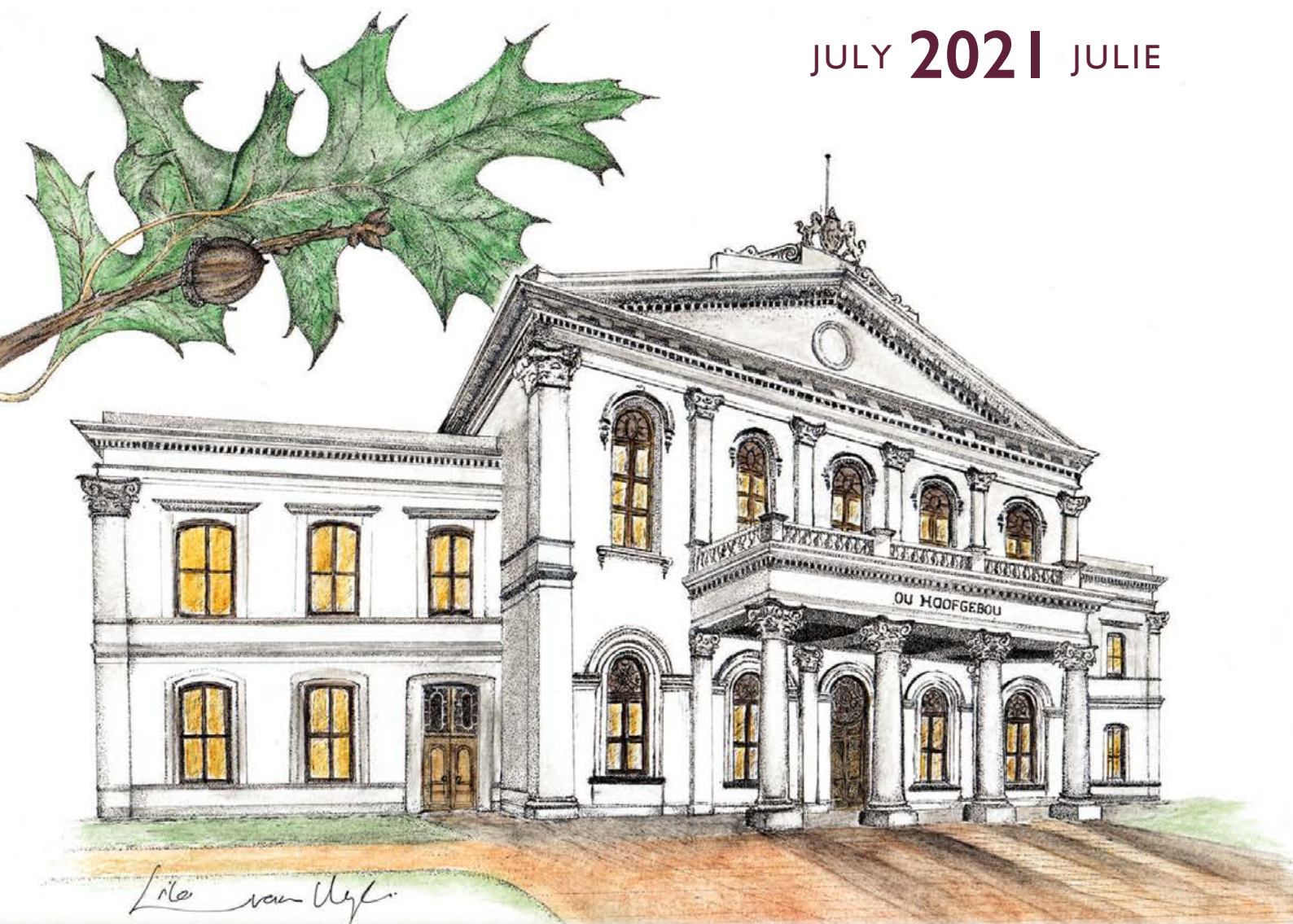


# NEWSLETTER | NUUSBRIEF

JULY 2021 | JULIE



*Centenary /*  
*Eenfees* **100** YEARS / JAAR  
1921 - 2021

Original art piece commissioned by and presently exhibited in the boardroom of Polson Law Practice Courtesy of JRG Polson, alumnus of Stellenbosch University.



UNIVERSITEIT  
iYUNIVESITHI  
STELLENBOSCH  
UNIVERSITY

**100**  
1918 · 2018

Regsgeleerdheid  
EyzomThetho  
Law



By ons eerste Fakulteitsraadvergadering van 26 Februarie vanjaar het ek die lede by maand 12 van COVID-19 verwelkom. Dit voel beswaarlik soos 'n nuwe jaar met die aanskuif van assesserings, uitstel van die begin van die akademiese jaar en die noodsaaklikheid om akademiese verwelkomingsprogramme vir die eerste keer aanlyn en op kampus te beplan en te implementeer. Wanneer u hierdie nuusbrief lees, sal ons reeds in maand 16 van 'n "nuwe" realiteit wees. U sal moontlik met my saamstem dat dit nie makliker word nie en dit is nie net aan sosiale afstand, beurtkrag en kommer oor geliefdes se gesondheid toe te skryf nie. Ons lewens is onomkeerbaar deur die pandemie aangeraak met verwagtinge, vrese, voorkeure en werkswyses wat verander het. Dit blyk dat dit onmoontlik sal wees om terug te keer na die lewe soos dit voor Maart 2020 was. Die geïkete gesegde dat elke uitdaging 'n geleentheid bied, is myns insiens waar, maar dat dit nie maklik is om daardie geleenthede te identifiseer, vas te vang en te inkorporeer nie, is duidelik.

Die jaar 2021 sal ook onthou word vir die heengaan van huidige en voormalige regs kollegas: Proff Steph van der Merwe, Lourens du Plessis en Prof Marius de Waal. Daarby verloor ons breër gemeenskap ook Proff Stephen de la Harpe (NWU) en Christoff Heyns (UP). Die boodskappe van medelye, reaksie van voormalige en huidige studente met blomneerlegging en aanskoulike woorde oor hierdie kollegas se kundigheid asook karakter en invloed is oorweldigend. Ek weet dat dit in hierdie moeilike tyd vir die geliefdes en naastes baie beteken.

Ten spyte van die talle uitdagings en onsekerhede waarmee ons saamleef en werk, is daar steeds mylpale waarop ons trots is. Na 'n intensiewe programvernuwingsproses het die Fakulteitsraad op 14 Mei finaal hersiene kurrikula vir al ons voorgaande regsprogramme aanvaar. As alles vlot verloop sal die LLB (vier jaar), BA (Regte), BCom (Regte) en BRekLLB programme in 2022 afskop met die LLB (drie jaar) in 2023. Van die aspekte waarvoor ons opgewonde is, sluit in dat alle studente nou regsetiek, gewoontereg, praktiese regskunde, die reg en tegnologie, asook strafregplegingsgeregtigheid in aksie as vakke gaan neem. Daarby sal studente vroeër in die program aan korporatiewe reg asook prosesreg blootstelling kry. In die eerste jaar van studie sal alle studente blootstelling kry aan nie net grondslae van die reg nie maar ook 'n inleiding tot staatsreg en uitleg van wetstekste. Daar bly nog werk uitstaande om spesifieke vaardighede en gesindhede/ingesteldhede duidelik in die kurrikula te

## Nuus van die Dekaan se kantoor

verweef, maar daarna glo ons dat die programvernuwing ons sal help om steeds aan die voorpunt van regsonderrig te bly.

Met 'n bietjie beseringstyd wat weens die pandemie toegelaat is, kon die Fakulteitspersoneel daarin slaag om 15 LLD graduandi gedurende 2020 af te lewer. Dit is 'n rekord getal wat vir ons Fakulteit moeilik sal wees om te herhaal!

Dit is onvermydelik dat gebeure van die afgelope maande 'n demper op ons Eeufesverrigtinge plaas. Dit is egter belangrik dat ons geleenthede benut om saam te kom (hetsy virtueel of in persoon) en ons nooi u hartlik uit om deel te neem aan geleenthede, ons fondswerwingsinisiatiewe te ondersteun en u bande opnuut met die Fakulteit te bevestig.

Onlangs het ek iemand die term "to listen generously" hoor gebruik en dit het by my vasgesteek. Mag ons, 'n kring van mense met gemeenskaplike asook diverse belange en behoeftes, die volgende maande deurstaan deur ons waardes doelbewus uit te leef en rojal te luister, mekaar met respek en empatie te benader en ons beste te doen.

Nicola Smit

## lindaba ezivela kwi-ofisi yeDini

Kutshanje ndikhe ndeva umntu esebenzisa ibinza-na elithi "ukuphulaphula ngokupheleleyo" yaye liye lahlala kum. Ngamana singazinyamezela iinyanga ezizayo njengeqela labantu abaneminqweno neem-funo ezingafaniyo ngokuthi siphile ngokwezo zinto sizixabisileyo size siphulaphule ngokupheleleyo, si-phathane ngembeko nangemfesane kananjalo senze konke okusemandleni ethu.

## News from the Dean's office

At our first Faculty Board meeting on 26 February this year, I welcomed the members to month 12 of COVID-19. It hardly feels like a new year with rearranging assessments, postponing the start of the academic year and the need to plan and implement online academic welcoming programs on campus for the first time. When you read this newsletter, we will already be in month 16 of a "new" reality. You will probably agree with me that it does not get any easier and it is not just due to social distance, load shedding and concern about the health of loved ones. Our lives have been irreversibly affected by the pandemic: our expectations, fears, preferences and work procedures have all changed. It seems that it will be impossible to return to life as it was before March 2020. In my opinion, the cliché saying that every challenge presents an opportunity is true, but in times such as these it is not easy to identify, capture and incorporate these opportunities.

The year 2021 will also be remembered for the passing of current and former law colleagues: Profs Steph van der Merwe, Lourens du Plessis and Marius de Waal. In addition, our wider community also lost Profs Stephen de la Harpe (NWU) and Christoff Heyns (UP). The sympathetic messages and responses from former and current students and colleagues with flower memorials and vivid words about these colleagues' expertise as well as their character and influence were overwhelming. This outpour of support signified the tremendous contribution of these colleagues to the Faculty. I know it means a great deal to their loved ones in this difficult time.

Despite the many challenges and uncertainties, we live and work with, there are still milestones we are proud of. After an intensive program renewal process, the Faculty Board finally adopted the revised curricula for all of our undergraduate law programs on 14 May. If all goes well, the LLB (four years), BA (Law), BCom (Law) and BAccLLB programs will kick off in 2022 with the LLB (three years) in 2023. Some of the aspects we are excited about include that all students will now have legal ethics, customary law, practical legal training, law and technology and criminal justice in action as subjects. Additionally,

students will be exposed to corporate and procedural law earlier in the program. In the first year of study, all students will be exposed to not only the foundations of law, but also an introduction to constitutional law and interpretation of legal texts. There is still work to be done to ensure that specific skills and dispositions are clearly weaved into the curricula. Hereafter we believe that the program renewal will help us to remain at the forefront of legal education.

With a little additional injury time (allowed due to the pandemic), the Faculty staff was able to deliver 15 LLD graduates during 2020. This is a record number for our Faculty that will be difficult to repeat!

It is inevitable that events of recent months will put a damper on our Centenary proceedings. However, it is important that we take advantage of opportunities to come together (either virtually or in person). We cordially invite you to participate in events, support our fundraising initiatives and reaffirm your ties with the Faculty.

Recently I heard someone use the term "to generously listen", and it stuck with me. May we endure the coming months as a circle of people with common as well as diverse interests and needs, by deliberately living out our values and listening generously, approaching each other with respect and empathy, and by doing our best.

Nicola Smit



Dean, Professor Nicola Smit.



# Research Chairs/Units Leerstoele/Eenhede

## African Procurement Law Unit

In recognition of the long-term collaboration between the African Procurement Law Unit (APLU) and the Public Procurement Research Group (PPRG) at the University of Nottingham in the UK, Profs Geo Quinot and Sope Williams-Elegbe have both been appointed as fellows of the PPRG.

APLU has continued to focus closely on the public procurement dimensions of responses to the COVID-19 pandemic. This work includes a contribution to the forthcoming international publication Public Procurement in Crisis to be published later in 2021 by Hart Publishing. The contribution by Quinot, Williams-Elegbe and APLU-fellow, Kingsley Udeh, focuses on contrasting

approaches to procurement in response to the pandemic on the African continent. In an article prepared for Corruption Watch, an extract of which was published in The Conversation on 3 March, Prof Quinot analysed what South Africans should know, but don't, about the government's COVID-19 vaccine procurement. The article generated considerable interest, having been read over 30 000 times by May. Additionally, it was picked up across major media platforms, including interviews on eNCA, SmileFM, ChaiFM and SABC News.



Prof Sope Williams-Elegbe



Prof Geo Quinot

## HF Oppenheimer Chair in Human Rights Law

Internationally, our colleague Prof Sandra Liebenberg, incumbent of the HF Oppenheimer Chair, was invited and participated at the Aix-en-Provence Global Justice Doctoral Academy as keynote speaker at a conference. The topic was "The Optional Protocol to the ICESCR: Is it Fulfilling Aspirations?" Prof Philip Alston of NYU, and Former UN Special Rapporteur on Extreme Poverty and Human Rights, was the respondent to her address. The HF Oppenheimer Chair in Human Rights law has continued to make several notable academic strides in the first half of 2021.



Prof Sandra Liebenberg

## Doctoral Candidate Megan Donald

Doctoral candidate, Megan Donald, graduated with her doctoral degree in a hybrid ceremony held on 31 March 2021. In her study, Megan proposed a "green" interpretation of the International Covenant on Economic, Social and Cultural Rights ("the Covenant") that includes relevant environmental considerations. She focused on existing doctrines and interpretations of the key provisions of the Covenant by looking at how the United Nations Committee on Economic, Social and Cultural Rights (CESCR) interpreted these provisions and by relying on principles of international environmental law, such as the principle of sustainable development. Megan's research was featured on the SU website.



Megan Donald



## BUDGET MUST TAKE HUMAN RIGHTS INTO ACCOUNT

UN secretary-general António Guterres made this observation about the Covid-19 pandemic: "Never before has the importance of the responsibility of governments to protect people, by guaranteeing their economic and social rights, been so clearly demonstrated."

Countries that invested in socioeconomic rights such as quality universal healthcare, comprehensive social protection, decent housing, adequate water and sanitation supplies, and well-resourced education systems were much better equipped to weather the devastation wreaked by the pandemic on every sphere of life.

