

DECEMBER
2022
DESEMBER

OU HOOFGEBOU



Stellenbosch

UNIVERSITY
IYUNIVESITHI
UNIVERSITEIT

FACULTY OF LAW

NEWSLETTER

NUUSBRIEF

FAKULTEIT
REGSGELEERDHEID



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News from the Dean's office

Dear friend of the Faculty

It is a great pleasure to conclude 2022 with a full newsletter, which is testimony to a demanding but fruitful second half of the year.

There are many highlights of the second semester included in this newsletter, including that the year ends with a big international conference (the Global Alliance for Justice Education (GAJE) Conference in partnership with the International Journal of Clinical Legal Education and the South African University Law Clinics Association), which will see around 200 scholars at the Ou Hoofgebou during the week of 12 December. However, the new year will also kick off on a high note on 15 January with another high-profile occasion, namely the Global Scholars Academy that we will be hosting with the Institute for Law and Global Policy, Harvard University. The Academy is an "intensive residential experience designed to enable junior faculty and post-doctoral scholars to engage in sustained, interdisciplinary, peer-to-peer collaboration under the close mentorship of a research faculty drawn from the world's top universities".

It is especially pleasing to reflect on these achievements, activities, and highlights since we aim to be productive rather than just busy, and for this to be the case everyone needs to roll up their sleeves and get things done. Our team continued to do just that the last months, and I thank them for their hard work and dedication this year. One should add that to be productive also requires clarity about one's aims so that your actions are aligned with your aims and values, and we have worked hard to remain focused despite turbulent periods of times.

As I reminded our final year students in their yearbook, the informal motto at the Faculty is that we support students to become legal practitioners, jurists, and thought leaders. On a more formal note, as Faculty we strive to be a research-intensive faculty where we attract outstanding students, employ talented staff, and provide a world-class environment: a place connected to the world, while enriching and transforming local, continental, and global communities. Central to all these aspirations is our students.

I am, therefore, grateful that we were able to conclude this year together as a community (including a fantastic graduation celebratory event) and that all indicators seem to point to a new year where students, staff, and alumni

will again be able to actively participate in conversations and engage with one another on our beautiful campus. Personal interaction and clear communication are after all key to a community where everyone can grow, learn, and, ultimately, flourish.

The Faculty, like the rest of SU, will engage more thoroughly with the Khampepe Report during 2023, but one conclusion is already relevant here: Justice Khampepe concludes the report by stating that "the university community are missing opportunities to communicate, connect, and understand one another in terms of similarities rather than differences". I believe that with the necessary introspection and open mindset the difficult lessons from 2022 may provide the foundation for us to reaffirm and recalibrate our shared values, hopes and dreams going forward next year.

Enjoy a restful and happy festive season. Thank you for sharing our journey with us, we appreciate your support.

Professor Nicola Smit
Dean



Dean, Professor Nicola Smit.

Iindaba ezisuka kwi-ofisi yoMphathi

Sihlobo esibekekileyo seFakhalathi

Kuluvuyo ukuqukumbela unyaka wama2022 ngengxelo ezeleyo, nto leyo ebubungqina bokuba nangona esi siqingatha sesibini besixakekisa nje sibenazo iziphumo ezincumisayo.

Zininzi izinto ezibalulekileyo ezenzekileyo kwesi siqingatha sonyaka ezithe zafakwa kule ncwadi, kuquka nento yokuba lo nyaka siwuvala ngenkomfa enkulu yamazwe ngamazwe (iNkomfa iGlobal Alliance for Justice Education (GAJE) kubanjiswene neInternational Journal of Clinical Legal Education kunye neSouth African University Law Clinics Association), eza kuzinyaswa ziindwalutho zemfundo ezimalunga nama200 eOu Hoofgebou ngeveki yomhla we12 kaDisemba. Nangona kunjalo, unyaka omtsha uza kuphinda uqale ngomcimbi obaluleke kakhulu, nge15 kaJanuwari ze kubekho omnye umcimbi okwinqanaba eliphezulu, obizwa ngokuba yiGlobal Scholars Academy esiza kube siwusingethe kunye neInstitute of Law and Global Policy, yeYunivesithi yaseHarvard. Le Akhademi "ngamava anzulu ayilelwe ukwenza ukuba abaphengululi abatsha beFakhalathi kwakunye nabo sele bephumelele izifundo zobugqirhalwazi bazibandakanye kwintsebenziswano ezinzileyo, kuthungelwano namanye amasebe ezemfundo, nentsebenziswano phakathi koontangandini phantsi kooqeqesho olungqongqo lwecandelo lophando elithathwe kwiYunivesithi eziphambili zehlabathi."

