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100
1918 - 2018

OU HOOFGEBOU

FACULTY OF LAW

NEWSLETTER NUUSBRIEF

FAKULTEIT
REGSGELEERDHEID

DECEMBER 2021 DESEMBER

Table of Contents

Nuus van die Dekaan se kantoor	3
Iindaba ezivela kwi-ofisi yeDini	3
News from the Dean's office	4
Research Chairs Units • Navorsingsleerstoele Eenhede	5
African Procurement Law Unit (APLU)	5
Anton Mostert Chair of Intellectual Property Law	7
HF Oppenheimer Chair in Human Rights Law	9
Law Faculty Trust Chair in Social Justice	13
South African Research Chair in Property Law (SARCPL)	19
Development and Rule of Law Programme (DROP)	20
Faculty and Students • Fakulteit en studente	21
New Initiatives	21
Lectures Seminars Conferences/Workshops • Lesings Seminare 	
Konferensies Werkswinkels	22
Recognition Erkenning	25
Faculty staff Fakulteit personeel	29
Students Studente	31
Social Impact Sosiale Impak	38
Alumni	41

Nuus van die Dekaan se kantoor

Ons staan aan die einde van ons Eeufees en sluit die jaar af met 'n feesviering van ons studente se (virtuele) gradeplegtigheid op 13 Desember. Tydens die in-persoon gradeplegtigheid later op dieselfde dag, verwerf twee doktrale studente hul grade en word die ere-doktorsgraad in regsgeleerdheid onderskeidelik aan Fritz Brand en Nicky Newton-King toegeken. Buiten die voorgraadse-, hoër diploma- en meestersgraduandi is soveel as 149 doktrale graduandi asook 30 ere-doctorandi (29 LLD en 1 DPhil) teen einde 2021 afgelewer. Die finale aantal graduandi van ons Fakulteit se eerste 100 jaar sal ons na afloop van die Maart gradeplegtigheid kan bepaal. Ons is baie trots op hierdie mylpale en dankbaar vir so 'n mooi afsluiting van 'n soms uitdagende jaar.

Daar is ook ander goed in die tweede helfte van hierdie jaar waaroor ons dankbaar is; onder andere, ons gesondheid, assesserings in persoon wat nie deur beurtkrag gekniehalter is nie, die enkele geleenthede om as fakulteit saam te kom na 'n lang tydperk van slegs virtuele skakeling, uitstekende aansoeke van voornemende studente vir die 2022-inname (daar was altesaam sowat 9 000 aansoeke vir 120 LLB posisies), die feit dat 'n goeie aantal van ons finalejaar-studente wel hul internasionale semester uitruilstudies kon opneem, die suksesvolle afloop van die African Human Rights Skynhof Kompetisie, erkenning verleen aan ons personeel se prestasies, en die opwinding om die eerste graduandi van nuwe nagraadse programme af te lewer.

Ons was egter spyt om ons eeufees tuiskomsnaweek te moes kanselleer toe die COVID-19 getalle middel van die jaar toegeneem het. Dit is egter met groot vreugde wat ek jul uitnooi om die datums van 25-26 Maart in jul dagboeke aan te teken. Ons beplan 'n heerlike naweek vir alumni in die algemeen asook alumni van spesifieke jaargroepe; die gala dinee sal Saterdag 26 Maart plaasvind en ons hoop dat jul by ons sal aansluit. Verdere inligting sal vroeg in 2022 volg.

Jy het reeds 'n kennisgewing van die Eeufees publikasie, "Stellenbosse Regsfakulteit 100 jaar Cupidae legum iuventuti", ontvang ([Tuis - Law Trust \(sun.ac.za\)](https://www.sun.ac.za/tuis-law-trust)). Ek bedank graag die Regstrust wat hierdie publikasie moontlik gemaak het en wil ook die geleentheid benut om ons alumni wat jaarliks die Fakulteit en haar studente finansiële en andersins ondersteun hartlik te bedank. Ek vestig ook graag jou aandag op die galery van klasfoto's (vanaf 1930-2020) wat nou op die Regstrust se webblad

beskikbaar is.

Ek glo dat die Fakulteit se 101e jaar die begin van nog 'n betekenisvolle reis gaan wees. Die uitrol van ons voorgraadse programme wat die laaste jare deur deeglike programvernuwing opdateer is, in ons tweede eeu van regsopvoeding, is ook simbolies van so 'n nuwe vaart. Die insigte wat met verloop van tyd, insluitende die laaste twee uitsonderlike pandemie-jare, verkry is tesame met ons wens om 'n leidende regsfakulteit te wees beteken dat ons in die verte kan kyk en groot kan droom. Dankie vir elke kollega, vriend en student wat vasgebyt het en hierdie tweede pandemie-jaar oorkom het. Dit sou nie moontlik gewees het sonder samewerking, passie en 'n bietjie toorkuns nie; persoonlik stem ek meer as ooit tevore saam met JM Barrie dat "all the world is made of faith, and trust, and pixie dust". Rus goed, bly veilig en sien jou volgende jaar!

Nicola Smit

lindaba ezivela kwi-ofisi yeDini

Ndiyakholwa ukuba unyaka wama-101 wale fakhalithi uya kuba sisigalo solunye uhambo olubalulekileyo. Ukukhutshwa kweenkqubo zethu zabafundi abangezizo izithwala-ndwe, nezithe zahlaziywa kwiminyaka yakutsha nje ngendlela yohlaziywa lweenkqubo olungocoselelo, kwinkulungwane yethu yesibini yezifundo zezomthetho, kwaye oku kukwaluphawu lomfutho omtsha ololu hlobo. Ingqiqo ethe yafumaneke apha ekuhambeni kwexesha, kuquka nakule minyaka mibini idlulileyo yobhubhane, kunye nomnqweno wethu wokuba sisikolo sezomthetho esihamba phambili, kuthetha ukuba singaba nako ukujonga kwinqanaba kwaye sibe namaphupha amakhulu. Enkosi kubo bonke oogxa bam, abahlobo, nabafundi abathe banyamezela baza bawoyisa lo nyaka wesibini wobhubhane. Oku bekungenako ukwenzeka ngaphandle kwentsebenziswano, inkuthalo, nomlingo nje omncinci; ngoku ukodlula nanini na ngaphambili, ndiyavumelana no-JM Barrie xa esithi "lonke ihlabathi lakhiwe lukholo, nethemba, nemilingo. Niphumle kakuhle, nihlale nikhuselekile, siya kubonana kulo nyaka uzayo!"

News from the Dean's office

We have arrived at the end of the year, and we are concluding the year and our Centennial celebrations by celebrating our students' (virtual) graduation on 13 December. During the in-person graduation ceremony later that day, two doctoral students will receive their degrees, and honorary doctorates will respectively be awarded to Fritz Brand and Nicky Newton-King. In addition to the undergraduate, higher diploma, and master's graduates, as many as 149 doctoral degrees as well as 30 honorary doctorates (29 LLD and one DPhil) will have been conferred by the end of 2021. We will be able to determine the final number of graduates of our Faculty's first 100 years after the March graduation ceremony. We are very proud of these milestones and grateful for such an excellent conclusion to an occasionally challenging year.

There are other things that we are grateful for in the second half of this year; among others, our health, in-person assessments not hampered by load shedding, the few opportunities to come together as a Faculty after a long period of only virtual engagements, excellent applications from prospective students for the 2022 intake (there were a total of about 9 000 applications for 120 LLB positions), the fact that a good number of our final-year students were able to pursue their studies in foreign semester exchange programmes, the successful completion of the African Human Rights Moot Court Competition, recognition of our staff's achievements, and the excitement of conferring degrees to the first graduates of new postgraduate programmes.

We were, however, saddened to have to cancel our centenary homecoming weekend when the COVID-19 numbers increased mid-year. However, it is with great pleasure that I invite you to take note of the new dates, 25 to 26 March 2022, and to mark these in your diaries. We are planning a wonderful weekend for the alumni in general as well as the alumni of specific year groups; the

gala dinner will take place on Saturday evening, 26 March, and we hope you will join us. Further information will follow early in 2022.

You have already received a notice about the Centenary publication, "Stellenbosch Law Faculty 100 years: Cupidae legum iuventuti" ([Home - Law Trust \(sun.ac.za\)](https://www.sun.ac.za/home-law-trust)). I would like to thank the Law Trust that made this publication possible and would also like to take this opportunity to thank our alumni who annually support the Faculty and her students financially and otherwise. I would also like to draw your attention to the gallery of class photos (from 1930-2020) that is now available on the Law Trust's website.

I believe that the Faculty's 101st year will be the beginning of another meaningful journey. The roll-out of our undergraduate programmes (which have been updated in recent years through thorough programme renewal), in our second century of legal education, is also symbolic of such a new journey. The insights gained over time, including the last two extraordinary years of the pandemic, together with our desire to be a leading law faculty, mean that we can look into the distance and dream big. Thank you to every colleague, friend, and student who stuck around and overcame the second year of the pandemic. This would not have been possible without cooperation, passion, and a little magic; personally, more than ever, I agree with JM Barrie that "all the world is made of faith, and trust, and pixie dust". Rest well, stay safe, and see you next year!

Nicola Smit



Dean, Professor Nicola Smit.

Research Chairs | Units
Navorsingsleerstoele | Eenhede

African Procurement Law Unit (APLU)



Roundtable on cloud computing procurement

In July, APLU collaborated with the SU School for Data Science and Computational Thinking, and the School of Public Leadership to host a roundtable discussion on building capacity in the South African public sector for the procurement of cloud computing. The roundtable was exploratory in nature and brought together public sector organisations, including procurement officers, academics,

and the cloud computing industry. The purpose of the roundtable was to start a conversation between all relevant stakeholders in the public and private sector about how public sector procurement capacity can be developed and strengthened to effectively procure cloud-based solutions. The participants are committed to taking the initiative forward through a working group.

Procurement Watch

Professor Geo Quinot of the African Procurement Law Unit collaborated with a leading NGO, namely Corruption Watch, in launching its new Procurement Watch online data tool and its first [Procurement Watch Report on Procurement Risk Trends](#). The Procurement Watch tool consolidates data published by the National Treasury on deviations from procurement procedures, expansion of procurement contracts, and restrictions of government suppliers to allow for the analysis of such data. In this way, trends in deviations, expansions, and restrictions can be identified and further investigated to monitor public entities' compliance with procurement rules. The report and tool were introduced in a two-part webinar series in which Professor Quinot explained [the relevant rules behind public procurement](#) and [the importance of this new monitoring mechanism](#).



Professor Geo Quinot

Women-Owned Business in Public Procurement Report

Professor Sope Williams-Elegbe completed a research report for the Open Contracting Partnership into Equity and Inclusion of Women-Owned Business in Public Procurement in South Africa in November 2021. The report was launched at the end of November.