However, decades of structural adjustments in Africa and other countries in the global south, as well as austerity measures adopted across the world in the wake of the global financial crisis that began in 2008, have weakened the programmes and institutions that deliver socioeconomic rights to the people.

The consequences have been dire. Health systems have been pushed to the brink of collapse, and people have been left without social support when their employment or source of livelihoods disappeared. This has also seen a widening of educational inequalities as learning and teaching moved online. Now has South Africa fared in committing sufficient public resources to the fulfilment of socioeconomic rights?

In 2018, the UN Committee on Economic, Social and Cultural Rights expressed concern that South Africa was implementing austerity measures in the form of significant budget cuts in the health, education and other social sectors.

The committee noted that these austerity measures would worsen inequalities and undermine gains made in these sectors. It also expressed the view that more could be done to mobilise resources for socioeconomic rights through the tax system, accompanied by measures to combat tax evasion and illicit financial flows, as well as irregular and wasteful expenditure.

A key recommendation was that both the executive and Parliament should take socioeconomic rights into account when making budgetary choices.

Unfortunately, this advice appears not to have been heeded. Since the outbreak of the pandemic, expenditure on a number of social programmes has been slashed in pursuit of fiscal consolidation policies to reduce the budget deficit and stabilise government debt.

This trend is evident in the national budget tabled on 15 February 2021.

Austerity measures brought about by Covid-19 are making people's lives ever harder, writes **Sandra Liebenberg**



“

These cuts are being made in a context in which South Africans are experiencing deepening levels of

pressure on multiple fronts: the drastic contraction of the economy by 7% last year as a result of the pandemic, spiralling debt levels and the spectre of further investment downgrades by international credit ratings agencies.

However, it's precisely in these challenging contexts that international and regional human rights bodies have developed a set of principles to guide economic decision-making.

Known as the doctrine of non-retrogression, its aim is to protect human rights to the maximum extent possible in crisis situations, and prevent impoverished and marginalised groups from bearing the brunt of austerity measures.

than is strictly required by the crisis situation. The effect of relevant budget cuts should be regularly monitored, and they should be reversed as soon as possible – that is, they should be temporary. In addition, retrogressive measures should not result in any direct or indirect discrimination against disadvantaged groups.

For example, because of the gendered division of labour, it is usually women who bear a disproportionate burden when states cut expenditure on social programmes such as early childhood development, healthcare or water service delivery. Even when public expenditure on social programmes is reduced, the state is required to ensure a social protection floor for all as recommended by the International Labour Organisation.

Finally, the doctrine of non-retrogression also requires a number of procedural safeguards alongside mechanisms for meaningful public participation by affected groups and civil society organisations.

Relevant departments should engage in a human rights impact assessment before economic reforms that could lead to a retrogression in people's access to socioeconomic rights are adopted. An excellent framework to guide this process is the UN Guiding Principles on Human Rights Impact Assessments of Economic Reforms. Adopted in 2018, these guiding principles should be integrated into all aspects of economic policymaking.

Meaningful public participation requires that relevant information is transparent and accessible; that sufficient time is given for public input; that alternative proposals to austerity budgeting put forward by stakeholders are considered seriously and in good faith; and that participatory monitoring and accountability mechanisms are put in place.

It is noteworthy that, although South Africa scores high in terms of the transparency of its budget process in the Open Budget Survey undertaken by the International Budget Partnership, it was ranked among the lowest in terms of public participation in the budgetary process.

Since 2018, Parliament has also been given more seats in the budgetary process, including the power to make amendments to the annual Appropriations Bill and Division of Revenue Bill, as well as tax bills.

These powers should be used to interrogate the relevant budgetary choices and ensure that they give effect to South African and international constitutional human rights obligations.

Cuts to the budgets of key institutions and programmes for socioeconomic rights delivery will undermine the ability of all three spheres of government to make progress in realising these rights. The consequences are widespread suffering, rights.

## Social Impact

Prof Liebenberg was appointed as an expert to assist the Working Group of the African Commission on Human and Peoples' Rights on the drafting of a new General Comment on the nature of States' obligations, to regulate private actors involved in the provision of social services. In addition to contributing research expertise, she participated in a webinar on this topic with members of the working group and other experts on 20 April 2021. She has also been appointed as a member of the International Drafting Group of the *Maastricht IV Principles on the Human Rights of Future Generations* coordinated by the Maastricht University Centre for Human Rights and the Food First Information and Action Network International (FIAN). This project will culminate in June 2022 in the adoption by leading international experts of a set of influential guidelines and principles on how to secure the human rights of future generations in law and policy. This project is particularly

significant considering the existential threat posed by environmental degradation and climate change.

To mark Human Rights Day 2021, Prof Liebenberg published an article in City Press on 21 March 2021 titled: "Budget must take Human Rights into Account". She has also participated in several national and international webinars and training programs on her current research project relating to socio-economic rights, budgets and economic policy.

Recently, she was invited to provide one of the two leading sessions at a training program convened by the UN Office of the High Commissioner for Human Rights and the International Legal Assistance Consortium on the *Judicial Enforcement of Economic, Social and Cultural Rights*. On 29 April, she presented her session at a webinar for senior Tunisian judges, on the topic of "Challenges faced and possible solutions in the implementation of the justiciability of ESCR in national jurisdictions".

## Contribution to Transformation Initiatives

Mr Gideon Basson, an LLM candidate working under the Chair, engaged in various lectures and training sessions for student communities related to transformative university experiences. These included a lecture on 2 March 2021 to first-generation students for the SOAR

(Strength|Opportunity|Agency|Resilience) programme in the Division of Student Affairs, entitled "Empathy, Compassion and its Limits: Implications for Participatory Democracy". He also participated in a panel discussion on toxic masculinity on 7 March 2021.

## Anton Mostert Chair of Intellectual Property Law

### Annual Intellectual Property Law Short Course

The Anton Mostert Chair of Intellectual Property Law hosted its annual Intellectual Property Law Short Course from 19 to 21 May 2021 at the Stellenbosch Institute for Advanced Studies (STIAS).

This certificate programme is aimed at non-legal or non-intellectual property (IP) practitioners, and this year the participants included attendees from business, commerce, engineering, arts and science. The Short Course is specifically designed to provide attendees with an introduction to intellectual property (IP) law and its practical application. The purpose of the course is to equip students with a basic understanding of how relevant IP is to every endeavour. Given the fact that

the Short Course was not presented last year, due to the Covid-19 pandemic, it was a risk presenting the course as it was not certain whether people would feel comfortable attending. However, Annette van Tonder's efforts ensured that the number of attendees were comparable to our pre-Covid-19 courses. Besides Prof Sadulla Karjiker and Ms Gretchen Jansen, the presenters included practitioners from notable IP firms, such as, Adams & Adams, Spoor & Fisher and Von Seidels. The Short Course was a success and many of the participants expressed a strong interest in applying for the postgraduate diploma in IP law offered by the Department of Mercantile Law.



The group of participants in the Anton Mostert Chair for Intellectual Property Law short course 2021 along with Prof Sadulla Karjiker, Ms Gretchen Jansen and Ms Annette van Tonder.



## Law Faculty Trust Chair in Social Justice



The French ambassador to South Africa, Aurelien Lechevallier with Prof Thuli Madonsela

We are excited to announce that Prof Thuli Madonsela was inaugurated into the African Academy of Sciences (AAS) in 2020. The AAS's vision is to see transformed lives on the African continent through science. One of its core mandates is to recognise excellence through electing scholars who have excelled in their fields of expertise as its members.

The French ambassador to South Africa, Aurelien Lechevallier, recently bestowed the insignia of the sought-after French Legion of Honour on Prof Thuli Madonsela in recognition of her remarkable achievements in fighting corruption and defending the rule of law, as well as promoting social justice and human rights in South Africa. French president Emmanuel Macron awarded the title of Knight of the Legion (*Ordre national de la Légion d'honneur*) to Madonsela on 20 November 2020. Guests at the official ceremony that took place in April 2021, included members of the diplomatic community, Stellenbosch mayor Gesie van Deventer, Justice Albie Sachs, SU's Dean of Law Prof Nicola Smit and other staff from the University. Additionally, some of Madonsela's social justice ambassadors, former colleagues, friends and family members were in attendance.

Before awarding the insignia, Lechevallier had this message for Prof Madonsela: "When I think of your



Knight of the Legion Award

legacy, I think you remind South Africans that they stand on the shoulders of giants. I hope you know that the new generation, and the leaders of tomorrow, will stand upon yours!"

The Bertha Foundation has recently approved a grant in the amount of USD 15,000 towards the Law Trust Chair in Social Justice projects. The Bertha Foundation fights for a more just world, and support activists, storytellers, and lawyers who are working to bring about social and economic justice and human rights for all.

## Events



Top right:  
Prof Nicola Smit  
Bottom left:  
Keith Errol Benson  
Bottom middle:  
Professor Wim de Villiers  
Bottom right:  
Prof Thuli Madonsela

The Chair hosted the Second Annual Social Justice Lecture titled "Apparent Problems – Hidden Opportunities: Amazing Opportunities for Social Justice in US and SA in 2021".

The core message delivered by Grammy award winner, author, Harvard Senior Fellow and founder of the Department of Peace at Howard University, USA, Keith Errol Benson, was the need to pay for justice as insurance for peace.

Benson opined that South Africa, and the US are in pole positions to set the gold standard on leadership for a socially just world. Benson's message was delivered in commemoration of World Social Justice Day, which was on 20 February.

Professor Wim de Villiers, Stellenbosch Vice Chancellor and Chair of the Council of Social Justice Champions under the Social Justice M-Plan, weighed in on the importance of social justice and the enormous potential the partnership for social justice has. He further alluded to some of the concrete steps SU is taking in relation to social justice as an institution and in society.

His message found resonance in the message delivered by Stellenbosch Law Dean, Prof Nicola Smit. In her concluding observations, Madonsela told participants that she concurred with Benson's sentiments that justice is about fairness to all people, and that it requires everyone to play their part. "None of us in this room created the social justice disparities that confront our societies and the world. But it is our problem now

and if we don't solve it, we will not enjoy peace because as long as there is injustice somewhere, there can't be sustainable peace anywhere," said Madonsela.

"I agree with Keith Benson Errol that within us there is enormous capacity, a gold standard on leadership to achieve meaningful progress on social justice, the priority being to end poverty by 2030 and significantly reduce structural inequality in the same period," Madonsela added.

The event lived up to Moderator Thulasizwe Simelane's prediction that it would be a "feast of ideas". Apart from historical social justice concerns such as police brutality and student debt barring economically disadvantaged students from education, the conversation veered into current affair topics including equitable vaccine distribution within and between countries. Participants also considered the perennial challenge of corruption and its negative impact on levelling the playing field in the pursuit of social justice.



Keith Errol Benson



**SOCIAL JUSTICE Café**

**Topic:** Restitution/Affirmative Action and BEE

**Description:** This Social Justice Café aims to provide an overview of historical dialogues of restitution and current trends in the United States, in contrast to the South African position. The South African constitution demands the healing of the divisions of the past and establishing a society based on democratic values, social justice and fundamental human rights. It is therefore imperative to determine what models work best, what models do not work and where to place BEE and Affirmative Action in this regard. Going forward, how do we fix this and what roles do the state, business, society and the international community play in this process?

**Facilitator:** Prof Thuli Madonsela  
Social Justice Chair and M-Plan Convenor, SU

**Co-Facilitator:** Mr Emile Vercuul  
LLD Candidate, Stellenbosch University

**Speaker:** Prof Penny Andrews  
Professor of Law, New York Law School  
Co-Director, Racial Justice Project

**Panelists:** Ms Nomfundo Ramalekana  
Lecturer at the University of Cape Town

**Mr Kopano Lebele**  
Chairperson of the Students for Law and Social Justice, Stellenbosch University

**Date:** 21 April 2021  
**Time:** 12H30 – 14H00  
**Location:** The virtual Social Justice Café will be conducted via Microsoft Teams.

**Teams details:** Learn more about Teams | Meeting options  
Join with a video conferencing device  
529319312@plm.vtc  
VTC Conference ID: 1215312426  
Alternate VTC dialing instructions

**Enquiries:** socialjustice@sun.ac.za  
+27 (21) 808 3186  
Social Justice Chair @CFSJ: MPlan

## Social Justice Cafés



**SECOND ANNUAL SOCIAL JUSTICE Lecture**

**23 March 2021 • 17:00 SAST**

**Topic:** "Apparent Problems - Hidden Opportunities: Amazing opportunities for Social Justice in US and SA in 2021."

**Programme Director:** Thulasizwe Simelane

**Presented by:** Keith Errol Benson

Keith Errol Benson is currently founder of the Department of PEACE, at Harvard University to bring Political, Economic, Academic, Cultural and Environmental justice - social justice - to all people. Keith authored a revealing book entitled "The Power and the Glory: The Racial History of America and How to Fix It".