Kuyonwabisa ngakumbi ukucamngca ngezinto eziyimpumelelo, imisebenzi, nezona zinto ezibalulekileyo ezenzekileyo njengoko sijolise ekubeni sibe neziphumo endaweni yokuxakeka nje, kuba ukuze kube njalo kufuneka wonke umntu aphakamise iinyawo aqhube umsebenzi. Iqela lethu lenze kanye oko kwezi nyanga zidlulileyo, kwaye ndiyababulela ngokusebenza nzima nangokuzinikela kulo nyaka. Ubani angongeza ngelithi, ukuze ube neziphumo kufuneka ube neenjongo ezicacileyo ukuze izenzo zakho zihambelane neenjongo zakho kwakunye neenqobo ezisemgangathweni, sisebenze nzima ukuze singaphambuki nangona bekukho amagingxigingxi.

Njengoko ndandikhumbuze abafundi bethu bonyaka wokugqibela kwiKhalenda, isaci esingekho sikweni kwiFakhalathi kukuba sixhasa abafundi ukuba babe ngabasebenzi bezomthetho, iijaji kunye noovulindlela.

Okunye okubalulekileyo kukuba njengeFakhalathi sizama ukuba licandelo lophandonzulu apho sitsala abafundi abagqwesileyo, siqeshe oompondozihlanjiwe, sibonelele ngendawo ekumgangatho ophezulu: indawo eqhagamshelene nehlabathi, ngelixa siphucula sitshintsha uluntu lwasekhaya, lwelizwekazi, kunye noluntu lwehlabathi. Undoqo kuyo yonke le minqweno ngabafundi bethu.

Ngoko ke, ndinombulelo ngokuba sikwazile ukuwuqukumbela lo nyaka kunye njengoluntu (kuquka nomsitho omangalisayo wokubhiyozela uthwesozidanga) kwaye kubonakala ngathi kulo nyaka uzayo abafundi, abasebenzi, izithwalandwe baza kuphinda kwakhona bakwazi ukuthatha inxaxheba kwiincoko, baxoxe ngemibandela ethile kwikhampasi yethu entle. Unxibelelwano lomntu kunye nonxibelelwano olucacileyo lungundoqo kuluntu apho wonke umntu anokukhula afunde, aze ekugqibeleni, ahlume.

Le fakalathi, njengezinye zaseSU, iya kusebenzisana ngokupheleleyo neNgxelo kaKhampepe ngowama2023, kodwa sinye isigqibo esisele sibalulekile apha. UJustice Khampepe uqukumbele le ngxelo ngokuthi "abahlali baseyunivesithi baphoswa ngamathuba okunxibelelana, okuqhagamshelana, nokuqondana ngokwezinto ezifanayo kuneyantlukwano." Ndiyakholelwa ukuba ngokuzigocagoca nokuphulaphula izimvo zabanye, amava abuhlungu onyaka wama2022 angaba sisiseko sethu sokuba siqinisekise, sihlengahlengise iinqobo zethu ezisemgangathweni esifana ngazo, amathemba kunye neminqweno yethu ukuya phambili kulo nyaka uzayo.

Yonwabela ikhefu nexesha leeholide. Enkosi ngokuba yinxalenye yethu, siyayibulela inkxaso yakho.

Professor Nicola Smit
Dean

Nuus van die Dekaan se kantoor

Geagte vriend van die Fakulteit

Dit is 'n groot plesier om 2022 af te sluit met 'n propvol nuusbrief, wat getuig van 'n veeleisende maar vrugbare tweede helfte van die jaar.