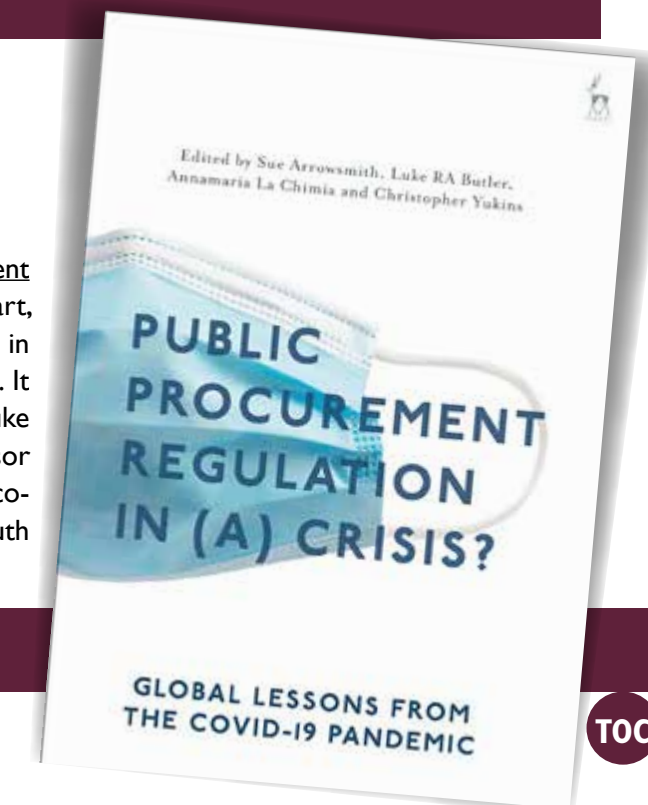
Public Procurement in (a) Crisis?

APLU collaborated on a major book publication, [Public Procurement in \(a\) Crisis: Global Lessons from the COVID-19 Pandemic](#) (Hart, 2021), that focuses on the key role of public procurement in responding to the COVID-19 pandemic and the lessons learnt. It was published in November under Sue Arrowsmith QC, Luke Butler, Annamaria La Chimia, and Christopher Yukins (eds). Professor Quinot, Professor Williams-Elegbe, and Dr Udeh of APLU co-authored a chapter, entitled "Africa: The Contrasting Cases of South Africa and Nigeria".

Public Procurement Law Events

Professor Williams-Elegbe participated as panelist or speaker in the following events:

- "COVID-19 Recovery and Planning: Emergency Contracting in the Pandemic" for the Open Contracting Partnership, 15 June 2021;
- Public Procurement [Global Revolution](#) event of the University of Nottingham on 22 June 2021 focusing on "COVID-19 with the Benefit of Hindsight...";
- "Unravelling Ariadne's Thread: Public Finance Transparency in the Wake of the Pandemic", at the Transparency International School on Integrity, Lithuania, on 3 August 2021;
- "Ethics in Business" for the Authentic Women in Leadership Programme by Deloitte Alchemy, 18 August 2021;
- "Feminine Ethical Leadership" for the Women at the Wheel programme by Deloitte Alchemy, 13 October 2021; and
- "Vaccine procurement and public procurement law in Africa" at the International Association of Legal Science, University of Maastricht, 26 October 2021.



Anton Mostert Chair of Intellectual Property Law



Comments on the Copyright Amendment Bill

Professor Sadulla Karjiker was invited to make oral submissions to the Portfolio Committee on Trade and Industry, 11 August 2021. The Portfolio Committee held hearings on the Copyright Amendment Bill and the Performers Protection Amendment Bill, which were remitted by the President in 2020. Professor Karjiker presented his comments and criticisms for the Portfolio Committee's consideration and suggested that expert legal review of the Bills is required.

Kommentaar op die Wysigingswetsontwerp op Kopiereg

Professor Sadulla Karjiker was genooi om mondelinge voorleggings aan die Portefeuljekomitee oor Handel en Nywerheid te doen op 11 Augustus 2021. Die Portefeuljekomitee het verhoor gehou oor die Wysigingswetsontwerp op Kopiereg en die Wysigingswetsontwerp op die Beskerming van Vermaaklikheidskunstenaars, wat in 2020 deur die President teruggegee is. Professor Karjiker het sy kommentaar en kritiek vir die portefeuljekomitee se oorweging voorgelê en voorgestel dat deskundige regsoorsig van die wetsontwerpe vereis word.

Intellectual Property Law for Science, Engineering, and Technology (SET)

The IP Chair, in conjunction with the Centre for Learning Technologies, is working hard on developing the new IP law service course for SET students. This module

will be presented in hybrid-learning form and aims to introduce students in science, engineering, and technology (SET) to the core concepts of intellectual property law, which are relevant to their fields of study. The Chair believes that this module will greatly benefit SET students in equipping them with the necessary knowledge of the law to assist them in their studies and future work endeavours. The Chair looks forward to piloting this course in 2022.

Annual IP Public Lecture 2021

The Anton Mostert Chair of Intellectual Property Law hosted its annual Intellectual Property Law Public Lecture on 7 October 2021. Professor Dr Thomas Hoeren from the Institute on Information, Telecommunications, and Media Law (ITM) at the University of Münster addressed the guests on "IP Law in the Light of the Information Society". It was a thought-provoking lecture on the value and protection of information in the digital age. This was the first in-person event held at the Faculty since the start of the pandemic. The Chair values the importance

of face-to-face engagements, and the event would not have been possible without the guests' willingness to attend, albeit under strict COVID-19 protocols. For the first time in almost two years, attendees were able to interact without the constraints of confusing technology or unreliable Internet connections. The Chair along with the sponsors, Von Seidels IP Attorneys, considered the public lecture to be a great success and an encouraging sign of a return to normalcy.



(From left to right) Professor Christoph Ann (Technical University of Munich), Erik van der Vyver (Von Seidels IP Attorneys), the speaker of the event, Prof Dr Thomas Hoeren (University of Münster), Prof Sadulla Karjiker, Prof Nicola Smit, and Bastiaan Koster (Von Seidels IP Attorneys).

HF Oppenheimer Chair in Human Rights Law

Media

On 12 July 2021, Professor Sandra Liebenberg published an [opinion piece](#) on the constitutional implications of the termination of the COVID-19 R350 Grant in Daily Maverick.

Based on an [academic article](#) published in the South African Journal on Human Rights, Professor Liebenberg published an article in The Conversation, entitled *Making Economic Policy in Hard Times: The Role of Human Rights*. This article was repub-

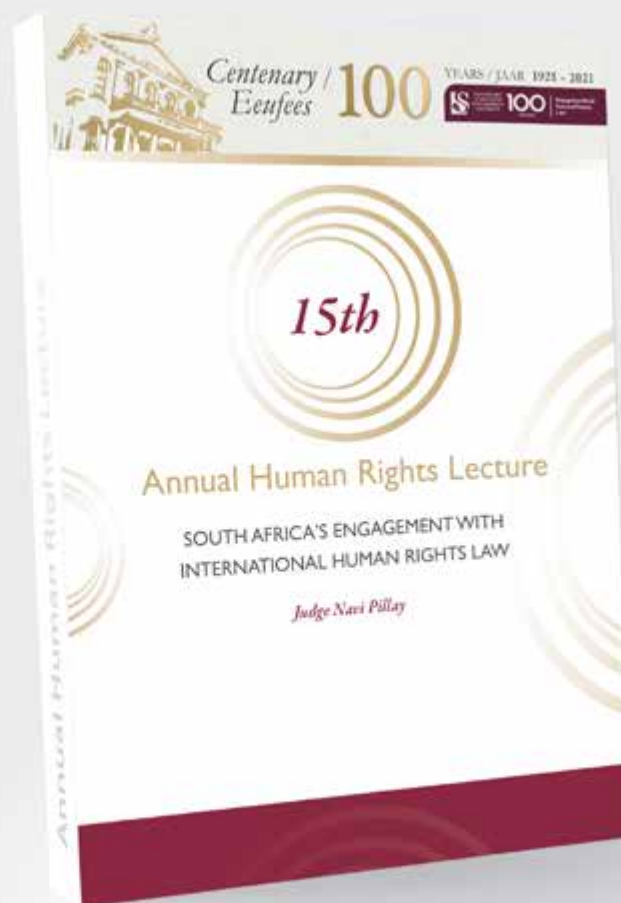
lished in several other publications, and Professor Liebenberg also gave radio interviews based on this article.

Professor Liebenberg also contributed an article to a leading human rights blog, OpenGlobalRights, in November 2021. The article is entitled [What Chile can Learn from South Africa about Social Rights](#).

Annual Human Rights Lecture

On 20 May 2021, the Chair hosted the 15th Annual Human Rights Lecture. The lecture was delivered by Judge Navi Pillay, former United Nations High Commissioner for Human Rights. The title of the lecture was “South Africa’s Engagement with International Human Rights Law”. Due to COVID-19 restrictions, the lecture was held via MS Teams. The event was very well attended with over 150 participants, and received extensive media coverage in News24, City Press, and Daily Maverick, amongst others.

The lecture was published in a commemorative booklet (available on our [website](#)) to mark the Centenary of the Faculty. The lecture will also be published in the forthcoming edition of the Stellenbosch Law Review.



National and International Impact

Professor Liebenberg was invited to present at two workshops on policy proposals for basic income support after the termination of the COVID-19 R350 grant at the end of April 2021. The first presentation was on 4 October to a range of academic researchers in government, civil society, and academic institutions working on the feasibility of introducing a basic income grant in South Africa. The second presentation on 29 October was to members of the Expert Panel appointed by the Department of Social Development on Basic Income Support. Both presentations focused on the policy implications of social security as a human right enshrined in the Constitution as well as regional and international human rights instruments.

Professor Liebenberg chaired several sessions for the Drafting Group of the Maastricht IV Project to develop international legal principles and guidelines on the

Human Rights of Future Generations. In addition, she continues to serve in an academic support capacity on the working group of the United Nations Committee on Economic, Social, and Cultural Rights to develop a General Comment on Sustainable Development and Economic, Social, and Cultural Rights. In this capacity, she moderated sessions of the African regional consultations of the Committee held on 3 September.

Professor Liebenberg was also invited by the Scottish Human Rights Commission to participate in an Expert Roundtable Discussion on the concepts of “progressive realisation” and “minimum core obligations”. This Roundtable was held on 29 September and formed part of several initiatives to domesticate international human rights treaties, including the International Covenant on Economic, Social, and Cultural Rights in Scottish law.

Conferences

On 6 and 7 December, Professor Bradley Slade and Professor Sandy Liebenberg presented a paper entitled, “Bringing a human rights lens to poverty and economic inequality: The role of the SA Human Rights Commission”, at a virtual international conference. The conference, titled *Democratic Constitutions, Poverty, and Economic Inequality: Redress beyond the Courts*, was organised by the Gilbert and Tobin Centre of Public Law, Faculty of Law, University of New South Wales.