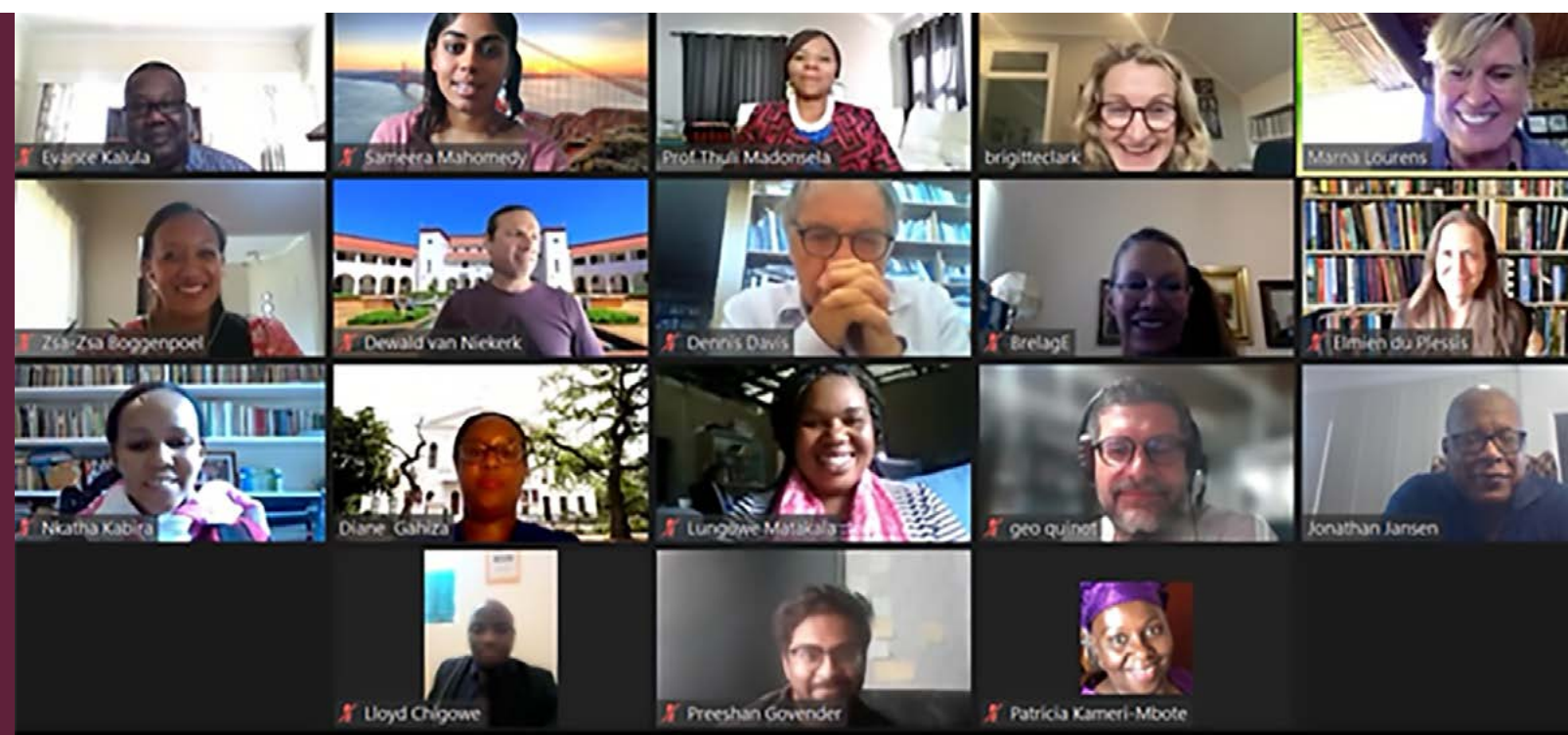
Keith earned 24 Grammy Gold Records, as a drummer performing with the top music industry superstars. His debut as a filmmaker (Associate Producer) of the same film, "Standing in the Shadows of Motown", won 2 Grammy Awards and countless film industry awards.

He majored in Fine Arts at Harvard University, and graduated Thomas Edison State University with Honors in US History. Keith is currently in a Senior Fellow at Harvard University.

Throughout his career Keith mentored challenged youth from Camden, New Jersey - America's poorest most violent city. He has mentored dozens of at-risk youths, helping them get into the nation's top colleges and universities, including Harvard, UPenn, Howard Universities and more.

**Join on your computer or mobile app**  
Click here to join the meeting  
<https://bit.ly/2ZKvniE>

**Enquiries:** socialjustice@sun.ac.za, +27 (21) 808 3186  
Social Justice Chair @CFSJ: MPlan  
Social Justice M-Plan



The Social Justice Teachers' Benchmarking Roundtable took place on 17 March as part of systematising social justice scholarship and strengthening synergies and impact within and across academic institutions. The purpose of the round table was to facilitate an exchange of ideas regarding the methods and approaches to the teaching of social justice, as well as building partnerships among social justice educators. The Chair recently designed short programmes on Social Justice and the Law and are in the process of implementing some courses to be presented later this year. Kindly contact Mrs Marna Lourens for further information. The Social Justice Book Writing Symposium took place

on 15 April and brought together all contributors to this ground-breaking work on social justice. This textbook will be of the first to provide a comprehensive philosophical and jurisprudential resource on social justice with both the leading and most recent cases on the subject. It will be a resource for students and practitioners engaged in law reform with a view to mainstreaming fidelity to constitutional and global social justice commitments in policy design, law reform and public interest litigation. The book, co-edited by Profs Thuli Madonsela and Evance Kalula, will be published by LexisNexis later in the year.



Social Justice Cafés have once again been met with great enthusiasm. So far this year, one Café focused on Education and another covered Restitution, Affirmative Action and BEE. The Cafés are part of a series of discussions engaging with students on a range of social justice topics over the course of the year. Keynote speakers with extensive experience and expertise on a specific topic are selected by the social justice team. After the keynote speaker's address, there is a panel discussion involving four panellists and the audience.

"The café is a fantastic initiative for students to be involved in because they can direct the discourse", said Kopane Lebele, chairperson of Students for Law and Social Justice (SLSJ) at SU. "The hope is that one day students will be active members of society that can



contribute positively, and being involved in discussions like these is imperative to the kind of person they will be later on," Lebele continued.

**Dr Lloyd Chigowe** is a Postdoctoral Fellow in the Stellenbosch University Chair in Social Justice. His current research interests are in social justice. He is also involved in assisting the Chair with supervision of postgraduate students. Dr Chigowe has extensive experience in facilitating teaching and learning.



Dr Lloyd Chigowe



# Faculty and students Fakulteit en studente

## Projects

The Social Justice Chair's flagship program, the Social Justice M-Plan, is making good progress with the Social Justice and Coronavirus (COVID-19) Policy and Relief Monitoring Alliance (SCOPRA). One project called Leveraging Data Analytics to Inform Fair Data-Based Policy Implementation, will test how the leveraging of data analytics can ensure informed, data-based policy decision making. The research will feed data into a dashboard that maps and correlates potential deepening levels of poverty and inequality due to COVID-19 policy measures. The research team now includes statisticians, social justice and law experts, social scientists, mathematical scientists and information technology (IT) specialists. This research project will have a broad impact on society as it will support government to test the impact of policy decisions on reducing inequality.

## Join us to help students in financial need

The #Action4Inclusion Campaign is a student funding initiative established in 2020 by the SRC and Prof Madonsela, to ensure that no student is left behind due to their financial circumstances. All funds raised will go towards the scrapping of debt for working class and middle-class income household students.

Events that formed part of the #Action4Inclusion Campaign included a virtual Comedy Night (28 May at 6pm) and #Action4Inclusion Summits, took place on the following dates: 16 May; 23 May; 30 May; 6 June; 20 June. For more information on these events kindly contact [Mr Thembaletu Seyisi](#).

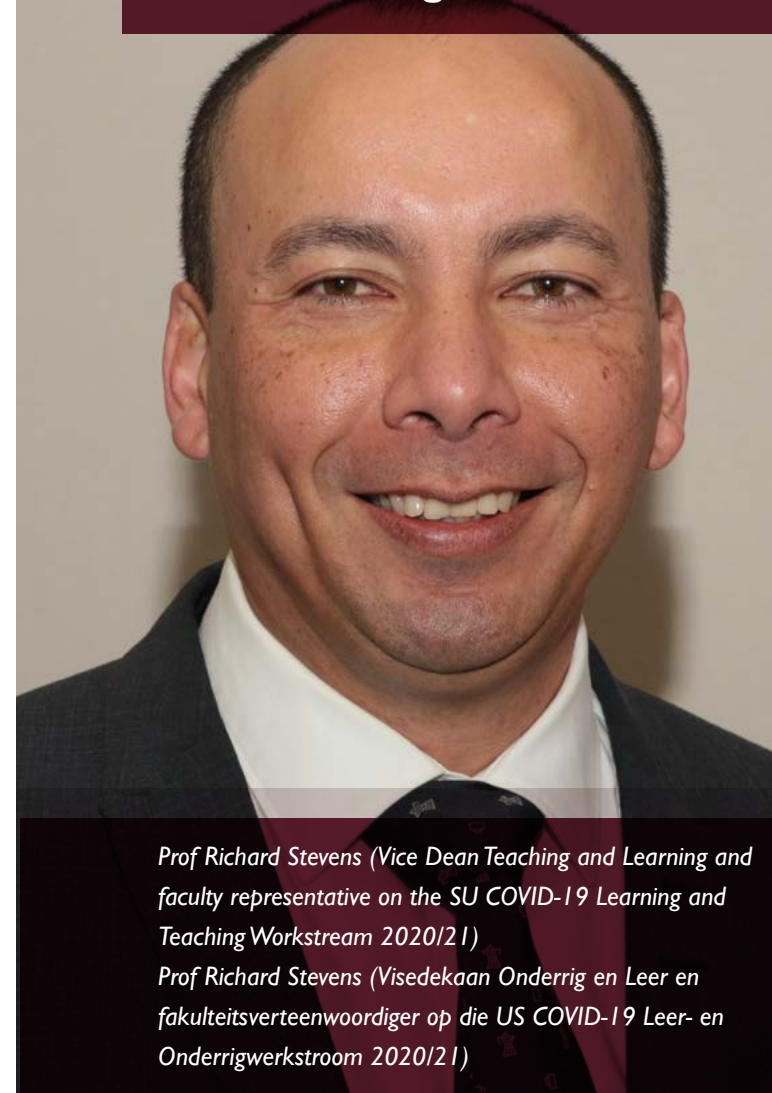


Students hiking for the #Action4Inclusion Campaign

## Other Events

1. The **Administrative Law for State Functionaries Short Course** took place from 19-21 May 2021.
2. The **Digital Conference on Education** took place on 3 June 2021. The theme of the Conference was "Education for the 21st Century: Towards a Decade of Optimised Social Justice and Sustainable Development Outcomes".

## Lecturing during a pandemic/ Klasgee tydens 'n pandemie/ Ukuhlohla ngexesha lobhubhani



Prof Richard Stevens (Vice Dean Teaching and Learning and faculty representative on the SU COVID-19 Learning and Teaching Workstream 2020/21)

Prof Richard Stevens (Visedekaan Onderrig en Leer en fakulteitsverteenvoordiger op die US COVID-19 Leer- en Onderrigwerkstroom 2020/21)

incredible pride and admiration. All staff had to adapt to the sudden change in how they lecture and assess within the blink of an eye. Normality became preparing for online classes in the middle of the night, often with the odd dog barking in between, or having to juggle home schooling with recording online lectures. We had to learn new terms like "ERTLA" (Emergency Remote Teaching and Learning and Assessment), "synchronous" and "asynchronous" teaching, "data-light" recordings and the like. These new terms made us acutely aware of the diversity in our students' needs especially the inequality regarding students' technological and digital resources regarding lecture presentations. We could not simply say "see you at 8h00 for a Zoom/Teams class," we rather had to be mindful of the harsh realities of so many of our students. Throw in the challenges of load shedding, and it would have been easy to become despondent in asking ourselves how we would effectively serve our students and the profession, by ensuring that no student would be left behind, while ensuring that the integrity of our assessments would be above reproach. However, one thing that remained consistently true is that the success of our students, even if they would not always agree, was our main priority throughout this period.

Lecturers also had to adapt their assessments; with the inability for the Faculty to conduct in person tests and examinations, lecturers were forced to adapt and instead set online and open-book tests and examinations. We, however, safely report that the pass rate for modules in 2020 was on par with the pass rates in previous years, which implies that our assessments can be viewed as reliable in the overwhelming majority of cases. It would be remiss not to mention the role of the 2020 all-female (save for one member) JV/S committee. These talented young women and man ensured that we were kept abreast of student struggles, and we could always

It has been more than a year since the COVID-19 pandemic has, and continues to have, a significant impact on the academic project of the Faculty of Law. The question that we are being asked on a continuous basis is how the Faculty has adapted to this new reality of lecturing during the time of a pandemic that confronts us and will probably continue to affect us for the foreseeable future.

In answering the posed question, we look at our colleagues in the Faculty and we can merely look at them with



constructively seek solutions with them, even if we could not always find agreement.

Thus far 2021 has been more or less a mirror image of 2020. Instead of ERTLA we now have ARTLA (Augmented Remote Teaching and Learning and Assessment), where we have been able to thus far have invigilated sit-down assessments and some form of face-to-face contact. Naturally, this again required adaptation not only from our lecturers, but also from our student assistants, students and parents/guardians. Our students must juggle online and face-to-face lectures, find venues to “attend” synchronous online lectures and then also cope with recorded asynchronous lectures. Parents had to find accommodation for students at short notice, knowing that students would not always have all their classes face-to-face. We are happy to report though,

Dit is meer as ’n jaar sedert die COVID-19-pandemie ’n beduidende impak op die akademiese program van die Fakulteit Regsgeleerdheid gemaak het. Die vraag wat ons deurlopend gevra word, is hoe die Fakulteit aangepas het by hierdie nuwe werklikheid van lesings gedurende die tyd van ’n pandemie en hoe dit waarskynlik steeds in die voorsienbare toekoms beïnvloed sal word.

As ons poog om die gestelde vraag te beantwoord, kyk ons bloot na ons kollegas in die fakulteit met ongelooflike trots en bewondering. Al die personeel moes binne ’n oogwink by die veranderinge van klasgee en assessering aanpas. Die nuwe normaal behels nou die gelyktydige verrigting van verskillende take, soos om in die middel van die nag aanlyn klasse voor te berei, dikwels met ’n hond wat tussenin blaf, of om tuisonderrig saam met die opname van aanlyn lesings te doen. Ons moes nuwe terme leer soos “ERTLA” (Emergency Remote Teaching Learning and Assessment), “sinchroniese” en “asinchroniese” onderrig, “data-lig” opnames en dies meer. Hierdie nuwe terme het ons deeglik bewus van verskillende studente benodighede gemaak, veral die tekort aan tegnologiese en digitale hulpmiddels tussen studente wat lesing-aanbiedings betref. Ons kon nie net sê “tot 8h00 vir ’n Zoom/Teams-klas” nie, maar ons moes bedag wees vir die harde werklikheid van soveel van ons studente. Gooi die uitdagings van beurtkrag in en dit sou maklik gewees het om moedeloos te raak en onself af te vra hoe om ons studente en ons beroep effektief te dien om te verseker dat geen student agter gelaat word nie, asook om te verseker dat die integriteit van ons assesserings bo verdenking is. Een ding wat

that ARTLA, despite the initial challenges, compounded by the challenge of load shedding, and imperfect as it may be, is an improvement to ERTLA. Ultimately the often-used phrase of “we are in this together” is also true in the Faculty of Law. Only as a team of academic and non-academic staff and students, have we been able to face the challenges of teaching and assessing during a pandemic and only through teamwork will we be able to continue to face these challenges. You can, therefore, rest assured that the academic offering by the Faculty of Law, although significantly different to “normal” years with regard to the mode of presentation, continues to operate at the high standard that students, parents, alumni, the profession and we ourselves expect.

egter deurgaans in die spoor gebly het, is dat die sukses van ons studente gedurende hierdie periode, al sou hulle nie altyd saamstem nie, ons belangrikste prioriteit was.