Daar is baie hoogtepunte van die tweede semester in hierdie nuusbrief ingesluit, insluitend dat die jaar afgesluit word met 'n groot internasionale konferensie (die Global Alliance for Justice Education (GAJE)-konferensie in vennootskap met die International Journal of Clinical Legal Education en die South African University Law Clinics Association), wat gedurende die week van 12 Desember ongeveer 200 vakkundiges by die Ou Hoofgebou saam sal bring. Die nuwe jaar sal egter ook op 15 Januarie op 'n hoë noot begin met nog 'n hoëprofielgeleentheid, naamlik die Global Scholars Academy wat ons saam met die Institute for Law and Global Policy, Harvard Universiteit, sal aanbied. Die Akademie is 'n "intensiewe residensiële ervaring wat ontwerp is om junior fakulteit- en nadoktorale akademici in staat te stel om by volgehoue, interdisiplinêre, eweknie-samewerking betrokke te raak onder die noue mentorskap van 'n navorsingsfakulteit wat van die wêreld se beste universiteite bestaan".

Dit is veral aangenaam om oor hierdie prestasies, aktiwiteite en hoogtepunte te bepeins aangesien ons daarna streef om nie net besig te wees nie, maar om ook produktief te wees. Vir dit om die geval te wees, moet almal hul moue oprol en dinge gedoen kry. Ons span het dit die laaste maande voordurend gedoen, en ek bedank hulle vir hul harde werk en toewyding hierdie jaar. Mens moet byvoeg dat om produktief te wees ook duidelikheid oor jou doelwitte vereis sodat jou optrede in lyn is met jou doelwitte en waardes, en ons het hard gewerk om gefokus te bly ten spyte van onstuimige tye.

Soos ek ons finalejaarstudente in hul jaarboek herinner het, is die informele leuse by die Fakulteit dat ons studente ondersteun om regspraktisyns, juriste en denkleiers te word. Op 'n meer formele noot, as Fakulteit streef ons daarna om 'n navorsingsintensiewe fakulteit te wees waar ons uitstaande studente lok, talentvolle personeel

in diens neem en 'n wêreldklas omgewing bied: 'n plek wat aan die wêreld verbind is, terwyl ons plaaslike, kontinentale, en globale gemeenskappe verryk. Sentraal tot al hierdie aspirasies is ons studente.

Ek is dus dankbaar dat ons hierdie jaar saam as 'n gemeenskap kon afsluit (insluitend 'n fantastiese gradeplegtigheidsgeleentheid) en dat alle aanwysers op 'n nuwe jaar dui waar studente, personeel en alumni weer aktief aan gesprekke deelneem en by mekaar inskakel op ons pragtige kampus. Persoonlike interaksie en duidelike kommunikasie is immers die sleutel tot 'n gemeenskap waar almal kan groei, leer en uiteindelik kan floreer.

Die Fakulteit, soos die res van US, sal gedurende 2023 deegliker by die Khampepe-verslag betrokke raak, maar een gevolgtrekking is reeds hier ter sake: Regter Khampepe sluit die verslag af deur te sê "die universiteitsgemeenskap mis geleenthede om te kommunikeer, in te skakel en mekaar te verstaan in terme van ooreenkomste eerder as verskille". Ek glo dat die moeilike lesse van 2022 met die nodige introspeksie en oop ingesteldheid die grondslag vir ons kan bied om ons gedeelde waardes, hoop en drome volgende jaar te herbevestig en herkalibreer.

Geniet 'n rustige en gelukkige feestyd. Dankie dat jy ons reis met ons deel, ons waardeer jou ondersteuning.

Professor Nicola Smit
Dekaan

Research & Internationalisation

The re-focus on research, embarked on in March in the first semester of 2022, continued in the second semester. Given the emphasis on a more “hands-on” approach to research and the need for dedicated research time and space, the Faculty officially returned to the pre-Covid position regarding dedicated research days – one day per week to do research from home; in some instances, an additional research day may also be used.

On 9 and 10 September, members of the Faculty were given the opportunity to immerse themselves in their research and writing at the Faculty’s first Writing Retreat, hosted at the Devon Valley Hotel in Stellenbosch. While the retreat was attended by mainly younger scholars – Ms Ebrezia Johnson, Ms Rukshana Parker, Dr Tina Kotzé, Dr Debbie Horsten, Ms Nondo Phenyane, Dr Delano van der Linde, Dr Cecile de Villiers, Dr Jane Diala, and accompanied by Professor Juanita Pienaar – the idea is to expand the initiative in 2023 to include a broad spectrum of scholars and to extend the length of the retreat.

While all participants agreed that it was a huge success, they noted that the programme could be adjusted to include a variety of activities – including some physical activity – to support and enhance the periods spent behind their laptops!

All three departments continued with dedicated research discussion sessions, buzz groups, and even lunchtime lectures. Again, in-person attendance was welcomed by staff and students alike.