University of New South Wales



Project Phakama

Gideon Basson, an LLM Candidate working under the Chair, partnered with the Mandela Rhodes Foundation and UN Women during 2021. The collaboration aimed to develop a model intervention for the high number of girls and women not in education, employment, and training (“NEET”) between the ages of 14 to 25 in Sub-Saharan African countries. Gideon worked with other Mandela Rhodes Scholars from the African continent and developed *Project Phakama*, which means *rise up*. *Project Phakama* is an integrated policy, design, and stakeholder mapping for service and development programmes, based on models related to national civilian

services. Gideon crafted the integrated policy framework that situates *Project Phakama* within the Banjul Charter and Maputo Protocol. Drawing from these instruments, *Project Phakama* seeks to enhance the realisation of girls’ and women’s rights to development, education and training, work, equal access to employment, gender equality, and non-discrimination. This framework serves as the basis to expand *Project Phakama* within existing policy frameworks to ensure optimal uptake within the broader social and governance systems. UN Women was impressed by the project and invited Gideon to continue spearheading the project with them.



iProjekthi iPhakama

UGideon Basson, uMgqatswa we-LLM osebenza phantsi kosihlalo, uthe wasebenzisana nabeMandela Rhodes Foundation ne-UN Women ngelixa lonyaka ka-2021 ukwakha imodeli yongenelelo ngokujoliswe kumantombazana namanina angafundiyo, angasebenziyo nangekho kuqeqesho (“NEET”) aphakathi kweminyaka eli-14 ukuya kwengama-25 kumazwe ase-Afrika ase-Mazantsi kweNtkango iSahara. UGideon lo usebenzisene nabanye aBafundi baseMandela Rhodes abasuka kwilizwekazi i-Afrika baza benza iProjekthi iPhakama, ethetha ukuphakama, umgaqo-nkqubo ohlanganisiweyo, uyilo, nomkhamba-ndlela wabo bachaphazelekayo kwiinkqubo zeenkonziso nophuhliso, ngokuxhomekeke kwiimodeli ezinxulumene neenkonziso zabemi. UGideon uye wakha umkhomba-ndlela womgaqo-nkqubo ohlanganisiweyo nobeka iProjekthi iPhakama kwiProtokholi yaseBanjul Charter naseMaputo. Ngokususela kwezi zixhobo, iProjekthi iPhakama ineenjongo zokuphucula ukufezekiswa kwamalungelo okuphuhliswa kwamantombazana namanina, imfundo noqeqesho, umsebenzi nofikelelo olulinganayo kwingqesho, nomakulinganwe ngokwesini nokupheliswa kocalu-calulo. Lo mkhomba-ndlela usebenza njengesiseko sokwakha iProjek-

thi iPhakama kwimikhomba-ndlela yemigaqo-nkqubo esele ikhona kakade ukuze kuqinisekiswa ukonyuswa okwakhayo phakathi kweenkqubo zentlalo nolawulo ezimbaxa. Abe-UN Women baye boneliseka yile projekthi baza bammema uGideon ukuba aqhubekeke nokukhokela le projekthi kunye nabo.



LLD Candidate: Christiaan van Schalkwyk



From 14 to 18 June, Christiaan van Schalkwyk, an LLD Candidate under the Chair, participated in a short course on the interlinkages between economic, social, and cultural rights and the Sustainable Development Goals (SDGs) presented by the Geneva Academy of International Humanitarian and Human Rights Law. Lecturers on the course included former United Nations Special Rapporteurs, members of the Office of the High Commissioner on Human Rights, NGO-, and civil society representatives. Christiaan found the course extremely enriching and helpful to his LLD study on the concept of sustainable development and its potential to serve as a bridge between the right to a healthy environment and socio-economic rights in the Bill of Rights.

From 16 to 20 August, he also participated in a virtual writing research course hosted by the Postgraduate Office. The purpose of the workshop was to provide a productive virtual space for participants to share research and receive feedback on converting it to publications.

Law Faculty Trust Chair in Social Justice

Announcements

Professor Thuli Madonsela was requested by President Cyril Ramaphosa to serve on the panel tasked with compiling a shortlist of suitable candidates for the position of Chief Justice from nominations by the public. The panel chaired by the retired Judge of the International Criminal Court (ICC), Navanethem

“Navi” Pillay, included the Minister of Justice and Correctional Services, Ronald Lamola; the former Minister of Justice, Jeff Radebe; co-chair of the South African National AIDS Council, Ms Mmapaseka Steve Letsike, and Professor of Law at Howard University School of Law, Professor Ziyad Motala.



Professor Thuli Madonsela

Short Courses

The Social Justice Chair successfully presented a short course on Social Justice Jurisprudence for the first time. The course was well-received by the participants. It was followed by another short course on Social Justice and the Law, with participants from various disciplines. The participants, who hail from as far as Kenya and Rwanda, have warmly embraced the course, with a multidisciplinary team of presenters that includes a retired judge, a Harvard Professor and colleagues from SU.

Events

The Chair, together with the Council of Social Justice Champions, convened the 2nd Annual Social Justice Conference and the 3rd Annual Social Justice Summit, on 11 and 12 October 2021, at the Boschendal Conference Centre outside Franschhoek. “The events gave us an important opportunity to take stock of the progress we have made since the inaugural Conference and Summit in 2019 where we unanimously adopted a declaration that commits us to implement a Marshal Plan-styled Social Justice M-Plan,” Professor Madonsela says. The Conference focused on emerging academic scholarship and innovative technologies seeking to advance social justice. It succeeded in providing a platform for sharing ideas on leveraging academic scholarship for social impact research, innovation, and training to help governments and corporate decision-makers to integrate social justice considerations in their policy design and product development to accelerate progress towards economic parity and inclusion.

The Social Justice Summit reflected on the progress achieved since the adoption of the Social Justice Declaration at the inaugural summit (in 2019) regarding the advancement of equality and the elimination of poverty through leveraging the global Sustainable Development Goals (SDGs).

One of the key outcomes of the Summit is an agreement to advocate for a law or clause in existing legislation, which will require the

government to certify that the law or policy it intends to pass will advance equality and diminish poverty and not exacerbate the circumstances of these two social justice imperatives. Further agreement was reached to design and promote a model law, and to collaborate to design tools for the predictive impact assessment of laws and policies.



Parliamentary Submissions

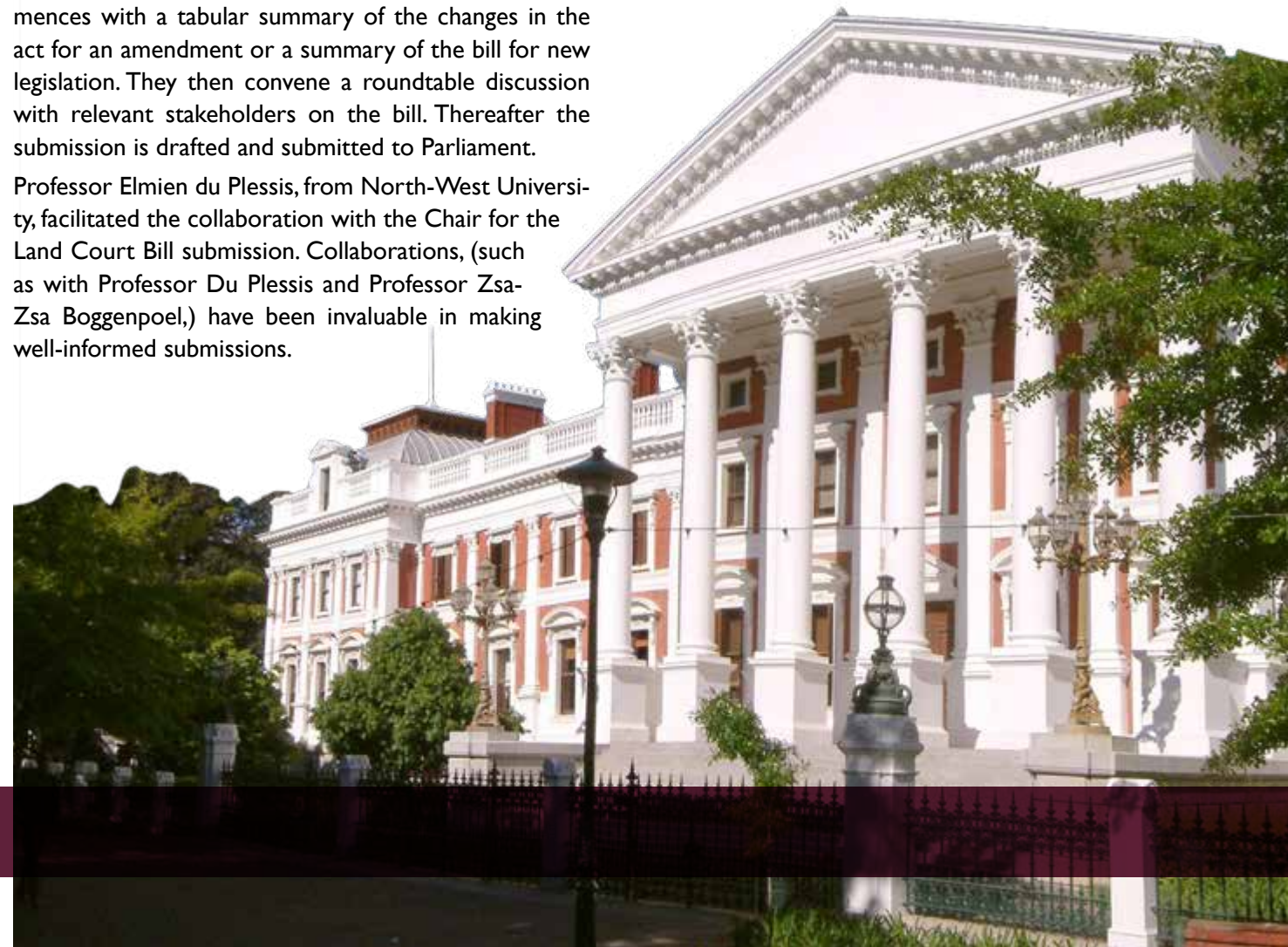
The Social Justice M-Plan has undertaken to make submissions to Parliament for Bills open for comment. The M-Plan is the flagship programme of the Law Trust Chair in Social Justice and aims to leverage data analytics to enhance the state's capacity to pass laws that reduce poverty and inequality and foster a culture of data-based decision-making.

In line with this, the Chair made several written submissions to Parliament and was afforded an opportunity to make oral representations on the Expropriation Bill and to present at a Parliamentary Webinar on a Just Transition. The Expropriation Bill presentation dealt with social justice considerations regarding the proposed expropriation without compensation. The presentation on a Just Transition, on 2 November 2021, dealt with the inclusive transition to green energy, amongst other things. Submissions to Parliament are meant to ensure that the relevant Bills respond to social justice issues and aim to reduce inequality. In 2021, submissions were made on the Expropriation Bill, Land Court Bill, Gender-Based Violence Bills, and Disaster Management Bill. The approach of the team involves that their submission process commences with a tabular summary of the changes in the act for an amendment or a summary of the bill for new legislation. They then convene a roundtable discussion with relevant stakeholders on the bill. Thereafter the submission is drafted and submitted to Parliament.

Professor Elmien du Plessis, from North-West University, facilitated the collaboration with the Chair for the Land Court Bill submission. Collaborations, (such as with Professor Du Plessis and Professor Zsa-Zsa Boggenpoel,) have been invaluable in making well-informed submissions.

The three amendment GBV Bills, i.e., Criminal and Related Matters Amendment Bill, Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, and Domestic Violence Amendment Bill are crucial and urgent given the levels of gender-based violence in this country. The roundtable on these bills included a representative from the Department of Justice and Constitutional Development who gave the context on these bills and why they all needed to be amended at the same time. Also present were researchers, GBV activists, and NGOs. Three separate submissions for each Bill were submitted; according to news reports, the Bills were adopted by the parliamentary committee on 11 August 2021. The Disaster Management Bill was different because it was a private member bill. It was also important to make comments on this bill because it shows that in a working democracy, private members can propose to amend or introduce new legislation.