Dosente moes ook hul assesserings aanpas sodat dit vir oopboektoetse en eksamens gepas is. Ons kan egter met sekerheid sê dat die slaagsyfer vir modules in 2020 vergelykbaar is met vorige jare se slaagsyfers, wat impliseer dat ons assesserings in die oorweldigende en meerderheid gevalle as betroubaar beskou kan word. Dit sou nalatig wees om nie die rol van die vroue-2020 JV/S komitee te noem nie (behalwe vir een manlike lid). Hierdie talentvolle jong vroue en man het verseker dat ons op hoogte van studente se struikelblokke gehou word en dat ons altyd konstruktief saam met hulle oplossings kon soek, selfs al kon ons nie altyd ’n ooreenstemming vind nie.

Tot dusver is 2021 min of meer ’n spieëlbeeld van 2020. In plaas van ERTLA het ons nou ARTLA (Augmented Remote Teaching and Learning and Assessment) en kon ons toesighoudende in-persoon-assesserings en een of ander vorm van in-persoon kontakssessies hê. Uiteraard het dit nie net aanpassing van ons dosente vereis nie, maar ook van ons studentassistenten, studente en ouers/voogde. Ons studente moet tussen aanlyn en in-persoonlesings funksioneer en tussendeur ruimtes vind om sinchroniese aanlyn lesings “by te woon” en dan ook opgeneemde asinchroniese lesings hanteer. Ouers moes op kort kennisgewing huisvesting vir studente vind, wetende dat studente nie altyd al hul klasse in-persoon sou hê nie. Ons kan egter sê dat ARTLA, ten

Continues on next page

spyte van die aanvanklike uitdagings, wat ook deur beurtkrag vererger is en so onvolmaak soos dit mag wees, ’n verbetering van ERTLA is. Uiteindelik is die veelgebruikte uitdrukking “ons is saam hierin” ook in die Regsfakulteit sigbaar. Slegs as ’n span akademiese en nie-akademiese personeel en studente, kon ons die uitdagings van onderrig en assessering tydens ’n pandemie die hoof bied, en slegs deur spanwerk sal

ons steeds hierdie uitdagings die hoof bied. U kan dus gerus wees dat die akademiese aanbod deur die Fakulteit Regsgeleerdheid, hoewel dit aansienlik anders is as “normale” jare wat wyse van aanbidding aanbetref, steeds aan die verwagting van die hoë standarde wat studente, ouers, alumni, die praktyk en onself aan ons stel, voldoen.

Ukuza kuthi ga ngoku unyaka ka-2021 ubuncinane uyelelene kulowo ka-2020. Endaweni ye-ERTLA ngoku sine-ARTLA (i-Augmented Remote Teaching and Learning and Assessment), ngoku sikwazile ukuba liliso kubafundi abebekhala iimviwo zabo saza ngandlel’ ithile saba nonxibelelwano nabo ngokuthe ngqo. Ngokuqhelekileyo, oku kuphinde kwafuna ukuba kubekho uqhelaniso kuphela nje kubahlohli bethu, kodwa nabafundi bethu kunye nabazali/abanyamekeli. Abafundi bethu kuye kwafuneka bazame ukufumana izifundo kwi-intanethi nezo ziqhutywa ngokoqobo, bakhangele iindawo “abanokufumana” kuzo izifundo eziqhutywa ngaxeshanye baze bazame nokufumana izifundo ezingaqhutywa ngaxeshanye. Abazali kuye kwafuneka bafunele abafundi iindawo zokuhlala nakuba besazi ukuba abafundi abazukuzifumana zonke iiklasi eziqhutywa

ngokoqobo. Kwakhona kuyasivuyisa ukunikela ingxelo engqinqwa yokuba, ubukhulu becala, i-ARTLA, nakuba iye yanemingeni ekuqaleni, eye yongezwa ngucimi-cimi wombane, yaye nakuba ingagqibelelanga, iluphuculo lwe-ERTLA. Ekugqibeleni, ibinzana elithanda ukusetyenziswa elithi “sisonke kule nto” linjalo nakule Fakhalthi yezoMthetho. Siye sakwazi kuphela njengeqela labasebenzi abahlohlayo nabo bangahlohiyo ukujongana nemingeni yokufundisa nokuhlola ngeli xesha lobhubhani yaye siya kusebenza kuphela njengeqela ukuze sikwazi ukuqhubeka ngokujamelana nale mingeni. Ngenxa yoko, unokuqiniseka ukuba izifundo ezikhutshwa yiFakhalthi yezoMthetho, nangona zahlukile kwezeminyaka “eqhelekileyo,” zisekumgangatho ophezulu olindelwe ngabafundi, abazali, izifundiswa, iziko lilonke, kunye nathi sonke.





## Centenary 2021/ Eeufees 2021



A light at the end of the tunnel of what has been a tumultuous and unprecedented last 16 months is our Faculty's centenary celebration taking place throughout this year. We would really love to see many of our alumni joining us for some (or all) of the activities planned for our Centenary. We are honoured that our Chancellor, Justice Edwin Cameron, formally opened the programme with this [message](#). See below for an overview, more information will follow in due course.

### Faculty of Law Centenary

#### Homecoming:

#### Friday, 24 September

**Mid-day** – Silver and gold reunion lunch at Die Stal.

**Evening** – Decade reunion events.

#### Saturday, 25 September

**Morning** – Public lecture at Ou Hoofgebou.

**Morning** – Book launch: The Stellenbosch Law Faculty: From 1921 to 2021.

**Evening** – Gala dinner at Town Hall.

*Other dates (please visit our [website](#) for additional events and merchandise for sale)*

Thursday 24 June to Friday, 2 July – Strijdom van der Merwe Preamble Temporary Art Installation.

Thursday, 20 May – Annual Human Rights Lecture with Justice Navi Pillay (online).

Tuesday, 10 August – Annual Women's Day Public Lecture.

Thursday 19 August – Panel on “Board decision-making and the position of stakeholders: Hard Law and Soft Law Approaches” Prof Irene-Marie Esser (University

of Glasgow and Extraordinary Professor, SU), Prof Iain MacNeil (University of Glasgow), Ansie Ramalho (IODSA and King), and others chaired by Prof R Stevens.

Monday, 11 October to Tuesday, 12 October – Annual Social Justice Summit and International Conference.

Monday, 20 September - Law Centenary Celebration at The Goodman Gallery, London at 18:00 to 20:00. RSVP is essential at [darrynh@sun.ac.za](mailto:darrynh@sun.ac.za).

Tuesday, 21 September – New Developments in the South African Law of Delict Colloquium (online).

Tuesday, 28 September – Anton Lubowski Memorial Lecture.

Thursday, 7 October – Intellectual Property Law Annual Public Lecture with Professor Thomas Hoeren.

Thursday, 21 October – Customary Law Expert Roundtable.

Thursday, 11 November to Friday, 12 November – Fourth International Conference on Public Procurement Law in Africa.

*The Homecoming weekend may be impacted by continuing lockdown restrictions. Further information will follow.*

'n Lig aan die einde van die tunnel na 'n onstuimige en ongekende afgelope 16 maande is die Fakulteit se Eeufeesviering wat vanjaar plaasvind. Ons sal baie graag soveel as moontlik van ons alumni by ons beplande Eeufeesaktiwiteite wil verwelkom. Sien hieronder vir 'n oorsig, meer inligting sal mettertyd volg. Ons is dankbaar dat ons Kanselier, Regter Edwin Cameron, formeel ons program met [hierdie boodskap](#) geopen het.

### Fakulteit Regsgeleerdheid: Eeufees

#### Tuiskoms

#### Vrydag, 24 September

**Middag** – Silwer- en Goue-reünimiddagete by Die Stal.

**Aand** – Dekadereünie geleentheid.

#### Saterdag, 25 September

**Oggend** – Openbare-lesing by die Ou Hoofgebou.

**Oggend** – Boekbekendstelling: Die Stellenbosch Regsfakulteit: Van 1921 tot 2021.

**Aand** – Galadinee in die stadsaal.

*Ander datums (besoek ons [webwerf](#) vir bykomende geleentheid en goedere te koop)*

Donderdag, 24 Junie tot Vrydag 2 Julie – Strijdom van der Merwe Aanhef Tydelike Kunsinstallasie.

Donderdag, 20 Mei – Jaarlikse Menseregtelezing met Regter Navi Pillay (aanlyn).

Dinsdag, 10 Augustus – Jaarlikse Vrouedag Openbare-lesing.

Donderdag 19 Augustus – Paneel rakende “Board decision-making and the position of stakeholders: Hard Law and Soft Law Approaches” Prof Irene-Marie Esser (Glasgow Universiteit en Buitengewone Professor, US), Prof Iain MacNeil (Glasgow Universiteit), Ansie Ramalho

(IODSA en King), en andere voorsitter Prof R Stevens.

Maandag 11 Oktober tot Dinsdag, 12 Oktober – Jaarlikse Beraad vir Sosiale Geregtigheid en Internasionale Konferensie.

Dinsdag, 14 September – Dekriminalisering van Kleiner Oortredings (aanlyn) (met die African Policing Civilian Oversight forum).

Maandag, 20 September - Fakulteit Regsgeleerdheid Eeufees by die Goodman Gallery, Londen om 18:00 tot 20:00. RSVP is belangrik by [darrynh@sun.ac.za](mailto:darrynh@sun.ac.za).

Dinsdag, 21 September – Nuwe Ontwikkelinge in die Suid-Afrikaanse Deliktereg Kollokwium (aanlyn).

Dinsdag, 28 September – Anton Lubowski-gedenklezing.

Donderdag, 7 Oktober – Jaarlikse Openbare-lesing oor Intellektuele Eiendomsreg met Professor Thomas Hoeren.

Donderdag, 21 Oktober – Rondetafel vir Kundiges in die Inheemsereg.

Donderdag, 11 November tot Vrydag, 12 November – Vierde Internasionale Konferensie oor Verkrygingsreg in Afrika.

*Die Tuiskomswaak mag deur voortgesette inperkinge beïnvloed word. Verdere inligting volg.*





## Old Main Building

### Building and Infrastructure Projects

The Faculty decided in 2017 that the upstairs lecture hall (Room 2027) should be upgraded with the installation of new tailormade chairs and desks suitable for group work, advanced audio visual equipment, including audio loops, power outlets and wheelchair-friendly desks, and importantly a judges' bench so that moot courts and panel discussions could be facilitated, recorded and streamed from the venue. The upgrade to the venue would also include a lift to ensure access for persons with disabilities to the venue, with the latest technology to ensure that the venue was multi-functional and accessible.

As part of the planning process for the venue upgrades the municipality inspected the entire building and issued a fire report, which indicated that certain work would have to be done to ensure compliance with the latest International Organization for Standardization standards. Thereafter a detailed report was obtained from an external independent consultant. The report indicated that an additional set of stairs in the quad, two new fire escape doors, the adjustment of all exit doors and painting of all wood in the front section of the building with intumescent paint were required. The final adjustments to the project plan also made provision for a bathroom for persons with disabilities on the first floor of the building, where previously the Faculty only had such a bathroom on the ground floor, and the extension of the air-conditioning system to specific downstairs venues (for example the seminar



room and student assistants' open plan office). These requirements changed the scope of the initial project drastically and delayed the start of the project.

The building team arrived on site towards the end of January 2020 to start with the building of the scaffolding, excavation in the quad area for the foundation of the new stairs, as well as the groundwork for the improvements of Room 2027 and the installation of the new platform lift. When the national lockdown was announced, there was a scramble to at least get the foundations for the new staircase poured. The foundations were poured on 26 March 2020 (with lockdown starting at midnight on that day) and the building team, dean and faculty manager eventually locked and left the premises at around 18:00 on that day in the hope that the building work would resume three weeks later.

The building team returned to site at the end of May 2020 with reduced capacity as prescribed by the relevant lockdown regulations. Progress was not only



hampered by the reduced number of staff allowed on the premises, but also challenges surrounding items that had to be imported, restricted travel and work times and so forth.

The remote teaching and learning during the remainder of 2020 was a blessing in disguise in terms of the building work that staff and students did not have to endure the protracted noise and dust that comes with such a project. Similarly, the building team was able to get on

with it, without having to try and keep noise levels down during working hours.

The occupation certificate was issued early in February 2021 and the upgraded lecture theatre has already seen several hybrid classes and meetings (including a Senate meeting) making use of the technology available in the venue. The Faculty looks forward to utilising all aspects of these state-of-the-art facilities including the moot court facilities.

## Lectures/Seminars/Workshops

### Lesings/Seminare/Werkswinkels

Prof Sope Williams-Elegbe was a panellist at the OECD Global Anti-Corruption and Integrity Forum, on 24 March 2021. The topic was "De-railing corruption in procurement: behaviour, data and norms". She discussed the role of behavioural science in addressing corruption

in public procurement. The replay is available [here](#). She was also a panellist at the Women in Procurement online event held on 3 February 2021. The topic was "Creating a procurement post pandemic playbook for women in procurement".

## Internationalisation/Internasionalisering



The impact of COVID-19 seemingly extends to the renewed desire of students to travel and immerse themselves in a new experience as there is a record number of students who have applied and consequently selected to spend their last semester of studying at an international partner university. The Faculty remains hopeful that these 28 students will in fact be able to

travel abroad and have the privilege to experience this international exchange. Partner institutions include (in no particular order): Abo Academy, Bergen University, KU Leuven, EBS, Ghent University, Leiden University, Maastricht University, Tilburg University, Universities of Aberdeen, Amsterdam, Antwerp, Bern, Helsinki, Utrecht University and Vrije Universiteit Amsterdam.



## First year orientation and welcoming Eerstejaar verwelkoming en oriëntering Uqhelaniso nolwamkelo lwabakunyaka wokuqala

2021 saw several new initiatives, geared towards preparing the SU's possibly "differently-prepared" first-year students, considering their Grade 12 experience during the COVID-19 pandemic. Key to this, was the central Onboarding programme that was launched on SUNLearn (the online learning platform of the university), to facilitate the transition to university. In a first, all the SU's prospective students had access to the Onboarding programme prior to their arriving on Campus, which also saw Faculty-specific modules being designed in an integrated manner, that overlapped in reinforcing the orientation information that was shared with the students. The Onboarding programme included important information for all our new students, such as the details of all the support services available on campus (for example the extensive services provided by the Centre for Student Counselling and Development); tips on how to read, process and otherwise engage



with academic texts; how to "navigate" the Stellenbosch campus space; how to use SUNLearn; a comprehensive Q&A section, about virtually all facets of university life, its administration, and academics; and, information regarding student societies and mentoring communities.

