, as well as their daughter, Janina, and their youngest son, Jannie.

Fran du Plessis

Fellow class of '77 - Sad, sad news.

It's rare in life that you have the privilege of meeting a person who has the charm and presence of a natural leader. Charl had these attributes in spades, and we all had the fortune to have him as the leader of our class of 77 for close to 50 years. He will be sorely missed.

George Mc Kenzie, a 1977 classmate

In Memoriam: *Klaus von Lieres* (LLB 1965)

Nog 'n oudstudent van die Fakulteit wat diep spore in die regsberoep getrap het, is onlangs in Gordonsbaai oorlede. Klaus von Lieres, wat sy LLB in 1965 verwerf het, was tot 1994 prokureur-generaal verantwoordelik vir die Noordelike gedeelte van ons land.

Klaus Peter Constantin Otto von Lieres und Wilkau is in Februarie 1940 gebore in Somerset-Wes as seun van 'n Pruisisese adellike wat in die 1920's na Suid-Afrika geïmmigreer het. Nadat hy met sy eerste graad van Stellenbosch sy brood as klerk by die Kaapse landdroshof begin verdien het, kon hy met 'n beurs van die departement van Justisie einde 1965 sy LLB verwerf.

As staatsaanklaer in Kaapstad het hy gou 'n reputasie vir deeglike en vasbeslote werk verwerf. Daarna volg die een bevordering na die ander tot hy in die 1980's as prokureur-generaal van die Transvaalse Provinsiale afdeling aangestel

is. In die hoedanigheid was hy in daardie turbulente tye by verskeie opspraakwekkende sake betrokke. Aan albei kante het hy respek afgedwing.

Na sy uittrede in 1994 kon hynie tot rus kom nie en het hy hom tot die privaat praktyk gewend. Ook in die hoedanigheid was hy dikwels in die openbare oog, soms in rolle wat polities onverwags was en teen omstrede joernaliste.

Klaus von Lieres was 'n veelsydige persoon. Gepas by sy voorouers. Se militêre tradisie was hy betrokke by 'n organisasie soos die Gunners' Association of South Africa. Vir mense wat hom nie goed geken het nie was sy liefde vir die toneel, reeds in sy Stellenbosse studentejare, dalk effens verrassend. Hy word oorleef deur sy vrou, Beata, en deur'n dogter, Nell, en seun, Hein, wat ook 'n oudstudent van die Regsfakulteit is.

Professor Andreas van Wyk

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