The Law Trust Chair in Social Justice looks forward to ensuring that the government continues making impact-conscious policies through this democratic process.



Dr Imtiaz Sooliman named Social Justice Champion of the year

Dr Imtiaz Sooliman, the founder of Gift of the Givers, expressed his gratitude for his recognition as the Social Justice Champion of the Year 2021. The non-governmental organisation played an important role during the COVID-19 lockdown in delivering necessary equipment to hospitals.



Our Social Justice Cafés have once again been met with great appreciation

The Cafés have once again enabled robust discussions amongst students. The third and fourth café for 2021, titled "Intersectional Identities" and "The relationship between Social Justice and Experiential Education in empowering and uplifting communities", respectively, ensured a space for all voices to be heard on social justice-related issues.

The theme of the second-last café for 2021 was "Social justice's role in reviving peace, reconciliation, and justice". The keynote speaker was Dr Marjorie Dobson, the National Director of Khulumani Support Group, which is a community-based membership organisation for survivors of serious human rights violations.



Gaming for Social Justice

The day before Freedom Day, 26 April 2021, a group of academics and social justice enthusiasts gathered at Stellenbosch to play a game. The game, Plan A, is unlike other games - it has no losers, instead it has all parties rooting for social justice. Plan A was developed by Professor Khumbulani Mpofu, the Tshwane University of Technology DSI – NRF SARCHI Research Chair in Future Transport Manufacturing Technologies, along with engineers from Germany.

The event was attended by the staff at the Law Trust Chair in Social Justice, the African Institute of Mathematical Sciences (AIMS), and the SU School for Data Science and Computational Thinking. Professor Mpofu introduced the game and the rules; thereafter, different teams were assigned to represent the different divisions of a manufacturing company. Then the game began; and while it was fun, it also taught the participants aspects of how to collaborate with other departments to create a sustainable and successful company.

The Social Justice approach was inspired by several factors, including the meeting in Wellington in 2020 at a community event where Professor Madonsela was invited by Professor Mpofu to experience Plan A: A future work game, which assists leaders to understand the Fourth Industrial Revolution. Many people speak about the Fourth Industrial Revolution (4IR), but few understand its implications. Plan A assists with this challenge

by educating leaders in a nuanced manner regarding the impact of 4IR on growth, future viability, and employee satisfaction. "Because it is a serious gaming environment, it allows decision permutations to be explored without necessarily harming the bottom line of the organisation. But, most critically, it allows leaders to focus on their organisational vision and align it with the possibilities provided by the 4IR," said Professor Mpofu in a statement.

The initial encounter in Wellington left Professor Madonsela with a drive to develop a social justice tool informed by the nine-dimensional Social Impact Assessment Matrix (SIAM). The digital tool will work in conjunction with the government's Socio-Economic Impact Assessment System (SEIAS) to show the policy impacts virtually, on vulnerable groups in particular, before enacting the policy.

Professor Mpofu emphasised that the game's strength lies in the conversations and dialogues it creates between participants. These dialogues often result in tangible change. The event concluded with the formation of a steering committee comprising all the represented entities. The Steering Committee was tasked with exploring how to combine Game A and digital tools to develop a digital tool based on data to test the policies in the virtual space. This project is ongoing and pending funding.

#Action4Inclusion

SOCIAL JUSTICE WALK

SATURDAY, 27 NOVEMBER 2021
08:30 - 15:30 • 16KM DISTANCE

Stellenbosch - Helshoogte - Pniël

In partnership with **Visit Stellenbosch**, the event is an opportunity to embrace social justice against the backdrop of our country's troubled history. The route will take us from Stellenbosch via the old Helshoogte Pass to Pniël, and the day will be concluded by an encouraging keynote address from **Professor Thuli Madonsela**.

TICKETS ON SALE! Available at plankton.mobi
R540 per person. Includes refreshments and a hat.

Logos: **100**, **THE LAW TRUST CHAIR IN SOCIAL JUSTICE**, **FEENIX**, **SRC**, **STELLENBOSCH**, **ALUMNI 100**

Projects

In conjunction with the SRC and the Development and Alumni Office, the Social Justice Chair continues its efforts to raise funds for the #Action4Inclusion Campaign, a student funding initiative established in 2020 by the SRC and Professor Madonsela, to ensure that no student is left behind due to their financial circumstances. All funds raised will go towards settling the debt for students who are struggling to pay their fees.

Another Social Justice Walk took place on Saturday 27 November from 8:30 to 15:30.

Visit the

**Law Trust
Chair in Social
Justice**

for more news.

CLICK
HERE

Professor Madonsela says that it was with great regret that the team bid farewell to Dr Lloyd Chigowe and Emile Vercuill. However, they welcome Ms Tshildze Rambuwani to the team for the remainder of the year.

South African Research Chair in Property Law (SARCPL)

A good year for collaboration, a good year for property law research

Juta's *Property Law Library* is a book series aimed at revisiting and reassessing the whole of South African Property law and the transformation of South African law and society. Each book in the series is a monograph focused on a specific aspect of property law. As the Chair of the South African Research Chair in Property Law, Professor Zsa-Zsa Boggenpoel, in collaboration with Professor Juanita Pienaar (Vice-Dean: Research and Internationalisation) and Professor Gerrit Pienaar (NWU), is responsible for overseeing the volume editing of new publications that form part of the Juta Property Law Library series. This results in various collaborations and the possibility of book publications in the future. Four books were launched this year at the South African Property Law Teachers Colloquium, hosted by the University of Free State from 10 to 12 November 2021, showcasing the Stellenbosch University Law Faculty connection. Three of the books are published under the *Juta Property Law Library* series, with Professor Juanita

Pienaar as the volume editor. These books are *Planning Law*, *Sectional Titles*, and *Property in Housing*.

The *Property and Pandemics: Property Law Responses to COVID-19* edited collection – a book project spearheaded by the SARCPL – was also launched at the Colloquium. The Chair invited interested researchers to submit research abstracts for proposed chapters for this edited collection. The editors were Professor Boggenpoel, Dr van der Sijde, Dr Tlale, and Ms Mahomed. The edited collection deals with a stunning array of topics, including homelessness during the pandemic, the position of tenants who may face potential eviction due to outstanding rental, women's property rights, the constitutionality of the lockdown regulations, the effect of the pandemic on the property market, rural property rights, and insights from a range of theoretical perspectives on property law's systemic response to the pandemic.

All in all, despite the numerous challenges posed by COVID-19, it was indeed a good year for collaboration and a good year for property law research.



Development and Rule of Law Programme (DROP)



MoU between DROP, UNEP and UBA on “Environmental Rule of Law”



In November 2021, the United Nations Environment Programme (UNEP), the German Environment Agency (UBA), and Stellenbosch University's *Development and Rule of Law Programme* (DROP) concluded a Memorandum of Understanding (MOU) to consolidate, develop, and detail their cooperation and efficacy to achieve the common objectives in the field of environmental rule of law. The objectives of the MOU shall be achieved through regular dialogue between UNEP, UBA, and DROP; mutual support of their work regarding the “environmental rule of law” (networking, data exchange); joint workshops and conferences; joint research projects; and publications.

The areas of cooperation focus, amongst others, on regulation regarding environmental impacts of global economic activities; environmental provisions in Free Trade Agreements (FTAs); environmental due diligence obligations for extra-territorial activities including value chains; climate diplomacy and cooperation; and legal questions on climate litigation in Africa and worldwide. DROP was founded by Professor Ruppel in 2012 with support from Stellenbosch University Management.

Faculty and students • Fakulteit en studente

New Initiatives

Pavocat Stellenbosch Academy (PSA)

In July, SU through the Faculty of Law entered into a long-term collaboration agreement with the Pavocat Group of London to establish the Pavocat Stellenbosch Academy (PSA), based in the Faculty. The main aim of the PSA is to develop and deliver relevant, focused, and highly practical short courses globally for professionals practising in the fields of counter-corruption, laws of conflict, and related fields of law, who are intended to assist in countering corruption and to improve adherence to laws of conflict. The PSA will also analyse the possibilities, appropriate approaches, and methodologies to provide research and technical assistance in those fields.

By means of the PSA, the academic expertise of Stellenbosch University and highly practical experience of Pavocat (earned at the coalface of counter-corruption and law of conflict struggles around the world) are combined in a synergy that can offer gold-standard training. Such training will have a real impact in addressing corruption, compliance, and law of conflict challenges

in highly focused and customised ways. The PSA is governed by a board chaired by Pavocat director and founder Lee Marler, an alum of the Faculty and recently appointed extraordinary professor in the Department of Public Law; the board includes Professor Geo Quinot, Professor Sope Williams-Elegbe, and Dr Delano van der Linde of the Faculty.



Lee Marler

Lectures | Seminars | Conferences | Workshops
Lesings | Seminare | Konferensies | Werkswinkels

2021 SULC Legal Ethics Ethics in Law Conference

COVID-19: Ethics Under Pressure

The 2021 Stellenbosch University Law Clinic Legal Ethics / Ethics in Law Conference, supported by the International Association of Legal Ethics and the Stellenbosch University Faculty of Law, was hosted online on Monday and Tuesday, 29 and 30 November, from 14:00 until 20:00 SAST.

The conference provided an important platform to enable conversation and debate between legal ethicists, academics, professionals, philosophers, and enthusiasts interested in the fields of legal ethics and ethics in law. The conference formed part of the Centenary celebrations of the Stellenbosch University Faculty of Law and was free to attend.

The keynote address, entitled “The Ethics of Teaching and Lawyering in Treacherous Circumstances”, was delivered by Professor Thuli Madonsela. Expert panels were conducted on Ethics and Legal Education, Public Interest Litigation, and Ethics and Lawyering in Politically Turbulent Times. The panels consisted of foremost international specialists and were chaired by Justice Edwin Cameron, Dr Helen Kruuse, and Advocate Geoff Budlender SC. The conference also included various presentations on contemporary and controversial topics related to legal ethics.

The conference was well received and provided thought-provoking and challenging debate.



Panel on Board Decision-Making

On Thursday, 19 August a panel met to discuss the topic, “Board Decision-Making and the Position of Stakeholders: Hard Law and Soft Law Approaches”. Prof Richard Stevens facilitated the discussion and the panellists included Professor Irene-Marié Esser (Professor of Corporate Law and Governance, University of Glasgow and Extraordinary Professor, Stellenbosch University), Ms Ansie Ramalho Professional Non-executive Director

and Chair of the King Committee on Corporate Governance in South Africa, Professor Andreas Van Wyk (Rector and Vice-Chancellor Emeritus, Retired Professor in Mercantile Law, University of Stellenbosch), Mr Robert Lewenson (Head of Stewardship, Old Mutual Investment Group), and Professor Iain Macneil (Alexander Stone Chair of Commercial Law, University of Glasgow).

Third Annual Anton Lubowski Memorial Lecture

The third annual memorial lecture celebrating the life of anti-apartheid activist and advocate, Anton Lubowski (3 February 1952 – 12 September 1989) took place on 28 September 2021 at the Stellenbosch University (SU) Alumni Club at Die Stal (the lecture was also live-streamed).