In 2021 is daar verskeie nuwe inisiatiewe ingestel om die Universiteit se moontlik "anders voorbereide" eerstejaarstudente voor te berei, in die lig van hul Graad 12-ervaring te midde van die COVID-19-pandemie. Die sleutelprogram hieraan verbonde is die aanlyn aanboordprogram wat op SUNLearn (die aanlyn-leerplatform van die universiteit) van stapel gestuur is om die oorgang na universiteit te vergemaklik. As 'n eerste van die soort, het al die voornemende studente van die Universiteit toegang gehad tot die aanlyn aanboordprogram voordat hulle op die kampus aangekom het. Dit het gemaak dat Fakulteitspesifieke modules op 'n geïntegreerde manier ontwerp is, sodat die oriënteringsinligting deurentyd met die

studente gedeel is. Die aanlyn aanboordprogram bevat belangrike inligting vir al ons nuwe studente, soos die besonderhede van al die ondersteuningsdienste wat op die kampus beskikbaar is. Hierdie sluit in, byvoorbeeld, die uitgebreide dienste wat deur die Sentrum vir Studentevoorigting en -Ontwikkeling aangebied word soos wenke oor hoe om akademiese tekste te lees, te verwerk en andersins daarby betrokke te raak; hoe om die Stellenbosch-kampusruimte te "navigeer"; hoe om SUNLearn te gebruik; 'n uitgebreide afdeling vir vrae en antwoorde oor feitlik alle fasette van universiteitslewe, administrasie daarvan en akademië en inligting rakende studenteverenigings en mentorskapgemeenskappe.

The Law Faculty's 2021 Welcoming Programme was also revised completely this year, given the requirements surrounding COVID-19 and the related challenges specific to social distancing and the capacity of venues. As such, the entire first year cohort was divided into smaller groups according to their respective law

programmes, who then attended their specific session across different days, spanning the two weeks prior to the start of classes. Each group thereby participated in the same Welcoming session of approximately 3.5 hours, which focused on aspects central to the orientation and preparation of our first-year law students.

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This included, *inter alia*, a welcoming message from the dean; a reading comprehension and speed test; general information about the structure of the Faculty, and key personnel; the importance of the yearbook, course outlines, SUNLearn and student-number email addresses; the realities of studying law, and how to thrive in doing so; and the various institutional support mechanisms. The sessions concluded with an introduction to a set of facts involving various elements of family, criminal and constitutional law, that was engaged with by the various groups. The latter was extended into the SUNLearn Onboarding space, by means of recorded sessions (and

a panel discussion) by some of our colleagues – to which was added welcoming and module information videos by our first-year lecturers.

The JVS were visibly present during all the sessions, and different committee members attended all the sessions, and where applicable, provided feedback about their particular experiences as law students. Overall, whilst the Faculty's Welcoming Programme was by necessity far more condensed than previous years, the focused nature of a single session nonetheless provided an opportunity to share essential information and tips with our new first-years, in a positive, yet objective, manner.

Ii-JVS ebudeni bazo zonke iiseshoni, yaye amalungu awahlukeneyo ekomiti ebekho kuzo zonke iiseshoni, yaye apho kuyimfuneko, aye anika iinkcazelo ngamava awo njengabafundi kwezomthetho. Lilonke, ngoxa iNkqubo Yolwamkelo yeFakhalathi iye ngokuyimfuneko

yenziwa yaneenkukacha ezingakumbi kunakwiminyaka edlulileyo, ukujolisa ndawonye kweseshoni enye kwathi kwanika ithuba lokwabelana ngenkcazelo ebalulekileyo namacebiso nabo batsha bakunyaka wokuqala, ngendlela eyiyo (kodwa engenakhethi).





## Recognition Erkenning

*The Faculty would further like to acknowledge some of the most notable achievements and opportunities that have been presented to its colleagues and students.*

### Liline Steyn

Liline Steyn, currently a candidate legal practitioner at the Law Clinic, successfully applied to the Graduate Institute of International and Developmental Studies in Geneva, Switzerland, to commence her PhD studies in International law from September 2021. She received the Swiss Excellence Confederation scholarship to complete her PhD. Her PhD thesis is dedicated to the principles of best interests of the child and child participation in the Convention of the Rights of the Child in the context of migration. Her research has the potential to fill an important gap in the current state of literature and research. We wish Liline all the best with her studies.



### Nikita Roode



Nikita Roode, SU Law Clinic attorney and evictions expert, was formally admitted in December 2020 by the Law Faculty as a LLM (by research) candidate with an approved research proposal, the title of which is “Developing a framework for mediating farm evictions and related security of tenure disputes in South Africa”. We are excited about the research that Nikita will conduct as part of her LLM. We are hopeful that her research will contribute to the development of legal theory on this issue and that it will assist in the resolution of farm evictions and related security of tenure disputes in future.

Prof Sope Williams-Elegbe was appointed a member of the International Advisory Board of Slave Free Trade, which is a Geneva based NGO devoted to ending modern slavery. Also, she was awarded a research grant by the Open Contracting Partnership (an international NGO) to investigate “Equity and inclusion of women-owned businesses in public procurement in SA”. The project was scheduled from 15 March until 1 June 2021.

From March to April, Dr Sanita van Wyk (post-doctoral fellow, Mercantile law) and Prof Sope Williams-Elegbe jointly taught the course “The role of the Multilateral Development Banks in shaping climate change reforms”. The course is part of the Master’s in Interdisciplinary Approaches to Climate Change offered by the University of Milan.

### Stephan van der Merwe

The Faculty of Law and SU Law Clinic are also extremely proud of senior attorney and lecturer, Stephan van der Merwe. He has been formally admitted by our Faculty of Law as a doctoral (LLD) candidate with an approved research proposal, the title of which is “Developing a procedural framework for advanced debtor protection: The case of Emolument Attachment Orders”. We have no doubt that Stephan’s doctoral research will have a significant impact on the South African EAO landscape. It is an area of South African law that remains under-researched and one that will benefit from a procedural framework along the lines that Stephan’s research will propose.



### Lerato Rudolph Ngwenyama



The Faculty of Law and the SU Law Clinic are similarly very proud of the achievement of one of its consultants, Adv Lerato Rudolph Ngwenyama, who recently successfully defended his LLD dissertation at the Stellenbosch University Faculty of Law. The title of his dissertation is “A common standard of habitability? A comparison between tenants, usufructuaries and occupiers in South African law”. In his dissertation he examines whether there is a common (or minimum) standard of habitability between tenants, usufructuaries and occupiers in South African law, and crucially he determines whether a common standard of habitability for these categories of inhabitants in South African law can be derived from the Constitution of the Republic of South Africa. His dissertation also investigates whether the obligation to ensure such a standard of habitability for dwellings in all three categories of inhabitants rests on the owner, the state, or the occupant of the dwelling. Many congratulations!

Ms Jessica Tillipman (George Washington University, USA) and Prof Sope Williams-Elegbe are co-editing a book titled *The Routledge Handbook of Public Procurement Corruption*. The book is due for publication in 2022/2023 and will contain multi-disciplinary perspectives on the issue of corruption in public procurement.

Prof Geo Quinot was appointed to the executive committee of the Administrative Justice Association of South Africa (AdjASA) for 2021/22. Prof Geo Quinot’s essay “Regulatory Justification and Coordination in South Africa,” has been featured in the 2020 Year in Review Series of *The Regulatory Review* as one of the top read essays. This achievement is wonderful exposure for his work and the Faculty.



## Women Leaders for Planetary Health

Dr Sanita van Wyk is a second-year Postdoctoral Research Fellow in International Environmental Law, hosted by Prof Oliver Ruppel in the Department of Mercantile Law. In October 2020, Dr Van Wyk was selected from an internationally competitive group of applicants to complete the Woman Leaders for Planetary Health (WLPH) mentorship program and online academy program, and she successfully completed both programs in March 2021. The mentorship program and online academy program is organised by Women Leaders for Planetary Health (WLPH), which is housed in the Potsdam Institute for Advanced Sustainability Studies (IASS) in Potsdam, Germany.

Further developing her leadership skills, Dr Van Wyk completed the course entitled "Leadership for Young Academic Leaders" and graduated as one of the best participants. The course was presented online by the Vrije Universiteit Brussel in Belgium from October 2020 to January 2021.

### Dr Sanita van Wyk



### Dr Chidozie Chukwudumogu

Dr Chidozie Chukwudumogu recently joined the Mercantile Law Department as a Postdoctoral Fellow specialising in international tax law. Dr Chukwudumogu was invited to participate during May 2021 as a panellist in an online workshop that was jointly presented by Oxford University's Faculty of Law, Melbourne University's Law School and the University of Florida's Levin College of Law. The theme of the workshop was "Tax, Public Finance and Sustainable Development".

### Dr Bernard Wessels



On 15 April Dr Bernard Wessels participated in an international conference which dealt with the legal liability for allocation of scarce resources in health care during the COVID-19 pandemic, which was hosted by the University of Bergamo and the Charles University of Prague. Dr Wessels's presentation focused on the legal and ethical criteria applicable to the allocation of scarce health care resources in South Africa as well as the potential delictual liability which health care practitioners and facilities may face arising from the application of such criteria. The presentation will be included as a chapter in a forthcoming book on the same topic. In *Member of the Executive Council for Health, Gauteng Provincial Government v PN 2021 6 (CC)*, the Constitutional Court considered Dr Wessels's research on the expansion of the state's delictual liability for harm arising from medical malpractice. In this case, the legal question for consideration was whether an order that a defendant must pay a plaintiff 100% of the plaintiff's proven damages

renders the manner of compensation *res judicata*. What is at the centre of these recent cases concerning liability arising from medical malpractice in the public health care sector is whether, once liability has been established, a defendant must pay the plaintiff a lump sum, or whether there is a possibility of making periodic payments as and when the need arises or perhaps compensating the defendant though the provision of actual medical services.



UNIVERSITEIT  
STELLENBOSCH  
UNIVERSITY



Regseleerdheid  
EyesomThetho  
Law



## Faculty staff Fakulteitpersoneel

### New appointments

#### Ms Candice Williams

Our new colleague reports that, "I was born and raised in a small town, just outside Stellenbosch, where I met my wonderful husband and where we are still raising our beautiful daughters. My journey at the University started in 2016, where I worked at the Bursaries and Loans Department until 2018, and in 2019 I moved to the Africa Centre for HIV/AIDS Management. I have been working at the University of Stellenbosch for five years and started as Senior Secretary at the Department of Mercantile Law on 1 May 2021. I completed my Diploma in Business Management in 2020 from the Institute of Certified Bookkeepers and I am studying towards my Diploma in Financial Accounting. Apart from my work, I love spending time with my family, and I enjoy doing some baking and decor in my free time."

We welcome Candice to the Faculty and, in particular, the Department of Mercantile Law.

*Ons nuwe kollega vertel: "Ek is in 'n klein dorp, net buite Stellenbosch, gebore waar ek my wonderlike man ontmoet het en waar ons steeds ons pragtige dogters grootmaak.*

*My reis by die Universiteit het in 2016 begin, waar ek in die Departement Beurse en Lenings tot 2018 gewerk het. In 2019 skuif ek na die Afrika-sentrum vir MIV/VIGS Bestuur. Ek werk al reeds vyf jaar by die Universiteit van Stellenbosch voordat ek op 1 Mei 2021 as Senior Sekretaressie by die Departement Handelsreg aangestel is.*

*Ek het my diploma in Besigheidsbestuur in 2020 aan die Instituut vir Gesertifiseerde Boekhouers voltooi en studeer verder om my diploma in Finansiële Rekeningkunde te voltooi.*

*Afgesien van my werk, hou ek daarvan om tyd saam met my gesin deur te bring, en om in my vrytyd te bak en binnehuisversiering te beoefen." Ons verwelkom Candice by die Fakulteit en in besonder by die Departement Handelsreg.*



Ms Candice Williams

#### Ms Josie Parks

Josie Parks joined the Stellenbosch University Law Clinic in June of 2021. She obtained her LLB Degree from Stellenbosch University in 2016 whereafter she completed the LSSA Lead School for Legal Practice through the University of Cape Town in 2017. She was admitted as an Attorney of the High Court in March of 2020. Josie assists clients with Family Law related matters such as divorces, maintenance applications and protection orders for domestic violence. Josie is very passionate about assisting final year law students at the Law Clinic with advice as well as mentoring candidate attorneys who are currently completing their articles at the Clinic.



Ms Josie Parks

#### Afskeidsgroete

Ons groet die volgende personeellede: skryfkoördineerder, Susann Louw, en Publiekreg sekretaressie, Elrika Dlephu. Ons wens hulle voorspoed met die nuwe geleentheid wat hul opneem.

## Students Studente

### Graduations 2020 and 2021

The following law degrees and diplomas were conferred during the December and March 2020/21 graduation ceremonies: 15 LLD, 74 LLM, 181 LLB and 5 PGDip Intellectual Property Law qualifications. The Faculty of Law is proud of the students who completed their final LLB year during the COVID-19 pandemic. On 31 March, the last of these students graduated from the Maties LLB programme. Twenty-two LLM degrees were conferred *cum laude* in December and March graduations and seven students' LLB degrees were conferred *cum laude*:

- Botha, Carma
- Carroll, Nicholas Ewan
- Gray, Jaime Erin
- Grobler, Claudia Anne
- Lee, Rachael Rebecca
- McCarthy, Michael David
- Preller, Surita

The Faculty of Law is proud and excited to announce that a record number of LLD candidates graduated with their doctoral degrees during the 2020 academic year. They are:

- Bothma, Pieter-Schalk
- Cloete, Clireesh
- De Beer, Philip
- Donald, Megan
- Greenhalgh, Bradley Paul
- Heppell, Eric
- Jooste, Jacobus Petrus
- Kreuser, Charlene
- Louw, Marianca
- Ngwenyama, Lerato
- Oyugi, Phoebe
- Raseroka, Refilwe
- Sono, Nhlanhla Lucky
- Strohwalder, Annemarie
- Van Tonder, Wiaan

*Congratulations on achieving this huge milestone*

*Continues on next page*







to each one of our doctoral candidates and their supervisors!