The mentoring programme, which was embarked on in the first semester, gained further momentum in the second semester. A new mentoring module was set up on SUNLearn by Ms Alma Coertzen. The module contains a depository of SU documentation and policies relevant to researchers and academics, as well as other useful material and links to interesting and informative podcasts and information. A feedback session is scheduled to take place on 12 December 2022, which will be followed by a well-deserved lunch.

As in the first semester, staff and students were further

involved in a variety of national and international conferences; this undergirds sound research and simultaneously promotes internationalisation. In August, the Labour Law group hosted a very successful conference and book launch in honour of Professor Manfred Weiss. A number of Faculty members, including the Dean, Professor Nicola Smit, contributed to the book, *Liber amicorum: book of friends*.

For the first time in three years, an in-person Southern African Law Teachers Conference took place in East London; the conference was hosted by the Faculty of Law, Fort Hare, from 11 to 15 July 2022. Faculty delegates included Professor Sandy Liebenberg, Professor Geo Quinot, Professor Philip Sutherland, Professor Bradley Slade, Ms Rukshana Parker, Mr Thala Msutu, Ms Ebrezia Johnson, and Professor Juanita Pienaar.

Some other conferences scheduled to take place in November and December include the closing conference



Writing retreat



Writing retreat dinner



Labour law conference



Law Teachers Conference

of the NRF-funded South African Research Chair in Property Law – Transforming Property Law, from 30 November to 2 December 2022, organised by Professor Zsa-Zsa Boggenpoel and an international Social Justice Education Conference, scheduled to take place in hybrid-format from 11 to 15 December 2022, under the auspices of the SU Law Clinic.

A follow-up session linked to research and post-graduate studies was held on 19 July 2022 where other channels to gain access to postgraduate studies, including a preparation-module, were explored, under the guidance of Mr Shirle Cornelissen and Ms Cindy de Doncker. The session also dealt with the supervisor's role and corresponding duties and responsibilities, as well as providing information on the new cycle of examination of postgraduate students under the 2022-Postgraduate Guide, presented by Ms Silke de Lange. The prep-module initiative was taken further by the Research Committee in October 2022 and finalised by the Faculty Board in November 2022. From 2023, there will thus be three options to gain access to postgraduate studies: the so-called 'short procedure'; registration after completion of a research proposal accepted at the Faculty Board; and the new procedure, the preparation-module for LLM and LLD respectively.

The research re-focus initiative will continue in 2023. A Faculty-wide Research Indaba is scheduled to take place on Monday, 30 January 2023.