The speakers were The Right Honourable Lord Peter Hain of Neath, Mr Lukhanyo Calata and Ms Khadija Bawa and the topic of this year’s lecture was “Intergenerational Social Justice”. The moderator was again Max du Preez, editor of Vrye Weekblad, author, commentator and friend of the late Anton Lubowski. Read more about the event at [News - Social justice takes centre stage at Anton Lubowski Memorial Lecture.](#)



Recognition • Erkenning

Faculty of Law included on THE Subject Ranking

The Stellenbosch University Faculty of Law has been included on the Times Higher Education Subject Ranking for the first time. The Faculty is included in the 201+ category for the '2022 THE Law Subject Ranking'. These results are based on the 2019 academic year. It confirms something that we have always known - our numbers may be small, but our commitment and effort are significant.

SU is placed in the category 251 to 300 with several other very good subject rankings.

Fakulteit Regsgeleerdheid ingesluit in die THE Vakranglys

Die Universiteit van Stellenbosch se Fakulteit Regsgeleerdheid is vir die eerste keer op die Times Higher Education-vakranglys ingesluit. Die Fakulteit is ingesluit in die 201+-kategorie vir die '2022 THE Law Subject Ranking'. Hierdie resultate is gebaseer op die 2019 akademiese jaar. Dit bevestig iets wat ons nog altyd geweet het - ons getalle is dalk klein, maar ons toewyding en insette is opvallend.

Die US word in die kategorie van 251 tot 300 geplaas saam met verskeie ander goeie vakrangordes.

Prof Thuli Madonsela

Professor Thuli Madonsela was recently awarded the Cressy Award 2021, namely the highest honour bestowed by the Association of Certified Fraud Examiners (ACFE). The ACFE said the award was in recognition of her remarkable role as Public Protector responsible for investigating and redressing maladministration, corruption, executive ethics violations, and related improprieties in state affairs.

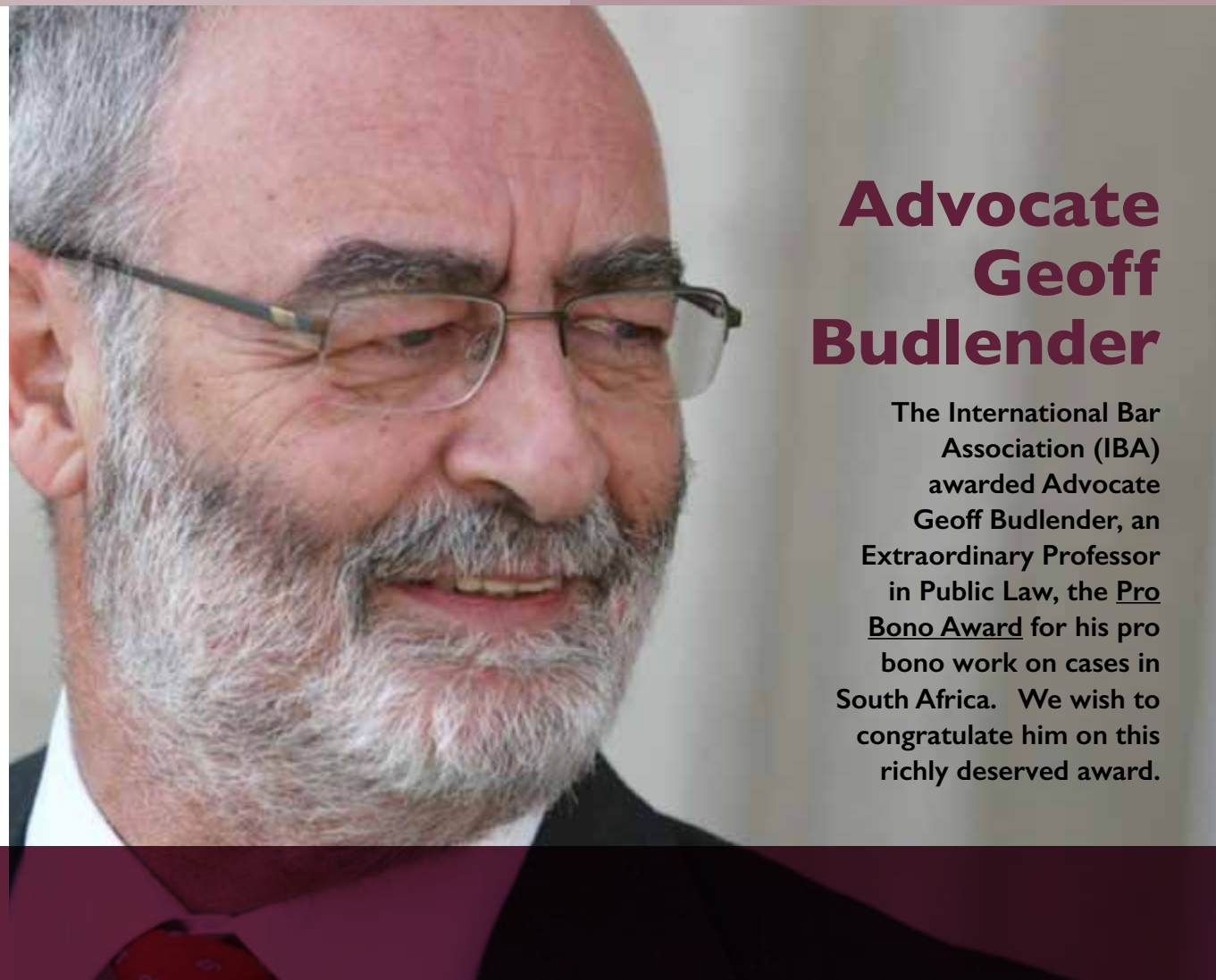
The Global Listening Centre (GLC) has further distinguished Professor Madonsela as being among the Top 25 Outstanding Women Listeners in the World for 2021 and the top five in Africa. This award recognises her outstanding skills for listening and making her voice heard in nation-building and the field of law, as public protector, and makhadzi for the South African nation.

Bernard Wessels

The Faculty of Law is pleased to announce that Dr Bernard Wessels will be promoted to Associate Professor in the Department of Private Law with effect 1 January 2022. This is a special milestone in an academic's career, and we congratulate Dr Wessels on reaching this milestone. Dr Wessels also saw the publication of his first single authored book (*The Legal Profession in South Africa: History, Liability & Regulation*, Juta 2021). We are pleased to congratulate him with this achievement as well. Dr Wessels is the current Head of Department of the Department of Private Law.

Advocate Geoff Budlender

The International Bar Association (IBA) awarded Advocate Geoff Budlender, an Extraordinary Professor in Public Law, the Pro Bono Award for his pro bono work on cases in South Africa. We wish to congratulate him on this richly deserved award.



Congratulations to Prof Stevens and Prof Pienaar

The Faculty is pleased that Professor Richard Stevens started with a second term as Vice-Dean: Teaching and Learning. The Dean, Professor Nicola Smit, said that she looks forward to working closely with Professor Stevens for the next three years both in teaching and learning matters as well as on specific projects, “Professor Stevens gained invaluable experience in teaching and learning leadership during the previous years, and he will be able to use these insights to continue guiding the legal education project of our Faculty of Law, including the roll-out of our renewed programme curriculum in 2022.”

Moreover, the Faculty has an inaugural Vice-Dean: Re-

search and Internationalisation in Professor Juanita Pienaar. Professor Smit congratulated Professor Pienaar on her appointment and stated that “It is an important development for the Faculty of Law in going forward to benefit from vice deans focussing on both the teaching and learning as well as the research facets of our academic efforts. I am confident that Juanita’s experience and passion for research coupled with her supportive way of making things happen will assist our team to realise our full potential in her portfolio’s scope.”

The Faculty wishes Professor Stevens and Professor Pienaar well with the term ahead.

Justice Johan Froneman Conference

Professor Sandy Liebenberg, Professor Jacques du Plessis, and Dr Elsabe van der Sijde were invited to participate in a conference, held on 2 and 3 December 2021, in honour of Justice Johan Froneman, who recently retired from the Constitutional Court. The conference was arranged under the auspices of the Constitutional Court Review. Professor Liebenberg presented “The art of the (im)possible? Structural remedies for structural socio-economic rights violations”; Professor du Plessis presented “Fairness in the Law of Contract – Reflections on Beadica”; and Dr Elsabe van der Sijde’s paper dealt with “Contextual property and the value of storytelling”. A special edition of the Constitutional Court Review, based on contributions to the conference, will appear in 2022.



Bradley Slade

It is with great pleasure that the Faculty of Law congratulates Professor Bradley Slade with his first NRF C-rating. We are very proud of this peer recognition of Professor Slade as an established researcher. Prof Slade is also the current Head of Department of the Department of Public Law.

Programme matters

Revised undergraduate law curriculum

Following a three-year process of curriculum renewal, which followed the adoption of a national standard for the LLB in 2015 and review of all university programmes leading to the LLB, SU’s Senate approved a revised undergraduate law curriculum in 2021. The revised curriculum will be phased in from 2022, starting with the new first-year LLBs, and will be fully implemented across all years by 2025 when the 2022 intake will reach the final year. The revised curriculum will eventually apply to all undergraduate law programmes – LLB, BA(Law), BCom(Law), and BAccLLB. The revision of the curriculum provided the Faculty with an opportunity to thoroughly and critically re-evaluate what and how we teach undergraduate students and to make adjustments to align the curriculum with contemporary needs. These include the much higher levels of use of Information and Communication Technologies (ICTs), not only in teaching, but also in the practice of law. In this regard, the revised curriculum will include two new modules focusing on law and technol-

ogy – one compulsory module in the final year, Law and Technology 414, as well as an advanced elective module on law and technology. Other notable adjustments include a new first-year Foundations of Law module to introduce students to the broader context of law and legal traditions; introducing students to areas of law in a commercial context, like labour law earlier in the curriculum; clustering criminal justice modules in the third year, including a new module Criminal Justice in Action; and introducing a stand-alone compulsory Legal Ethics module in the second year. A very important further development is that clinical legal training, that is, training within the SU Law Clinic, will become compulsory for all final-year students. Across the curriculum, there will also be more integrated attention to the development of key skills and competences such as communication, information management, organising self and managing others, ethical conduct, social awareness, and professionalism.



Faculty staff • Fakulteit personeel

New Appointments

Ms Desiré Maré

Desiré is the Faculty's new Writing and Media Coordinator. She lived and completed her BA and BA(Hons) in the city of Jacarandas, but she's happy to call the "Town of Oaks" her new home. She loves learning and is currently busy with a degree in Psychology; this along with her background in linguistics and passion for languages will enable her to explore the field of Psycholinguistics. At one stage, Desiré visited SU because she considered pursuing a career in law. She says, "It feels like I have come full circle; I have been given the opportunity to explore the legal field, albeit in a different capacity, after all."



Ms Siphokazi Khanyile

Siphokazi joined the Department of Public Law as Senior Secretary at the beginning of August 2021 from Rhodes University. Our new colleague notes, "I am the mother of two beautiful girls, and I love the outdoors." Siphokazi supports the academic work of the Department, which includes finances, academic administration and liaising with students, tutors, and lecturers.

We welcome Siphokazi to the Faculty and, in particular, the Department of Public Law.

UNkszn Siphokazi Khanyile

USiphokazi wajoyina iSebe lezoMthetho woLuntu njen- goNobhala oMkhulu ekuqaleni kweyeThupha ngo-2021 esuka kwiYunivesithi yaseRhodes. Lo gxa wethu mtsha uthi, "Ndingumama wamantombazana amabini amahle kwaye ndiyalithanda iphandle." USiphokazi uyawuxhasa umsebenzi wezemfundo weli Sebe, noquka ezezimali, ulawulo lwezifundo nokusebenzisana nabafundi, iity- hutha, nabahlohli.