We wish our new graduates all the best for 2021 and beyond. Please stay in touch.

The Faculty hosted a small and safe reception in front of the Ou Hoofgebou for all graduates. The dean, Prof Philip Sutherland and the Chancellor, Justice Cameron, addressed the graduates. Keenan Horne spoke on behalf of the graduates (read more below about Keenan). Our newest alumni also had the opportunity to put on a graduation gown and pose for a photo in front of the Faculty building.



Sithi huntshu kumfundi wethu ngamnye obezigqatsele izifundo zobugqirha ndawonye neesupavayiza zabo ngale mpumelelo inkulu kangaka!

Sibanqwenelela okona kuhle bonke abo basandul' ukuphumelela kulo nyaka ka-2021 nokusa phambili. Sicela niqhubeke ngokunxibelelana nathi. IFakhalthi iye yasingatha inkqubo yolwamkelo engephi nekhuselekileyo

Baie geluk met hierdie groot mylpaal wat elkeen van ons doktrale kandidate en hul studieleiers behaal het!

Ons wens ons nuwe gegradueerdes alle sterkte toe vir 2021 en daarna. Bly asseblief in kontak.

Die fakulteit het 'n klein en veilige geleentheid voor die Ou Hoofgebou aangebied vir alle gegradueerdes. Die dekaan, prof Philip Sutherland en die kanselier, Regter Cameron, het die afgestudeerdes toegesprek. Keenan Horne het 'n toespraak namens die graduandi gelewer (lees meer oor Keenan hieronder). Ons nuutste alumni het ook die geleentheid gehad om 'n toga aan te trek en 'n foto voor die Fakulteitsgebou te neem.



Small reception at Ou Hoofgebou for graduates.

ngaphambi kwe-Ou Hoofgebou egameni labo bonke abaphumeleleyo. Intsumpa uNjing. Philip Sutherland neTshansela, uJaji Cameron, baye bathetha nabo baphumeleleyo. Kanti izifundiswa zethu ezitsha ziye zafumana ithuba lokunxiba imithika yazo kananjalo zifote ngaphambi kwezakhiwo zeFakhalthi.

## US-hokkiester behaal meestersgraad *cum laude*

Of dit nou op die sportveld of in die klas is, Keenan Horne is 'n lewende bewys dat harde en eerlike werk vrugte afwerp.

Horne, die onderkaptein van die Suid-Afrikaanse manshokkiespan, ontvang sy meestersgraad in die Regsgeleerdheid *cum laude* by die Universiteit Stellenbosch (US) se Maart-gradeplegtighede.

Sy akademiese prestasie is iets besonder, aangesien dit fyn voetwerk gekos het om sy nagraadse studie in die regte en 'n professionele sportloopbaan gelyktydig te behartig. Sy toewyding, "baie opofferings en laat aande" het egter gesorg dat hy sy akademiese doelwit bereik.

Horne, wat sedert 2018 die onderkaptein van die nasionale hokkiespan is, sê sy akademiese prestasie het nog nie by hom ingesink nie.

"Hierdie prestasie is een van die beste ervarings van my lewe," sê hy.

Horne skryf sy sukses aan die ondersteuning van sy familie toe.

"Wanneer 'n mens uit 'n minderbevoorregte agtergrond kom, is opleiding mag en 'n instrument om 'n beter lewe mee te skep," sê Horne.

"Om opleiding te ontvang, was die hoeksteen van my ouers se sukses. Ek het hard gewerk om sukses te behaal. My pa en ma is trots op my vir die feit dat ek 'n balans tussen my sport en die akademie kon handhaaf."

Horne sê hy het regdeur sy tyd by die US altyd sy pa se woorde onthou dat "akademiese werk harde werk is", en dat daar geen maklike uitkoms is nie. Anders as in sy sportloopbaan waar hy 'n paar rituele het om vir hom voorspoed te bring, sê Horne daar was "geen rituele" in sy akademiese loopbaan nie, "net eerlike, harde werk". Horne het gedurende sy tyd by die US hokkie vir Maties Sport gespeel en het verskeie sporttoekennings ontvang,

wat die Maties-hokkiespeler van die jaar (2015), Maties se top-doelskieter (2015), die Maties-sportman van die jaar (2017) en die Rektorstoekenning vir Uitnemende Sportprestasie (2018) insluit. Hy speel tans vir Sentrale Hokkieklub in Athlone, waar hy deur die voormalige Suid-Afrikaanse manshokkieafrieter en Olimpiese atleet, Bruce Jacobs, afgerig word.

Wanneer hy nie op die sportveld is nie, kan 'n mens Horne by Mostert en Bosman Prokureurs in Bellville vind, waar hy tans met sy klerkskap besig is.

Oor sy toekomsplanne, sê Horne hy het sy visier op die Olimpiese Spele gestel wat in Julie 2021 in Tokio gehou word. Hy hoop ook om in die nabye toekoms die geleentheid te kry om 'n paar seisoene oorsee te speel, maar dit sal eers wees nadat hy sy klerkskap voltooi het.

**Artikel:** Martin Viljoen



Keenan Horne



## Kate O'Regan Moot Court Competition 2020

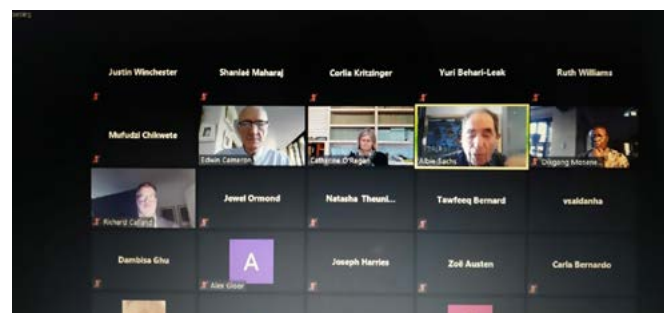
The Kate O'Regan Moot Court Competition is held annually by University of Cape Town (UCT). In 2020, the topic area centred on international criminal law and featured some of the best legal professionals in the country. Shaniae Maharaj and Corlia Kritzinger progressed to the finals of this competition and presented their case to former Justices Albie Sachs, Edwin Cameron, Dikgang Moseneke and Kate O'Regan. In a nail-biting final, they lost on a split decision to a team from UCT, comprising of Justin Winchester and Yuri Behari-Leak. Maharaj and Kritzinger found it to be a thrilling experience and something they did not anticipate. The pair said, "being asked questions by our heroes about something as important as human rights was definitely nerve-wracking! We were incredibly grateful for the opportunity and it was the most fun moot we've done so far. That competition taught us a lot and we've since signed up for two more competitions, where we hope to bring back the title."



Corlia Kritzinger



Shaniae Maharaj



## Student awards

- Anthony Andrews received the Rector's Award for Excellent Achievement 2020 for Service Provision (along with Melt Hugo, Danyca Breedts and Taydren van Vuren).
- Bradley Frolick received the Rector's Award for Excellent Leadership (along with several others from different faculties).
- Juletha-Marie Dercksen received the SU Medal for Top Magister Student in the Faculty of Law. The topic

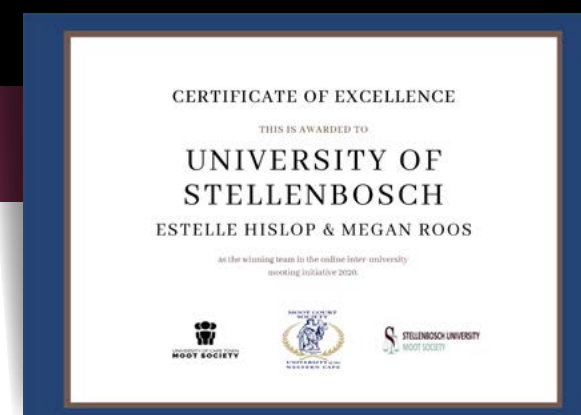
of her research was an analysis of the South African and Australian approaches to parallel importation: A copyright perspective.

- Students from different faculties received "Excellence Awards for their Academic Achievements" – the Law students that received these prestigious awards were Ferdinand Botha and Reshard Kolabhai.

See [here](#) for the website link regarding the above.

## SU Moot Court Society: Online intervarsity competition

Due to the unprecedented times that we found ourselves in in 2020, the SU Moot Court Society decided to hold an online intervarsity moot court between Stellenbosch University, the University of the Western Cape and UCT. The competition was held over the weekend of 8 to 9 August 2020 with preliminary rounds taking place on the Saturday and the semi-finals and finals taking place on the Sunday. The set of facts concerned a SMME who hired predominantly foreign workers and were thus not eligible for financial assistance during the COVID-19 pandemic due to the regulations promulgated in terms of the hypothetical Disaster Management Act. Participants had to prepare oral and written arguments for both the plaintiff, Jam Jar Café and the defendant, the Department of Small Business Development. The competition was tough and saw many experienced mooters from all institutions participate. The online event was well organised and ran smoothly. After making it to the semi-finals which took place on the Sunday, Megan Roos and Estelle Hislop were convinced that that was the end of their journey in the competition due to it being their toughest round of questions from a panel of judges in their mooting career, giving neither of them an opportunity to present their oral arguments, but rather spent the full time answering gruelling questions from the judges. However, the team made it through to the finals of the competition and ultimately placed first.



Left: Estelle Hislop & Megan Roos

Above: Certificate of Excellence

Top: Competition held on Zoom.



## Regstrust prys/Law Trust Prize



The alumni(as) of the Faculty annually fund various bursaries for necessitous and academically deserving students. Until now, however, exceptional academic achievement has never been recognised. In 2020, the Law Faculty Trust first introduced a prize (worth R200 000 that approximately covers the tuition cost of a legal qualification) to an academic top achiever. All LLB programs, ie LLB (four years), LLB (three years), LLB (two years) and BAccLLB qualify; students are considered for the prize when all the requirements for graduation are met; all compulsory law subjects (weighted average), as set out in the last two years of the LLB (four years) program, are taken into account (with the exception of Law of Civil Procedure as it falls in the final year of the BCom and BA (Law) programs); and the program must be completed in the minimum period.

Following the 2020 academic year with the March graduation ceremonies, we can now announce that the first recipient of this award is Ms Carma Botha with an average of 85%. Carma is currently undertaking her clerkship at Webber Wentzel in Cape Town.

We sent Carma questions, compiled by current law students, to hear more about her experience at the Faculty:

*Die alumni van die Fakulteit befonds jaarliks verskeie beurse vir behoeftige en akademiese verdienstelike studente. Daar was egter tot nou nog nooit erkenning verleen aan uitsonderlike akademiese prestasie nie. Die Regstrust het in 2020 die eerste keer 'n prys (ter waarde van R200 000 wat ongeveer die koste van 'n regs kwalifikasie dek) ingestel aan 'n akademiese uitblyker. Alle LLB programme, dus LLB (vier jaar), LLB (drie jaar), LLB (twee jaar) en BRekLLB kwalifiseer; studente word oorweeg vir die prys wanneer aan al die vereistes om te gradueer voldoen word; alle verpligte regs vakke (geweegde gemiddeld), soos uiteengesit in die laaste twee jaar van die LLB (vier jaar) program, word in ag geneem (die uitsondering is Siviele Prosesreg aangesien dit in die finale jaar van die BCom en BA (Regsgeleerdheid) programme val); en die program moet in die minimum tydperk voltooi word.*

*Na afloop van die 2020 akademiese jaar met die Maart gradeplegtighede kan ons nou aankondig dat die eerste ontvanger van hierdie prys is Me Carma Botha met 'n*

*geweegde gemiddelde van 85%. Carma onderneem tans haar klerkskap by Webber Wentzel in Kaapstad. Ons het vir Carma vrae gestuur, opgestel deur huidige regsstudente, om meer oor haar ervaring by die Fakulteit te hoor:*

### 1. What was the most challenging aspect of studying in 2020?

COVID-19 made my world very small. I spent most of the year in my room, studying. This meant that I often had to remind myself that there is a whole world outside of my room and that I should not take myself and my studies too seriously.

### 2. Do you think online teaching/learning was a benefit or hindrance to your academic achievements in your final year? Also, did you change your study method?

Yes. I spent less time memorising the content and more time understanding and reflecting on it. There are definitely benefits to online learning. The syllabus felt less rushed. This meant that I had more time to work through the prescribed content, reflect on it and understand it. I was also more focused (there was not much else to focus on during lockdown!) At the same time, however, I missed learning with and from my peers. Before COVID-19, my friends and I had study sessions where we talked through the content and worked through past papers. These sessions were extremely valuable.

### 3. What advice would you give a fellow law student who is struggling to manage the workload? And what is your approach to large volumes of work?

It is important to do your part every single day. Go to class, take comprehensive notes and read the prescribed work. If you do this daily, you are halfway there!

Planning is my approach. I usually count the number of pages I have to study and break them into smaller chunks depending on how much time I have. I then allocate the chunks to specific time periods or days. This makes the work much more manageable. Knowing I have a plan usually makes me feel less overwhelmed and anxious.

### 4. How did you balance studying, being social with friends and family and still achieve academic success?

My motto is "work hard, play hard". I tried to utilise the

time I spent studying as productively as possible and then take off time in between to relax and recharge properly. I planned my studies around breaks and social events to ensure that I got through all the work without missing out. Knowing that I planned something fun or relaxing into my schedule also served as motivation.

### 5. What are your hobbies and is it important to have hobbies outside of law?

In my free time, I enjoy running, scrapbooking, trying new restaurants and food, exploring Cape Town (I just moved there) and spending time with my family and friends.

Having hobbies outside of law has proven to be extremely valuable. Not only do they help you recharge and relax, but they also shape you into a well-rounded individual who is in touch with the real world, making you a better student and lawyer.

### 6. What is your favourite non-law related book you have read recently?

One of my favourite books is *The Reader*, written by Bernhard Schlink.

### 7. What is your go to comfort movie or series when you need a break?

Netflix has gotten me through many law exams! My all-time favourite movie is *Pretty Woman*.

### 8. Did you have a family/friend support system during your studies and how did it contribute to your success?

I would not have been where I am today without the support of my family and friends. My parents looked after me during test series and exams. They brought me food and treats, ran errands on my behalf and made sure that I was taking enough breaks. They also provided me with an emotional outlet by listening to me when I complained, giving advice and motivating me when I wanted to give up. Making good friends within the law faculty also greatly contributed to my success. Talking about our shared experiences and anxieties always helped to put things into perspective and made my journey less lonely.