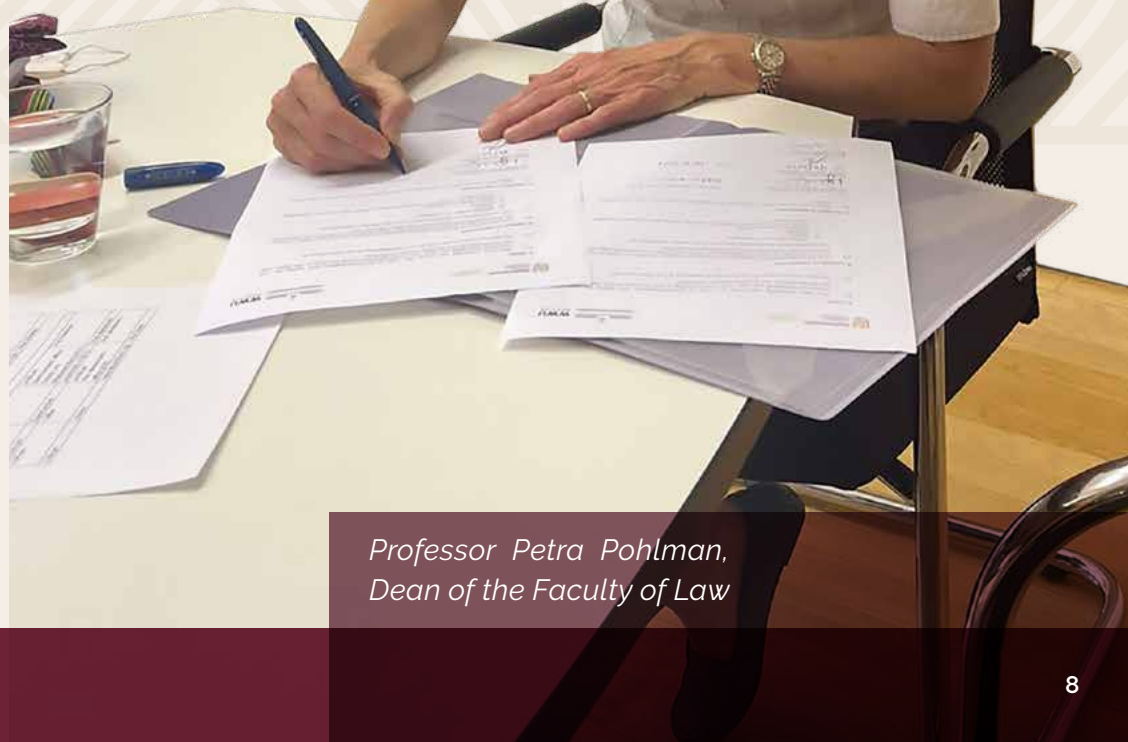


Internationalisation



law school in the world. Professor Stevens also visited the Münster Law Faculty, where Professor Petra Pohlman, Dean of the Faculty of Law, signed the long-awaited exchange agreement between the Münster Law Faculty and SU Faculty of Law. The exchange agreement enables up to two staff members from the partner universities to visit the other university and present short courses on specific research focus areas. The first exchanges will take place in 2023.

The Faculty's Internationalisation Committee continued regular meetings, which feed into the overarching Institutional Advisory Committee on Internationalisation (IACIA) under the auspices of Professor Hester Kloppers. The Vice-Dean: Teaching & Learning, Professor Richard Stevens, was invited by the Technische Universität München (TUM) to participate in the Global Visiting Professor Programme. Whilst abroad, Professor Stevens also visited two partner faculties of the Faculty, the Bucerius Law School in Hamburg and the Tilburg Law School in the Netherlands, which is ranked by Times Higher Education as the 21st best



*Professor Petra Pohlman,
Dean of the Faculty of Law*



Another exciting development within the internationalisation domain is a student exchange agreement that was concluded between the Faculties of Law of SU and the University of Cambridge. The agreement enables up to two students to spend an academic year at the partner institution as a visiting student. At Cambridge, the visiting students will have the opportunity to choose any of the undergraduate law papers offered by the Faculty of Law. They will also be members of one of the 31 colleges and receive supervisions in their chosen papers. At Stellenbosch, the visiting students will be able to choose from both undergraduate and certain postgraduate law papers offered by the Faculty of Law.

Associate Professor, Felix Steffek, the Director of International Strategy and Partnerships at Cambridge said: "The exchange with Stellenbosch University is an exciting opportunity for our students as it opens a pathway to studying law at one of the leading universities in Africa. We are very much looking forward to welcoming the first visiting students from Stellenbosch in the 2023-2024 academic year."

Professor Mark Elliott, Chair of the Faculty of Law at Cambridge, said: "I am delighted that we are partnering with Stellenbosch University in this, and that Cambridge and Stellenbosch students will have the rich intellectual

and cultural opportunities that this exchange programme offers. I am grateful to our former Director of International Strategy and Partnerships, Professor Jens Scherpe, for bringing this project to fruition, and we look forward greatly to welcoming our first students from Stellenbosch next year."

Staff and student exchanges in the second semester also included an internship at the Law Clinic of a number of students from Hasselt University in the period 21 July to 19 August 2022. The visit coincided with a lunchtime seminar on 28 July 2022 presented by Dr Matteo Fermeleglia on the topic of "Climate change responsibility and liability: EU and South African perspectives". The event was co-hosted with Professor Olivier Ruppel.

Another visit under the auspices of the SU Law Clinic, by student representatives and staff members of Strathmore University Law Clinic, took place in the week of 10 to 14 October 2022. While the aim was to gain knowledge and insight into the running of the SU law Clinic, the student representatives also presented their initial research findings during a lunchtime seminar on Thursday, 14 October, with a view on the December-conference in Stellenbosch, which is mentioned above.

Professor Juanita Pienaar

Vice Dean Research and Internationalisation



Teaching and Learning

It would be remiss not to mention that the academic year started off with restrictions on gatherings still in place and not being able to have all students back in class. Finishing the year with full classes certainly has been an enriching experience for staff and students alike and results have seemingly also improved.