Siyamamkela uSiphokazi kule Fakhalathi, ngokukodwa, kwiSebe lezoMthetho woLuntu.



Quinot collaborates on World Bank projects

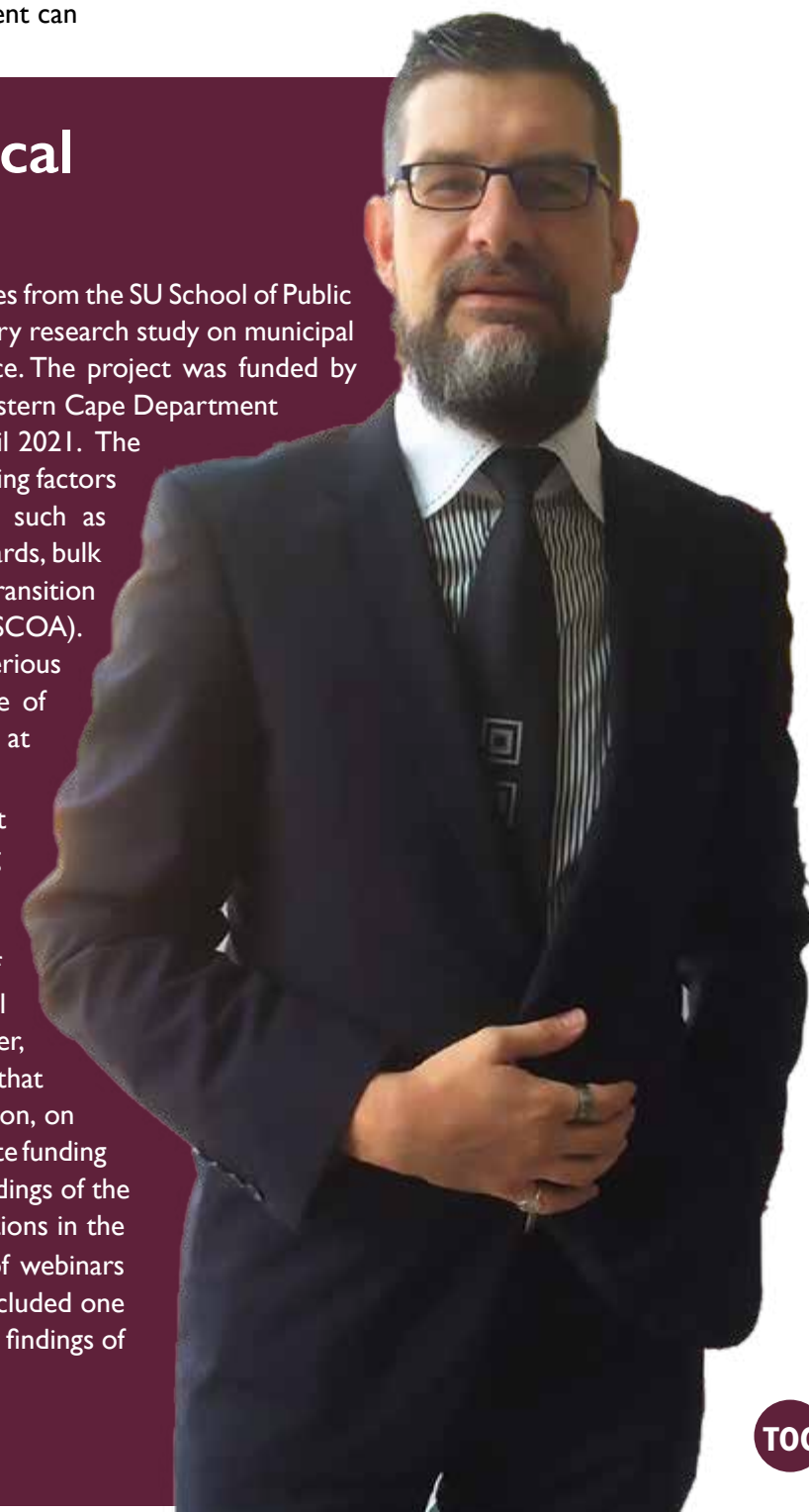
Professor Geo Quinot of the Department of Public Law has collaborated with the World Bank on several public procurement projects focusing on development and realisation of socio-economic rights. In November 2021, Professor Quinot was the keynote speaker at the launch of the Sustainable Procurement for Development Community of Practice of the World Bank where he spoke about the ways in which public procurement can

be used as a tool to promote sustainable development, focusing specifically on the importance of appropriate procurement systems design. Professor Quinot has also joined a working group of the Bank focusing on the development of global e-learning programmes to improve the access of women-led small and medium enterprises to government procurement.

Local government fiscal sustainability

Professor Geo Quinot collaborated with colleagues from the SU School of Public Leadership to conduct an in-depth multidisciplinary research study on municipal fiscal sustainability in the Western Cape province. The project was funded by the Hanns Seidel Foundation on behalf of the Western Cape Department of Local Government and was completed in April 2021. The study contained several important findings regarding factors impacting local government fiscal sustainability such as unaffordable national minimum norms and standards, bulk service increases, and the ineffectiveness of the transition to the Municipal Standard Chart of Accounts (MSCOA). It was found that most factors that hold serious implications for fiscal sustainability were outside of the municipalities' own control, which puts them at real risk.

From a legal perspective, it was found that municipalities face an excessive and increasing administrative burden largely due to the lack of regulatory coordination. It seems that regulatory agendas are often conceived at higher levels of government with significant implications for local government in terms of implementation. However, adequate attention is not given to the burden that these impose, both individually and in combination, on municipalities. Additionally, there is often inadequate funding flowing towards such regulatory burdens. The findings of the study were also reported in a series of contributions in the Local Government Bulletin as well as a series of webinars organised by the Dullah Omar Institute, which included one presented by Professor Quinot on the regulatory findings of the study.



Dr Delano Cole van der Linde in die Media

Dr Delano Cole van der Linde, 'n senior publiekregdosent, het kommentaar gelewer op verskeie gebeure in die nuus. Dr Van der Linde het die Transkei Strafwet en die Wet op Oproerige Byeenkomste bespreek in 'n artikel, getiteld "Outdated, draconian, sexist: why apartheid laws are facing the chop", wat in die Sunday Times verskyn het. Hy verduidelik ook mediese parool in You, "Why Zuma was let out", en The Citizen, "Zuma's parole on very Shaiky ground, but likely to go unchallenged".

Dr Delano Cole van der Linde in the Media

Dr Delano Cole van der Linde, a senior public law lecturer, commented on various happenings in the news. Dr van der Linde discussed the Transkei Penal Code and the Riotous Assemblies Act in an article, entitled "Outdated, draconian, sexist: why apartheid laws are facing the chop", featured in the Sunday Times. He also explains medical parole in You, "Why Zuma was let out", and The Citizen, "Zuma's parole on very Shaiky ground, but likely to go unchallenged".



Dr Delano Cole van der Linde

Students • Studente

Graduation

First batch of postgraduate procurement law students

At the December graduation ceremony, the Faculty will award qualifications to its first batch of students in the new postgraduate programmes in public procurement law, the LLM (Public Procurement Policy and Regulation) and the PGDip (Public Procurement Policy and Regulation). These innovative new programmes introduced in the second semester of 2020, are aimed at developing advanced competence in public procurement policy and regulation among both legal practi-

tioners and professionals from other fields working in public procurement. Since the inception in July 2020, just over 50 students have enrolled for these programmes, which can be completed over one or two academic years. The delivery of the first batch of procurement law graduates is a particular milestone for the Faculty and will contribute to enhancing professionalism in South African public contracting.



First-Year Pledge Ceremony 2021

First-Year Pledge Ceremony 2021

Friday 5 November saw approximately 140 first-year students from the class of 2021 meet in the Quad of the Old Main Building to participate in the Faculty of Law Pledge Ceremony. The Faculty of Law Pledge Ceremony is ordinarily held early in the academic year. However, due to various restrictions during 2021, the final day of class was finally an opportunity for the class of 2021 to meet collectively, before the start of November exams. Professor Smit, Dean of the Faculty of Law, was the first to address the First Years; she congratulated them on the achievement of navigating their academic year at Stellenbosch University within their respective law programmes and she wished them well for the upcoming exams. In addition, they were reminded of the importance of what inspired them to enrol in studying law. Professor Madonsela (the Law Faculty Trust Chair

in Social Justice) then spoke to how jurists and legal practitioners, grounded in ethics, can become agents of change to assist South Africa in fulfilling the dreams underpinning the Constitution – and the fundamental importance of being true to one's own moral compass in terms of the ethical, social-justice standards expected of our students. Hereafter, a variation of the annual First Year Law group photo was taken, before the First Years handed over their signed Pledge document to the Dean and Vice-Dean (Professor Pienaar); in return, they received a copy of the Faculty of Law's Code of Conduct, and a personalised version of the Constitution from Professor Madonsela. Light refreshments were served, before the group dispersed to celebrate the end of class and continue with their respective preparations for the final assessments of the year.

Student Awards

Rector's Achievements Award Ceremony

The Faculty of Law congratulates the following students from our Faculty who received recognition for various achievements during the recent Rector's Achievements Award ceremony:

Rector's Award for Culture:

Willem Sterrenberg Horn

Rector's Award for Service Provision:

Francesca Visagé

Rector's Award for Leadership:

Xola Njengele

Rector's Award for Leadership:

Philip Visage

Rector's Award for Leadership:

Grace Mngadi

Rector's Award for Social Impact: Thembaletu Seyisi

We would like to congratulate the following recipients of Law for receiving the Rector's Awards for Academic Excellence in 2020:

Carma Botha (LLB)

Olivia Bernstein (LLB) and

Ernst Heydenrych (LLM)

Student court 2021/22

The Faculty Board nominated the members of the Student Court 2021/22 at its last Faculty board meeting of 2021 (in no particular order):

Ms C Rankin

Ms T Naiker

Ms RG Schonegevel

Ms C Kritzinger

Mr A Lourens

Congratulations to these students who will take up the important role of serving the student community in this governance role.

Juridical Society • Juridiese Vereeniging (JV/S)



Incoming JV/S

The Faculty of Law congratulates the incoming JV/S and wishes them a meaningful and constructive term as student representatives:

Chairperson: Ila Alberts

Deputy Chair: Meg James

Treasurer: Rushay Shiba

Secretary General: Michaela Bezer

Student Affairs Officer: Zeta Braaf

Public Relations Officer:

Reuben Burger

Student Events Officer:

Simonet Kapp

Transformation Officer:

Saaniyah Yacoob

Media and Marketing Manager:

Kyle Duvenhage

Student Enrichment Officer: Ben

Botha

Outgoing JV/S

The Faculty of Law would like to thank the outgoing 2020/2021 JV/S with the completion of their term. We wish the students all the best with their future endeavours.



First Legal Shebeen

Members of the JV/S, Liam Erasmus and Peter Brink, organised SU's first Legal Shebeen with a discussion about the decriminalisation of sex work and drug use. The legal shebeen serves as a forum in which individuals can engage in critical debate. The event was facilitated by Dr Delano Cole van der Linde. Read more about the event in [Die Matie](#) and visit [Law Maties/Maties Regsgeleerdheid](#) on Facebook for more information on future Legal Shebeen events.