### 9. What module do you enjoy the most?

I enjoyed most of them. However, the public law modules were my favourite. I especially enjoyed constitutional law, administrative law, legal philosophy, criminal law and constitutional property law.

### 10. Do you have plans to continue your education? If

### so, what field of law would you want to specialise in?

I would love to do my masters one day. However, at this stage, I am not sure in which field I would specialise.

### 11. If you had to choose an emoji to represent law, what would you choose?

I would choose this crying/laughing face. While studying law, I never knew whether to laugh or cry. But the key is to keep laughing!

### 12. What will you miss the most about studying at SU?

I miss the beautiful surroundings, walking around campus with my friends, grabbing a coffee at Häzz between classes, going for waffles at De Warenmarkt, drinking wine at Bramptons and attending toga parties, dances, quizzes and other social events.

### 13. If the Law Faculty must enter South Africa's Got Talent, what would its talent be?

It would enter as a juggler. Law students have an amazing ability to juggle different aspects of their lives: going to class, studying, doing assignments, being involved on campus, building relationships, staying healthy and fit, going out, drinking wine and planning their futures. When they keep all the balls in the air, it is really impressive but when one ball drops, it can be disastrous!

### 14. What is the most valuable skill/attribute/knowledge that you take with you from your law studies?

The ability to read, formulate arguments and write, to work under pressure, to plan and to pay attention to detail.



Carma Botha



## Administrative Justice Association of South Africa student essay competition

The Administrative Justice Association of South Africa (AdJASA) again hosted a student essay writing competition in administrative law in 2020. The judging panel consisted of Prof Hugh Corder (emeritus UCT), Dr Peter Volmink (Johannesburg Bar) and Adv Karrisha Pillay SC (Cape Bar). The winners were announced in April and the first prize was awarded to SU student, Laura Chandler for her essay entitled "A legal

comparative analysis of automated decision-making and reasonableness in administrative law". Third prize was awarded to SU student, Bradley Frolick for his essay entitled "The granting of mining rights over cultural (heritage) land in South Africa and Canada – A comparative analysis". (Both essays can be read [here](#)). This makes it the second year in a row that SU wins the competition.

## Admitted to the BAR

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

CAPE TOWN: FRIDAY, the 5<sup>th</sup> day of MARCH 2021

THIRD DIVISION: COURT NO. 9 AT 10H00

BEFORE THE HONOURABLE MR JUSTICE BINNS-WARD

### ADMISSIONS

1	Aran Brouwer – Legal Practitioner (Advocate)	19128/2020
3	Tauriq Moosa – Legal Practitioner (Advocate)	19129/2020

On 5 March 2021, two of our alumni were admitted as advocates of the High Court, Aran Brouwer and Tauriq Moosa. Also, another alumna, Chanté du Plessis, was admitted as an attorney on the same day. We invite all alumni to share such milestones with the Faculty and her people.

THE JURIDICAL SOCIETY PRESENTS

# LAND MATTERS

A TALK WITH ADV. NGCUKAITOBI

Join for a discussion about his new book  
Facilitated by Prof. Pienaar

27 APRIL, 2021  
4:00-6:00 PM  
OLD MAIN BUILDING 2027

## Juridical Society/ Juridiese Vereeniging (JV/S)

The Stellenbosch Law Faculty students were privileged to have esteemed Advocate Ngcukaitobi, author of *The Land is Ours*, deliver a Talk at our Old Main Building. The JV/S organised the event and our guest took part in a discussion around his new book, *Land Matters*, which is currently available in bookstores.

Advocate Ngcukaitobi is a member of the Johannesburg Bar and has appeared in important cases, in the Constitutional Court, such as *EFF I* and *EFF II*. *Land Matters* details the shortcomings of South Africa's land reform policies. Professor Juanita Pienaar then facilitated a discussion with the author, which was followed by a question and answer session.

## Student court 2020/21

### STUDENT COURT 2021

LEGAL LITERACY



KWANDA NYEMBE  
LLB III

KWANDA IS RESPONSIBLE FOR EDUCATING THE BROADER CAMPUS COMMUNITY ON THE ROLE OF THE COURT THROUGH EMPHASISING LEGAL LITERACY USING ONLINE AND OTHER MEANS.

### STUDENT COURT 2021

CHIEF JUSTICE



HUGO UYS  
LLB IV

HUGO WILL BE LEADING THE STUDENT COURT AS THE CHIEF JUSTICE. HE IS RESPONSIBLE FOR COORDINATING MATTERS BEFORE THE COURT AND ESTABLISHING AN EFFECTIVE COURT PROCESS.

### STUDENT COURT 2021

DEPUTY CHIEF JUSTICE



ESTELLE HISLOP  
LLB IV

ESTELLE WORKS CLOSELY WITH THE CHIEF JUSTICE TO ENSURE THE OPTIMUM FUNCTIONING OF THE COURT THROUGH SUPPORT AND COORDINATING THE TEAM.

### STUDENT COURT 2021

MEDIA AND COMMUNICATIONS



CHERISE VAN NIEKERK  
LLB (PG) II

CHERISE IS RESPONSIBLE FOR KEEPING STUDENTS INFORMED ABOUT THE WORK OF THE COURT THROUGH ONLINE AND OTHER MEANS. SHE IS ALSO RESPONSIBLE FOR ANY OTHER MATTERS PERTAINING TO PUBLIC RELATIONS.

### STUDENT COURT 2021

SECRETARY



STACEY GOLIATH  
LLB (PG) I

STACEY IS RESPONSIBLE FOR THE ADMINISTRATIVE MATTERS PERTAINING TO THE FUNCTIONING OF THE COURT. SHE IS ALSO RESPONSIBLE FOR THE MANAGEMENT OF THE BUDGET AND ENSURING THE EFFECTIVE ORGANISATION OF THE COURT PROCESSES.

The Student Court convened on the 12th of January to hold its Portfolio Elections. The following outcomes can be reported:

**Hugo Uys** – Chief Justice  
**Estelle Hislop** – Deputy Chief Justice

**Stacey Goliath** – Justice for Administration (Secretary and Treasurer)

**Kwanda Nyembe** – Justice for Legal Literacy

**Cherise van Niekerk** – Justice for Media





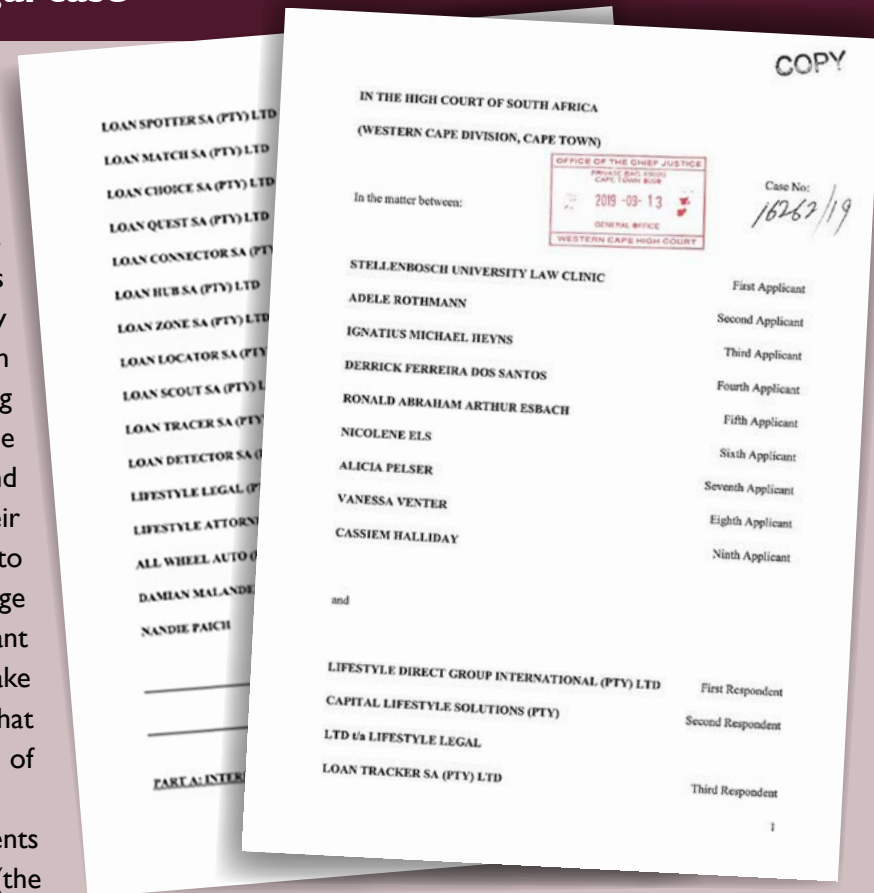
# Social Impact Sosiale Impak

## US Regskliniek/SU Law Clinic

### SU Law Clinic/Lifestyle Legal case

On 13 September 2019, the Stellenbosch University Law Clinic and 8 of our clients instituted a class action lawsuit on behalf of thousands of defrauded consumers in the Western Cape High Court. The lawsuit is in response to complaints from consumers concerning websites related to a company called Lifestyle Legal. These websites, which appear to offer loans and/or free loan finding services, induce consumers to conclude “agreements” for unwanted services and immediately begin debiting moneys from their bank accounts. Consumers who are able to reverse these debits, begin to receive a barrage of threats and harassment from the relevant company, who also threaten to blacklist or take legal action against consumers in the event that consumers do not make payment in terms of the “agreements”.

The Clinic alleges that the purported agreements concluded between the relevant consumers (the members of the class) and the relevant websites (19 respondents in total), are unconscionable, unjust, unreasonable and unfair in terms of sections 40, 41 and 48 of the Consumer Protection Act 68 of 2008 (“CPA”), or alternatively unlawful under the common law. The Clinic further alleges that the respondent’s conduct in connection with their demands for and/or collection of payment, is unconscionable in terms of section 40 of the CPA, or alternatively unlawful under the common law. Both LegalWise and PASA brought applications for intervention which was heard along with the certification application. According to papers filed at court, LegalWise has received “numerous complaints from its members describing the same harassment and threats and consequences as described by the applicants in the main application”. In addition, PASA (the Payment Association of South Africa) has applied to intervene as



amicus curiae (friend of the court) to assist the court in the matter. In its papers, PASA explains that the respondent websites, companies and directors have been exited from the National Payment System after due diligence investigations. The respondents opposed both the LegalWise and PASA applications. The intervention and certification hearing in *SU Law Clinic and others v Lifestyle Direct Group International (Pty) Ltd* concluded on 9 March 2021 in the Western Cape High Court in Cape Town. Gamble J has reserved judgment. It is likely to be delivered during June. As the matter is of significant public importance, we will make the judgment available on our Facebook page as soon as it has been received. If you missed the livestreamed class action, you can watch the recording on the Clinic’s recently established [YouTube channel](#).

## Collaboration with Black Sash-human rights organisation

The Clinic has recently been briefed by prestigious human rights organisation, The Black Sash, to update its “Debt and Credit Guide for Paralegals”. This manual is used nationally to empower hundreds of thousands of consumers. Our dedicated team has been hard at work to ensure that this important resource accurately reflects the current legal position. We will also be involved in the subsequent training of paralegals involved in this work. We place a high value on collaborating with individuals and institutions who share our vision for a community that is legally empowered and that possesses a strengthened capacity to exercise their rights.



## Legal Writing Development short course

This year started on a high note when our first offering of our Legal Writing Development online short course launched in April. Please keep the course in mind for any legal practitioners that require a refresher course for their legal writing or need to improve their writing. The next offering starts on 1 October 2021. Click on the date to apply.



## Financial Literacy Project Finansiële Geletterdheidsprojek IProjekthi Yokufundisa Ngezimali

Ons is opgewonde om ons Finansiële Geletterdheidskalender (A3-grootte) en “Top Wenke”-plakkate (A1-grootte) aan plaaswerkers, skole en ander lede van die gemeenskap bekend te stel. Die kalender maak maandelikse begroting moontlik en dit bevat wenke om jou finansies te bestuur. Ons hoop dat die plakkaat ons gemeenskapslede sal opvoed en motiveer om hul finansiële beplanningsprosesse te evalueer en te verbeter.

Sikuvuyela kakhulu ukuqalisa kwethu ukukhuphela abasebenzi basezifama, izikolo nabahlali ikhalenda yethu efundisa ngezimali (isayizi A3) kunye neposta “enaMace-biso Aphambili (isayizi A1). Le khalenda yenza kube lula ukwenza ibhajethi yenyanga yaye inamacebiso okulawula izimali zakho. Sinethemba lokuba le posta iya kufundisa ize ikhuthaze abahlali bethu ukuba babe nako ukuvavanya nokuphucula iinkqubo zokuceba izimali zabo.



We are excited to start rolling out our financial literacy calendar (A3 size) and “Top Tips”-posters (A1 size) to farmworkers, schools and other community members. The calendar enables monthly budgeting and it contains tips to manage one’s finances. We hope that the poster will educate and motivate our community members to evaluate and better their financial planning processes.



# Memorial Herdenking



**Professor Steph van der Merwe**

He becomes the editor of the *Codicillus* and serves as editorial assistant for the *Suid-Afrikaanse Tydskrif vir Strafrege en Kriminologie* in 1980. Professor Van der Merwe is appointed as an associate professor in the Department of Public Law at Rand Afrikaans University in 1981. In 1982, he accepts a chair in the Faculty of Law at the University of Zululand where he heads the Department of Criminal and Procedural Law.

In 1984, Professor Van der Merwe is appointed as a professor at the University of Western Cape. Thereafter, Professor Van der Merwe joined Stellenbosch University on 1 July 1988 (Department of Public Law), where he was a colleague until his retirement on 31 July 2013. Professor Van der Merwe specialised in criminal law, law of evidence and criminal procedure law. He was a co-author of standard works such as the *Commentary on the Criminal Procedure Act and The Law of Evidence*, and he was still involved with the updating of these works after his retirement. He was a well-loved lecturer amongst students and colleagues and had an excellent sense of humour. His passing is a great loss for South African legal academia.