Our mid-year newsletter highlighted the roll-out of the new first-year modules. We can report that the roll-out of Law of Persons in the second semester proceeded smoothly. We will take stock of the positives and negatives of the first-year modules before the end of the year to make improvements, where necessary, for 2023. The purpose of this stock-taking session is twofold. Firstly, we want to ensure that the first-year modules are aligned to ensure that student opportunities are alive to the fact that the law does not operate in silos but that what happens in one module has an impact on other modules. Secondly, this stock-taking session will also include the second-year modules that are being rolled out in 2023. Again, we want to ensure that modules are horizontally

and vertically aligned. This is to ensure that students are always alive to the fact that what they learned in their first year builds up vertically in succeeding years.

A review of assessment has taken place on a university-wide basis in 2022. Essentially, faculties will have more freedom in the future on how to assess students. Extensive consultation and workshops have taken place and continue to take place within the Faculty of Law to ensure that we assess students in a variety of ways to ensure that the skills and competencies that we, and the workplace, expect of our students are assessed. This is an ongoing project with sufficient flexibility that enables the Faculty to adapt its assessment rules annually. We are excited what this opportunity enables us to do - it allows us to assess content as well as the critical skills that our students require irrespective of which career they choose.

Assessment was also the focus of the 2022 Scholarship of Teaching and Learning Conference from 24 to 26 October 2022. This conference is open to academics from Stellenbosch University who have an interest in the scholarship of Teaching and Learning. The theme for this year's conference was "Re-imagining assessment culture and practices for a transformative student experience". In light of the Faculty's journey to adopt its renewed LLB and the concomitant focus on assessment, Professor Stevens and Dr Greenhalgh participated in the conference; Professor Stevens was a keynote panellist and Dr Greenhalgh presented a paper.

Therefore, from a Teaching and Learning perspective, we are grateful that we could conclude the academic year with students back in the classroom and in-person invigilated end-of-year assessments; we are also grateful that the roll-out of new modules in the first year went smoothly.

Professor Richard Stevens

Vice Dean Teaching and Learning



Research Chairs | Units Navorsingsleerstoele | Eenhede

African Procurement Law Unit (APLU)