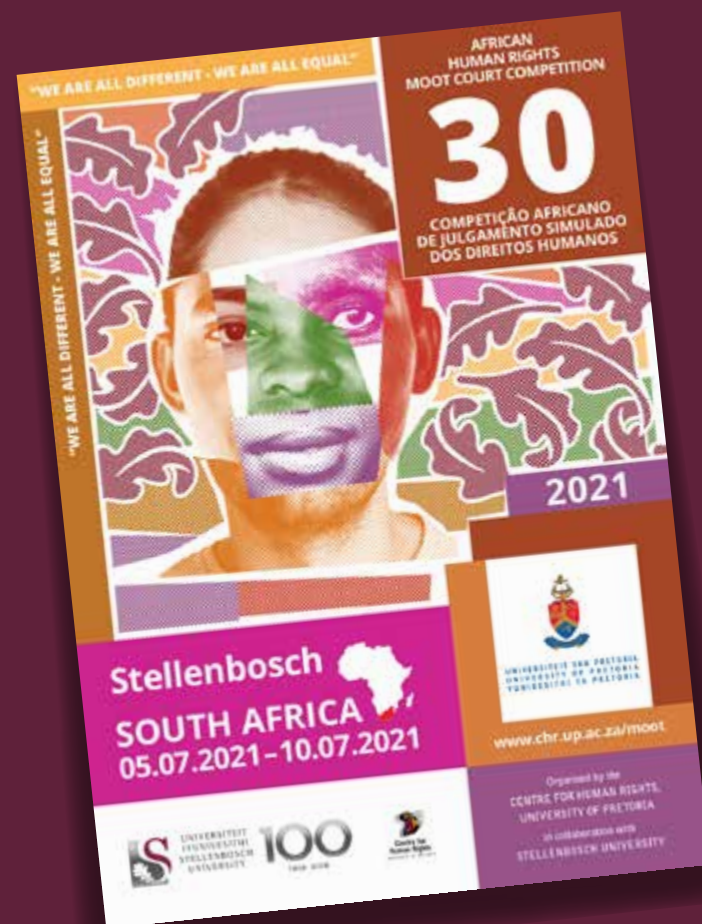
Moot Court

2021 African Moot Court Competition

The 2021 African Moot Court Competition was held at the Faculty from 20 to 25 September 2021. This marked the 30th anniversary of the Competition and formed an important part of the Centenary Commemorations of the Faculty. The high-profile event brought more than 40 students and 50 African scholars, judges, and law practitioners to the Faculty. Professor Annika Rudman was the chair of the local organising team. It gave the participating students a unique opportunity to experience and learn from diverse cultures, legal systems, languages, and socio-economic realities.

The five-day gathering included several high-profile events involving leading African scholars in human rights law, Judges from the South African Constitutional Court, Justices from the African Court, and the European Court of Human Rights. The Moot Competition itself took place over three days; two days were dedicated to the quarter-final and semi-final rounds, and one day to the final round. Teams from 14 African Universities were represented in the Competition:

1. University of Ghana, Legon, Ghana
2. Africa Nazarene University, Kenya
3. Kabarak University, Kenya
4. Kenyatta University, Kenya
5. Makerere University, Uganda
6. Université d'Abomey-Calavi, Benin
7. Université Felix Houphouët Boigny de Cocody, Cote d'Ivoire
8. Institut Universitaire d'Abidjan, Cote d'Ivoire
9. Université Assane Seck de Ziguinchor, Senegal
10. Université Virtuelle du Senegal, Senegal
11. Universidade Eduardo Mondlane, Mozambique
12. University of the Western Cape, South Africa
13. University of Johannesburg, South Africa
14. Stellenbosch University, South Africa



In the English stream, Kenyatta University and Stellenbosch University went through to the final; while in the French and Lusophone streams, Université Felix Houphouët Boigny

de Cocody and Universidade Eduardo Mondlane respectively made it to the final. The final of the Competition was held on Heritage Day and was judged by Professor Madonsela; as the Judge President; Professor Laurence Burgorgue-Larsen; of the European Court of Human Rights; Dr Solomon Dersoo, Chairperson of the African Commission on Human and Peoples' Rights; Former Justice Angelo Matusse, from the African Court on Human and Peoples' Rights; and Hon Robert Nanima, the Commissioner of the African Committee on the Rights and Welfare of the Child.

As the rules of the Competition prescribe, there was a

draw of lot regarding the team constellation in the final round and which side each combined team would represent. Our team was teamed up with the team from Universidade Eduardo Mondlane to represent the Respondent state, and Kenyatta University together with Université Felix Houphouët Boigny de Cocody represented the Applicants. The Applicant side won the competition with the Respondents, Megan Roos and Shaniaé Maharaj from SU, as proud runners-up.

As part of the event, the Faculty hosted the related African Human Rights Annual Conference, which was held in a hybrid format to enable the presentation of 18 papers online and in-person. The topics of the deliberations were developed into two streams; Theme I focused on women and sexual and gender-based violence (SGBV), and Theme II focused on diverse gender identities and expressions. The conference was live streamed in the two different streams and gathered more than 300 views online. Our Chancellor, former Justice Edwin Cameron, gave the Keynote Address in the first stream connecting anti-queer attitudes on our continent with the oppression of women. He pointed out that gender equality is indispensable to human flourishing, human rights, democracy, and the rule of law; he continued to point

out that gender-based violence, in all its forms, damages our pursuit of these ideals. SGBV, the Chancellor went on to say, promotes a heteronormative society and perpetuates patriarchy, which strips dignity and rights from women, girls, and LGBTIQ+ people. The Keynote Address in the second stream was provided by Ms Liberty Matthyse, the Executive Director of Dynamix, the first Africa-based NGO to focus solely on trans- and gender-diverse communities. She spoke passionately about the need to protect transgender persons from the plight of SGBV and the marginalisation of trans- and gender-diverse communities on the continent. As part of the Faculty's centenary celebration, a Special Edition of STLR focusing on SGBV targeted at women and diverse women will be published. In this regard 10 contributions are currently going through the peer review process.

Between all the hard work, the participating students were also treated to two excursions, hosted by the Township and Village, a community-led organisation, to learn more about Stellenbosch, its communities, and its history. All-in-all, the Faculty hosted a successful event, despite all the challenges the COVID-19 pandemic brought our way. We look forward to next year's event to be hosted by the British University in Egypt.



The Stellies Team: Shaniae Maharaj, Claire Rankin (team mentor) and Megan Roos

Semester Exchange 2021

The Faculty is excited that, after a year of not being able to send students on exchange due to the pandemic and travel restrictions, 22 students are currently at partner institutions abroad. This semester we have students at KU Leuven, Leiden University, Bergen University, Bologna University, EBS Law School (Wiesbaden), Ghent University, Maastricht University, Tilburg University, the University of Amsterdam, Vrije Universiteit Amsterdam, University of Antwerp, University of Bern, University of Helsinki, and Utrecht University.

Academically strong final-year LLB students and students in the general structured LLM programme can participate in a semester exchange, which allows the students to enrol for law modules at our partner institutions, which are then credited towards their SU degree. Students participating in the exchange regularly comment on the incredible learning experience that a semester exchange provides, not only from an academic perspective, but also in respect of personal growth.

Internationalisation is a priority for the Faculty of Law and the semester exchange is one of the avenues through which we realise this strategic goal.



Bruce (at Bergen University) attending a football match at the home stadium of the local team (Brann)

"Being on exchange means, 'doing activities that you did not know you had on your bucket list' I have to say that has been an accurate description of my experience - constantly doing activities where I have to say to myself, 'First time doing this/that, probably should have been on my bucket list ...'"



Leonard (at Ghent University)

"Going on exchange has given me the invaluable opportunity to step out of my comfort zone and to gain more perspective. It has taught me how to engage with different cultures and to view everything in context."



Maxine (at Bologna University)

"I always knew that exchange would be an amazing experience, but these last months have exceeded my expectations. From an academic point of view, coming to Bologna was one of the best decisions ever. The lecturers are very approachable and like engaging ... with all the exchange students. This has caused me to have a completely new view of South African law, a very positive one. Further, I have attended numerous guest lectures from professors from all over the world (New York, Poland, Germany). It is so interesting to see how each country deals with similar problems in a different way and how we can all learn from each other. This reminds me of the quote by Henry Miller, 'one's destination is never a place, but a new way of seeing things'."

IP Poem

Maties law students have many talents, including writing poetry and prose. One of our final-year law students recently wrote this poem about Intellectual Property Law, which we thought was too good not to share (we are sure to the utter dismay of Professor Karjiker):

A Love Poem for IP

Genevieve Rousseau

Intellectual Property Law 441 certainly
is no joke,
and it most definitely is not a module
for the lazy folk.
Although Prof. Karjiker's reading list
is rather lengthy,
the cases are short, and so we thank
thee.
However, that is only obstacle one,
for you have to know them all for Friday
lecture fun.

Prof. Karjiker is an inspiring lecturer
who loves to test your understanding
and when you know the answer you may
feel your big head expanding,
but be warned of being too eager to
respond
as you will receive a follow up question
that will make you feel rather blonde.

But I promise you it's not all dull and
dreary,
We do have fun, so do not be wary.
For Prof. has an elite sense of humour
which may reveal the fact that he's from
generation Boomer.

If I haven't sold you on this module
after trying my best,
there is still the blessing of an oral test!
The thought may sound daunting and
make you question your public
speaking,
however it gets much worse when Prof.
gets to your critiquing.

All jokes aside, IP is phenomenal and I
highly recommend it,
You'll learn how to protect your own
knowledge and wit.
You'll challenge yourself in a variety of
ways,
and you'll surprise yourself and be
amazed.
You'll work harder, smarter and better
(You may even be inspired to write Prof.
a letter!)

If I still have you unconvinced,
I am willing to prove my allegiance.
As such, I hereby (in writing) assign
Prof. Karjiker all copyrights in respect
of this poem
and hope he doesn't publish it on google
chrome.

(I'll admit that last line was a bit lame,
but I'm running out of rhyming words for
this little game.)

At this point I don't know how else I
can prove,
that choosing IP 441 really was the best
move.
And if you don't like this module as much
as me,
well there's one thing I can certainly
guarantee -
This module will make you a better scholar,
and on that you can bet your sweet bottom
dollar!