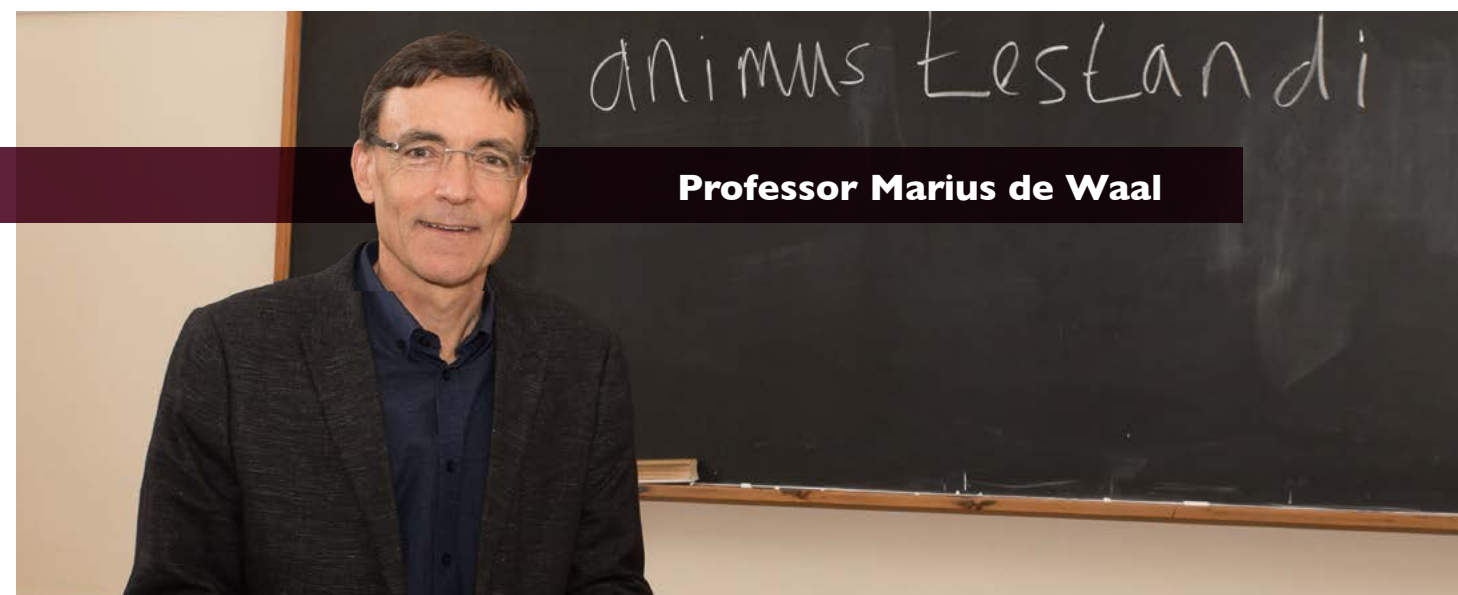
Professor SE (Steph) van der Merwe is op 24 Mei 1953 in Cradock gebore. Hy matrikuleer in 1970 aan die Hoër Jongenskool Worcester. Aan die einde van 1973 verwerf hy sy B Juris-graad met ses onderskeidings aan die Universiteit van Port Elizabeth. In 1974 was hy werksaam as streekshofstaataanklaer by die Departement van Justisie en voltooi sy eerste jaar LLB aan Unisa. In 1975 word hy bevorder tot staatsaanklaer in die Oos-Kaapse afdeling, in dieselfde jaar verwerf hy ook sy LLB (cum laude) aan Unisa. In 1976 word hy toegelaat as advokaat van die Hooggeregshof van Suid-Afrika en dien tot einde 1977 as staatsadvokaat by die prokureur-generaal van Natal, Pietermaritzburg. Hy word in 1978 aangestel as dosent in die Departement Straf- en Prosesreg aan Unisa, maar word in 1979 bevorder tot senior dosent. In 1980 word hy die redakteur van die *Codicillus* en dien hy as redaksionele assistent vir die *Suid-Afrikaanse Tydskrif vir Strafrege en Kriminologie*. Professor Van der Merwe word in 1981 aangestel as medeprofessor

Continues on next page

aan die Departement Publiekreg aan die Rand Afrikaanse Universiteit. In 1982 aanvaar hy 'n leerstoel in die Fakulteit Regsgeleerdheid aan die Universiteit van Zululand, waar hy as departementshoof van die Departement Straf- en Prosesreg dien.

In 1984 word Professor Van der Merwe aangestel as professor aan die Universiteit van Wes-Kaapland. Daarna is Professor Van der Merwe op 1 Julie 1988 by die Universiteit van Stellenbosch (Departement Publiekreg) betrokke, waar hy 'n

kollega was tot en met sy aftrede op 31 Julie 2013. Professor Van der Merwe het in strafreg, bewysreg en strafprosesreg gespesialiseer. Hy was medeskrywer van standaardwerke soos die *Commentary on the Criminal Procedure Act* en *The Law of Evidence*, en hy was steeds betrokke by die opdatering van hierdie werke na sy aftrede. Hy was 'n geliefde dosent onder studente en kollegas en het 'n uitstekende sin vir humor gehad. Sy heengaan is 'n groot verlies vir die Suid-Afrikaanse regsakademie.



**Professor Marius de Waal**

It is with great sadness that the Faculty of Law announced the passing of Professor Marius de Waal, a former Dean of the Faculty and Chairperson of the Department of Private Law. Marius de Waal was a scholar who enjoyed considerable local and international renown for his major contributions to the law of succession and the law of trusts. Internationally, these contributions were recognised by him being awarded a Fellowship by the Alexander von Humboldt Foundation in Germany, and through his appointments as visiting professor at Paris Descartes University (Paris V) in France and the Katholieke Universiteit Leuven in Belgium. He contributed to several prominent publications in these fields, most notably as co-author (with Edwin Cameron and Peter Solomon) of the standard work *Honoré's South African Law of Trusts*. Marius de Waal was a gifted and sympathetic teacher, who took great trouble in guiding students through complex areas of law with remarkable clarity of exposition and dedication. As a person, he was known for his extraordinary integrity, collegiality and humility. His passing leaves a tremendous void in the Faculty. Our thoughts, as well as those of his current and former students, are with his family in these difficult times.

Dit is met groot leedwese dat die Fakulteit Regsgeleerdheid die heengaan van Professor Marius de Waal, 'n voormalige Dekaan van die Fakulteit en Voorsitter van die Departement Privaatreg moes aankondig. As akademikus het Marius de Waal plaaslik sowel as internasionaal besondere aansien geniet vir sy groot bydrae tot die Erfreg en Trustreg. Op internasionale vlak is hierdie bydrae erken deur die toekenning van 'n Genootskap van die Alexander von Humboldt-stigting in Duitsland, en deur sy aanstellings as besoekende professor aan Paris Descartes Universiteit (Paris V) in Frankryk en die Katholieke Universiteit Leuven in België. Hy was die ontvanger van die US Kanselierstoekenning vir Navorsing in 2017. Hy het bygedra tot 'n aantal vooraanstaande publikasies in hierdie regsgebiede, onder andere as mede-outeur (met Edwin Cameron en Peter Solomon) van die standaardwerk *Honoré's South African Law of Trusts*. Marius de Waal was 'n begaafde en simpatieke dosent, wat besondere moeite gedoen het om studente met sy glashelder uiteensettings te begelei deur komplekse regsgebiede. As persoon was hy bekend vir sy buitengewone integriteit, kollegialiteit en nederigheid. Sy heengaan laat 'n ongelooflike leemte in die Fakulteit. Saam met sy huidige en oud-studente, is sy familie in ons gedagtes tydens hierdie moeilike tye.



## 'n Elegie aan Marius de Waal

### Die Redelike Man

Daar was 'n man  
konstant redelik in sy denke en dade  
bemind oor onmeetbare grense  
deur studente.. en dié op Rade..  
want deur dieselfde onwrikbare lense  
sien en meet hy alle mense--  
ook dié sonder grade  
hy was die redelike man

Daar was 'n man  
onverbiddelik aan sy roeping toegewy  
met sy legitieme kompas so ingestel  
om altyd die regte roete vir ander aan te dui  
vir sy kinders, trust- en erfreg studente  
onverpoos voorgeloop in sy mentor-rol,  
en vir geen enkele moment,  
nie eers latent

was sy (vol) agenda (vir hom) te  
vermoeid  
of (vir hulle) net te vol  
hy was die redelike man

Daar was 'n man  
'n onvervangbare pa vir sy  
kinders  
sy huis op 'n vaste fondament  
gebou  
en slegs deur te vuur  
op al sy redelikheid silinders  
kon hy getrou by sy mentor-  
roeping hou  
met kollegas  
wêreldwyd



lewenslange vriendskappe gesluit  
en saam rigting-gewende regsboeke beplan--  
want, en dit is 'n feit  
hy was immers ook hul  
redelike man

Daar was 'n man  
sy geloof onfeilbaar  
sy lewe navolgingsbaar  
sy nalatenskap onge-ewenaar  
sy goedheid altyd beskikbaar  
vir ieder en elk,  
ook vir die bedelaar..  
want hy was  
die ware bonus pater familias  
Ai redelike man

jou aardse wandel  
gans te vroeg vir ons verby  
hoe sou ons nie net nog vir 'n rukkie  
in jou menswees wou gedy?  
maar ek weet  
al is dit net in gees  
daar sal altyd 'n stukkie  
van jou menswees,  
hier op aarde agterbly....

Met dank aan Hannes Du Bois  
wat hierdie roerende huldeblyk  
op die Fakulteit se sosiale  
media gedeel het [Law](#)  
[Maties/Maties](#)  
[Regsg geleerdheid](#) |  
[Facebook](#)

## Professor Louis van Huyssteen

Louis van Huyssteen, 'n oudstudent wat in 1966 'n LLB van ons verwerf het (na 'n BA Regsg geleerdheid in 1964) is oorlede. Louis van Huyssteen het 'n LLD aan die Universiteit van Kaapstad verwerf en was 'n professor in Privaatreg aan die Universteit van Wes-Kaapland. Hy was saam met Andreas van Wyk, Giel Reinecke en Jacques du Plessis 'n mede-outeur van die 6de uitgawe van *Contract*:

*General Principles* wat in 2020 verskyn het en hy het ook as eindredakteur vir hierdie werk opgetree. Saam met Catherine Maxwell was hy ook verantwoordelik vir die publikasie *Contract Law in South Africa* wat deur Kluwer International gepubliseer is.

Meer inligting is [hier](#) beskikbaar.

## Professor Lourens du Plessis

(1988-2011 Professor of Law, SU Law Faculty, Department of Public Law)

Lourens was a hulk of a man. He had massive hands and feet and truck axles for arms and legs. But he possessed an even greater mind. He had an almost perfect memory that stretched back far into his childhood and he could vividly recount the smallest details such as speeches that his teachers made in primary school or Afrikaner nationalistic songs that he sang at republic day celebrations. His ability to remember things also translated later into an encyclopaedic knowledge of the law that ranged from the highest constitutional law to lowly traffic law. He had an incredible hold on case law of all kinds and he collected judicial statements in the same way that he did wine and classical music CDs: comprehensively, methodically and with "gereformeerde" single-mindedness. He also had the uncanny ability of knowing when to open the wine, play the music and aim the case law at intractable legal problems. He loved great food and he dished up his legal ideas in a jus of legal philosophy that always brought its true flavour to the fore. When I was a student he referred to this as "nadenkend sistematiese abstraksies" and "sistematies abstrakte nadenke".

To say that Lourens was industrious just does not explain how hard he worked. If you rang his doorbell at home at any time of the day or night, the loud base notes of his gait that sounded very much like those of the family boerboel, would inevitably commence towards the front door from his study. He seldom stopped working. I observed him meticulously editing theses of doctoral students on the rocks near Franskraal, while the rest of us were diving for perlemoen or on the beach in the Transkei. He was always writing something.

As a young man Lourens was groomed to become what one of our other ex-colleagues would have described as a "goue Afrikaner": a scholar of Calvinist (Dooyeweerdian) philosophy, a sportsman, a member of the SRC at Potchefstroom University. However, he then changed course in the spirit, and I do not use these comparisons lightly, of Bram Fischer and Beyers Naude. He would be first to balk at the idea that his contribution could

in any way be compared to the suffering and sacrifices that black South Africans had to endure. But as far as Afrikaner academics go, there are few if any, whose role in bringing about a democratic South Africa can be compared with his. In response Lourens was harassed by the apartheid security apparatus and shunned by the boere-establishment.

As a result, Lourens cultivated an uneasy relationship with centrifugal and centripetal forces of institutions. He was never quite comfortable as either an insider or outsider. In Stellenbosch this sometimes manifested

in a strong aversion for Stellenbosch exceptionalism: the idea that this little town was on some higher plane and that its people were somehow superior. Despite this, his contributions to the Stellenbosch law faculty cannot be exaggerated. The Stellenbosch Law Review and the many references to his writings in the case law and in the works of other writers are but two brief examples.

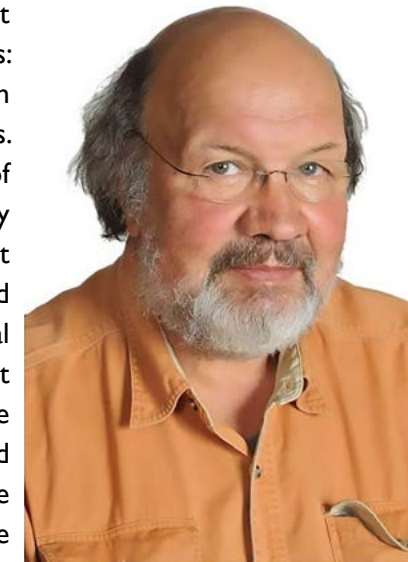
Lourens is respected by those who were at the wrong end of an argument with him. He mostly challenged views that he disagreed with, with rhetorical understatement that sometimes came

across as diffidence. He often stated "selfs die slegste wêreldbeskouing het 'n waarheidsmoment". However, one always knew that the artillery was not far away although it would be used sparingly.

Most importantly, Lourens is deservedly revered by his students and secretary, loved by his friends and family, and he will continue to guide those for whom he served as a mentor. Travelling off the beaten track, shiraz and stew, Mahler, fishing, watching the Springboks play rugby as well as impenetrable decisions of the Constitutional Court have now lost much of their flavour.

Although perhaps over-used, one could say that Jan Cilliers' ode to Christiaan de Wet was written for Lourens: "Stil broers daar gaan 'n man verby, hy groet en dis verlaas!" Hamba Kahle na jou sekulêre dopperhemel.

Prof Philip Sutherland







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