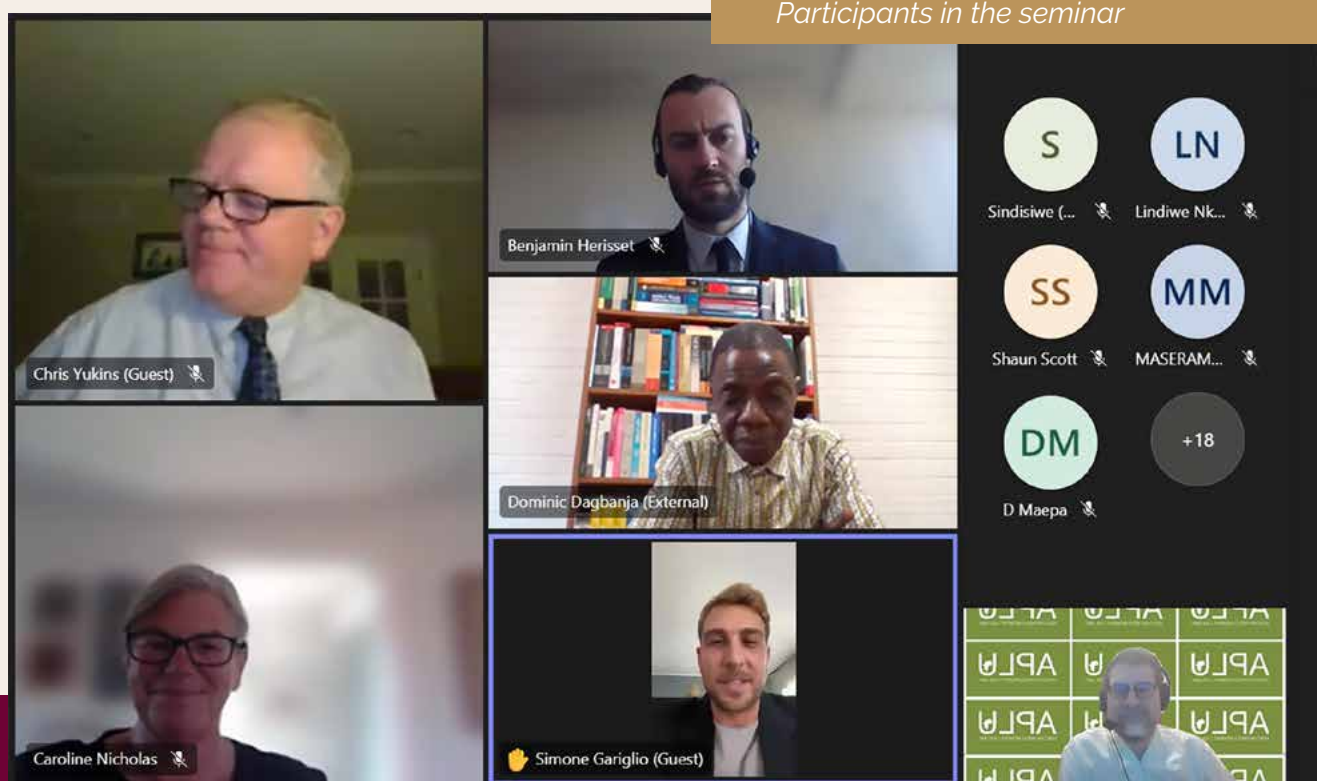


APLU hosts UNCITRAL Days in Africa seminar

APLU collaborated with the United Nations Commission on International Trade Law (UNCITRAL) to host a public seminar on public procurement dimensions of modernising and harmonising the international commercial law framework in the African Continental Free Trade Area (AfCFTA) context. The seminar formed part of the UNCITRAL Days in Africa academic series, which aims to celebrate the establishment of UNCITRAL and to raise awareness of the work of UNCITRAL in promoting the progressive harmonisation and modernisation of international trade and commercial law throughout the continent. The seminar focused specifically on public procurement law within international trade law regimes,

with a particular focus on the African Continental Free Trade Agreement. Participants considered the current levels of procurement law harmonisation in Africa as well as the advantages, disadvantages, and potential modalities of a truly continental project of procurement law harmonisation in Africa. Speakers included Caroline Nicholas and Benjamin Herisset of UNCITRAL; Professor Sope Williams and Professor Geo Quinot of APLU; Professor Christopher Yukins of the George Washington University School of Law; and Dr Dominic Dagbanja of the University of Western Australia (and also an APLU research fellow).

Participants in the seminar



Workshop on Public Procurement Authorities

APLU, in collaboration with Crown Agents and the Open Contracting Partnership, hosted an open online workshop to discuss one of the recommendations on public procurement reform in South Africa. The recommendation, which was put forward by the Judicial Commission of Inquiry into State Capture (the Zondo Commission), is the creation of a Public Procurement Anti-Corruption Agency.

In brief, the Commission recommended:

"In the view of the Commission and for the reasons that follow, the appropriate starting point for any scheme of reform must include the establishment of a single, multi-functional, properly resourced, and independent anti-corruption authority with a mandate to confront the abuses inherent in the present system. That authority could be called the Anti-Corruption Authority or Agency of SA South Africa (ACASA)." Judicial Commission of Inquiry into State Capture Report Part 1 (2022) par 664

This recommendation follows the proposal put forward in the draft Public Procurement Bill, published in 2020, for the creation of a Public Procurement Regulator.

Many other countries on the African continent and

beyond have created public procurement authorities of various types. These provide rich experiences for South Africa to look at when considering the creation of a procurement authority of some sort.

This workshop hosted leaders from existing procurement authorities in Kenya, Ghana, and Chile to share their experiences in setting up and running such entities. Speakers included Mr Patrick K. Wanjuki, Director-General, Public Procurement Regulatory Authority of Kenya; Ms Faith Waigwa, Chairperson of the Public Procurement Administrative Review Board of Kenya; Ms Tania Perich Iglesias Director, Dirección ChileCompra, Chile; Mr. Frank Mante, Chief Executive Officer, Public Procurement Authority, Ghana; Mr Steve Guppy of Crown Agents; Ms Caroline James of the Open Contracting Partnership and Professor Geo Quinot of APLU. It also created an opportunity for discussing the proposals put forward to create such an entity in South Africa. More than 200 participants joined the workshop. More details, including recordings of the presentations, can be found at <https://africanprocurementlaw.org/workshop-on-public-procurement-authorities/>.