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Law Clinic in the News 2021

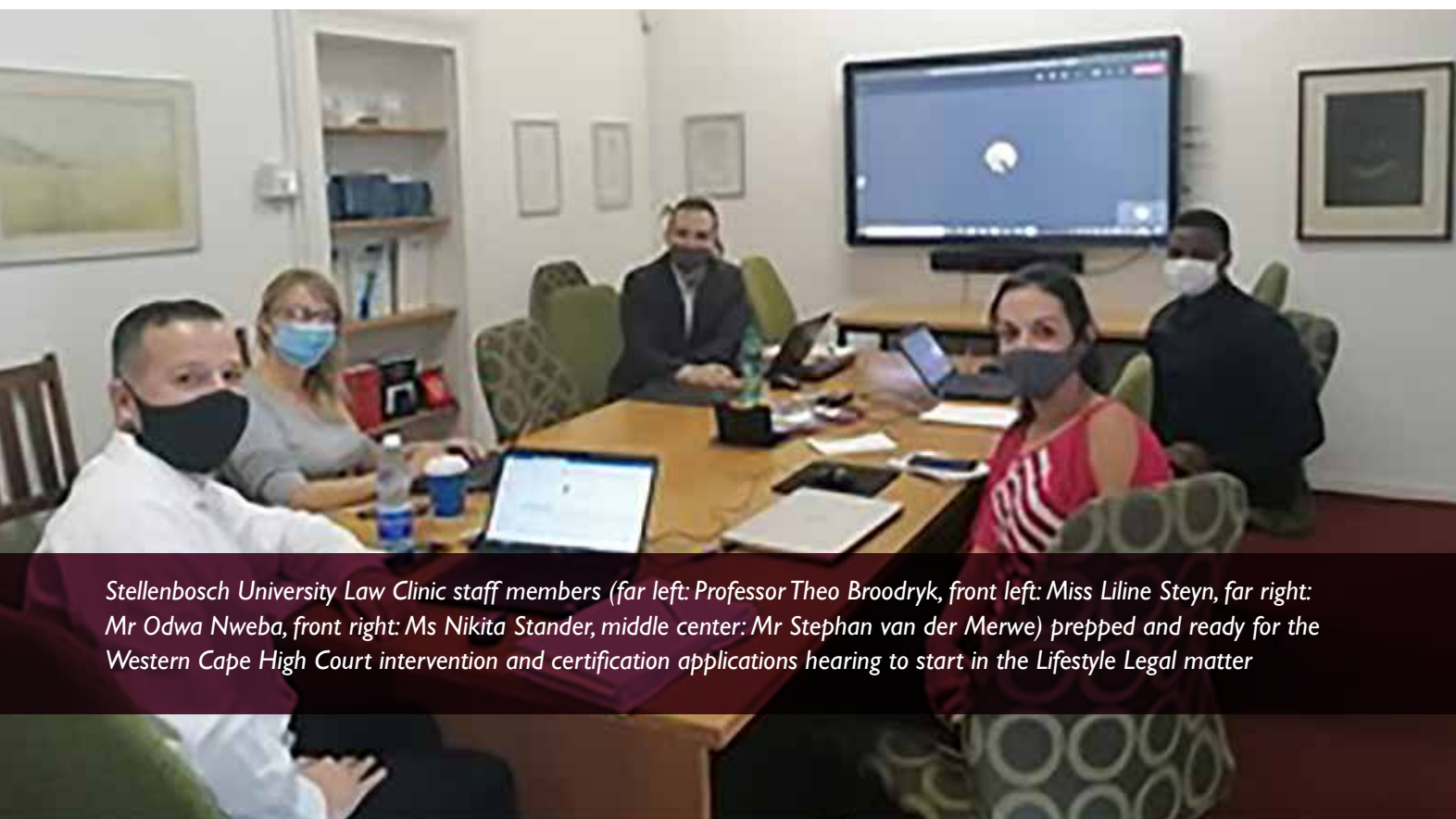
Stellenbosch University Law Clinic successfully opposes class action leave to appeal application.

On 13 September 2019, the Stellenbosch University Law Clinic (the Clinic) filed an application instituting a class action lawsuit with the Western Cape High Court. The Clinic sought the certification of a class action to pursue a claim against Lifestyle Legal for breaching the Consumer Protection Act 68 of 2008 (CPA). The certification application was heard at the Western Cape High Court on 8 and 9 March 2021, with an intervention application from Legal Wise South Africa and Payment Association of South Africa (PASA), before Judge Gamble. The Applicants in the main application argued for an interdict ordering Lifestyle Legal and its affiliated websites from making continuous demands for payment or making unauthorised debits from consumers who may have ac-

cessed the respondents' websites, including consumers who did not seek the services of the respondents. The respondents denied these allegations and contended that the applicants have failed to make a case.

On 21 July 2021, the Western Cape High Court certified the Clinic's class action application. The certification of the class action is significant as it is only the tenth South African class action that has been successfully certified, and it is the first consumer law class action in which the court was required to deliver a certification judgment. It is also the first successful class action certification brought by a South African university Law Clinic.

Continues on next page



Stellenbosch University Law Clinic staff members (far left: Professor Theo Broodryk, front left: Miss Liline Steyn, far right: Mr Odwa Nweba, front right: Ms Nikita Stander, middle center: Mr Stephan van der Merwe) prepped and ready for the Western Cape High Court intervention and certification applications hearing to start in the Lifestyle Legal matter

Continues from previous page.

The respondents appealed the judgment, effectively suspending its immediate impact. The application for leave to appeal was heard on 22 October 2021 before Judge Gamble. On 3 November 2021, Judge Gamble dismissed the application for leave to appeal, with costs, and held that "the respondents have failed to show that they have reasonable prospects, on appeal, of persuading another court to set aside the certification of the applicants' class action."

The certification of this class action enables the Clinic to request restoration of moneys illegally debited, and compensation for the resulting losses on behalf of thousands of consumers who were affected by the respondents' conduct. It also assists to facilitate access to justice for the thousands of vulnerable consumers who have been exploited by the respondents' reprehensible conduct.

Stellenbosch University Law Clinic successfully defends Ms Phillips and her disabled son in the Supreme Court of Appeal

Ms Clara Phillips approached the Stellenbosch University Law Clinic in July 2009, when she was 73 years old, to oppose the eviction application against her and her disabled son from a property in Somerset West. At that stage, Ms Phillips had been occupying the property for 62 years – since 1947 – when she was just 11 years old. The property was a part of a much larger farm when she started her residence in 1947. Ms Phillips later married her late husband, who was employed on the farm, and continued to occupy the house. She had been granted a lifelong right of occupation by the previous owner.

In 2009, Mr Grobler lodged an application to evict Ms Phillips and her son. An eviction order was granted against Ms Phillips and her son in August 2016, and they were ordered to vacate the property by 30 August 2017. The Clinic successfully assisted Ms Phillips with lodging an appeal against the Magistrate Court's judgment and order at the Western Cape High Court. The appeal was successful, and the High Court set aside the eviction order. An application for special leave to appeal to the Supreme Court of Appeal (SCA) was lodged by Mr Grobler in 2019, with the application granted in June 2020.

Mr Grobler's appeal was dismissed on 14 July 2021, with

all the SCA Justices concurring. Shortly thereafter, the owner applied for leave to appeal to the Constitutional Court against the decision of the SCA. The Clinic served and filed its answering affidavit, on behalf of Ms Phillips, in August 2021. We are currently awaiting the Constitutional Court's judgment or, alternatively, further directives from the Court.

We are hopeful that the outcome at the Constitutional Court will be favourable for Ms Philips and the Clinic.



Ms Clara Phillips and her son (Adam)

Stellenbosch University Law Clinic celebrates the launch of the debt, credit, and consumer rights manual

On 27 October 2021, the Stellenbosch University Law Clinic, in collaboration with the BlackSash Trust and the London School of Economics and Political Science, officially launched the Debt, Credit, and Consumer Rights manual. The manual serves as a reference guide to paralegals, which will empower them with the knowledge to advise their clients on this important area of the law. Two of our attorneys, Odwa Nweba and Josie Parks, attended the virtual launch and provided training on the manual to over 60 paralegals from all over the country.

This comes after, earlier this year, the Clinic was briefed by the prestigious human rights organisation, the BlackSash Trust, to update its then 'Debt and Credit Guide for Paralegals'. The Clinic's staff ensured that this important resource accurately reflects the current legal position. The Clinic will continue to conduct more training sessions.

We are honoured to be part of this initiative and excited to experience its impact.

For more information regarding the above-mentioned, please contact the Stellenbosch University Law Clinic on 021 808 3600 or rhkadmin@sun.ac.za.



Our attorneys: Josie Parks (left) and Odwa Nweba (right) attending the virtual launch of the guide.

Legal Writing Development short course

Keep an eye on the [Short Courses Division](#) for the 2022 offerings. 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.



Alumni

Homecoming Weekend

The Faculty of Law will host a Homecoming weekend to celebrate 101 years from **25 to 26 March 2022**. Please save the date and look out for further communication in this regard.

Tuiskomsnaweek

Die Fakulteit Regsgeleerdheid reël vanaf **25 tot 26 Maart 2022** 'n Tuiskomsnaweek om 101 jaar te vier. Hou asseblief die datum oop; verdere inligting sal vroeg in 2022 volg.

Regs fakulteit Trust

Stellenbosch University Law Trust's book about the Faculty's history is now [available](#). The book was compiled by Andreas van Wyk, Gerhard Lubbe and Albert Grundlingh. All proceeds from the sales of the book will go to the Law Trust to be used for the

benefit of the Faculty and its students.

Stellenbosch Universiteit Regstrust se boek oor die Fakulteit se geskiedenis is nou [beskikbaar](#). Die boek is deur Andreas van Wyk, Gerhard Lubbe en Albert Grundlingh saamgestel. Alle opbrengste uit die verkope van die boek sal na die Regstrust val om aangewend te word tot voordeel van die Fakulteit en studente.



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Goodman Gallery Centenary Event

Stellenbosch University's Development and Alumni Relations Division (DAR) organised a Law Faculty Centenary Alumni cocktail event at the Goodman Gallery in London. At this event on Monday 20 September, the Chancellor, Retired Constitutional Court Justice Edwin Cameron, delivered the keynote speech and the Rector, Prof Wim de Villiers, was the host. Liesl Fichardt and Dalton Odendaal very kindly assisted the DAR with organising the event. The event was attended by 25 people, some of the participants included "old" friends of the Faculty of Law, including Steve Georgala (trustee of the SU Law Trust) and Kathleen and Giuseppe Ciucci. The Faculty of Law is sincerely appreciative of the loyal support of our alumni as well as the donations made at, and following, this event.



Prof Wim de Villiers

National Order awarded to Chancellor

Our Chancellor Justice Edwin Cameron was awarded the National Order in November. He received the "Order of the Baobab (gold category)", which recognises South African citizens who have contributed to community service, business and economy, science, medicine and

technological innovation". Justice Cameron's recognition is for his contribution to the judicial system and tireless campaigning against the stigma of HIV and AIDS, and the rights of lesbian, gay, bisexual, transgender, queer, intersex and asexual (LGBTQIA+) communities. Read more [here](#).



Stellenbosch University's Chancellor, Justice Edwin Cameron

25th Reunion in Belgium



Thank you / Dankie



Alison April notes, on Saturday 2 October 2021, a group Law Alumni gathered in Ghent, Belgium, to celebrate their 25th reunion. The group consisted of LLM graduates as well as four former exchange students from KU Leuven and Antwerp University. The reunion programme included a visit to an art exhibition, a tasting of South African wine, and a dinner.

"It has been an honour to study at the University of Stellenbosch. We have been welcomed by the University staff, professors and students with open arms. It also has

been a real privilege to live and study in South-Africa in the 1990s, such an important era in the history of the country, and to witness the country's developments from the front row. Most memorable for me was attending the formal adoption of the new constitution in the presence of Nelson Mandela. We will always remain fond of the country, its nature, culture, and people." (Frederik van Remoortel, a former exchange student from KU Leuven and current partner at Crowell & Moring LLP in Brussels.)



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