APLU contributes to major international public procurement conference

In June, APLU collaborated with the Public Procurement Research Group at Nottingham University in hosting the leading international conference on public procurement law, Public Procurement: Global Revolutions XI in Nottingham, UK. At the conference, Professor Sope Williams of APLU shared perspectives from Africa on the new frontiers in procurement during the opening plenary session and presented a paper on gender inclusive procurement in Africa in a session focusing on gender equality, diversity,

and social inclusion in public procurement. Professor Geo Quinot presented a paper on the UNCITRAL Model Law on Public Procurement in a session focusing on procurement law reforms in Africa and participated in a session that presented the findings of a major international study on the human rights dimension of sustainable public procurement of infrastructure. The conference was co-directed by APLU research fellow, Professor Annamaria la Chimia.

Contributing to public procurement law reform in South Africa

Professor Geo Quinot served as a member of a joint strategic resource to NEDLAC on public procurement law reform. The long-awaited complete overhaul of public procurement law in South Africa was deliberated on by a NEDLAC task team following the government's submission of a draft Public Procurement Bill to NEDLAC in April 2022. The joint strategic resource consisted of five experts in

various aspects of public procurement and provided the NEDLAC task team with technical assistance in its discussions of the draft Bill. Following the completion of the NEDLAC review, the Bill is due to be submitted to Cabinet towards the end of 2022 and is expected to be tabled in Parliament by March 2023.

Anton Mostert Chair of Intellectual Property Law

Short Course in Namibia

The Anton Mostert Chair of Intellectual Property Law hosted its first Short Course on IP, Competition, Contract, and Unjustified Enrichment Law from 7 to 9 October 2022

in Windhoek, Namibia.

The project started with a dream and a bit of encouragement from our friends at Von Seidels.

Continues on following page



Namibia short course group

From previous page

Putting the course programme together was no easy task. Professor Sadulla Karjiker, who led the programme, presented the copyright and trade mark portions of the course, with the help of Ms Gretchen Jansen. Professor Karjiker approached some colleagues, Professor Philip Sutherland and Professor Jacques du Plessis, to present the sections on Competition Law and Law of Contract and Unjustified Enrichment Law, respectively. Finally, Bastiaan Koster, a partner at Von Seidels, presented the section on patent law. Ms Annette van Tonder was, of course, ever present to ensure that the administration and presentation of the short course ran smoothly, and to ensure that the attendees (and external presenters) were warmly welcomed.

Once the programme was finalised, the big challenge of advertising the short course began. With the help of the Law Society of Namibia, all expectations were exceeded - legal practitioners and business people from various sectors registered for the short course. Many other obstacles had to be overcome before the commencement of the course, including work visas,

foreign requisitions, and the tax at the airport for the "contraband" memory sticks.

The short course was presented at the Windhoek Country Club, which received the group very well. The course attendees expressed a great interest and enthusiasm for the course content; this was evident in the range of questions asked throughout the course. With all the hard work, manned by Ms van Tonder, to get the short course up and running, the Chair was happy to receive positive and encouraging feedback from the attendees, including multiple requests for the Chair to return to Windhoek in 2023 to offer the short course again.

In conjunction with the short course, the Alumni Relations Office arranged an alumni function for all Faculty alumni in Namibia. (Read more about the event below.)

Just as the course started with a dream, it ended like a dream with a guitar around a campfire and a plane ride over the famous Sossusvlei.



Annual Intellectual Property Law Public Lecture

The Intellectual Property Law Public Lecture is the annual highlight of the Chair's activities. This year was no exception.

On 6 October 2022, Advocate Owen Salmon SC from the Johannesburg Bar, as well as a member of Maisels Group, presented the lecture: "To create a stairway to heaven all you need is spirit – influence or infringement in music". He used the famous case study of the "Stairway to Heaven" saga, where the rock band, Led Zeppelin, was sued for copyright infringement by the band, Spirit. He used a variety of audio clips to illustrate the fine line between influence and infringement in music, which kept the audience engaged throughout the lecture.

This year, a violinist performed during the cocktail event prior to the lecture; this created a very welcoming environment for the guests. Professor Richard Stevens welcomed the guests; thereafter, Mr Ralph van Niekerk, a representative from the Chair's sponsor, Von Seidels, thanked the Chair for allowing them to be part of such a prestigious event. Professor Karjiker thanked Advocate Salmon for his informative lecture and his willingness to share his knowledge.

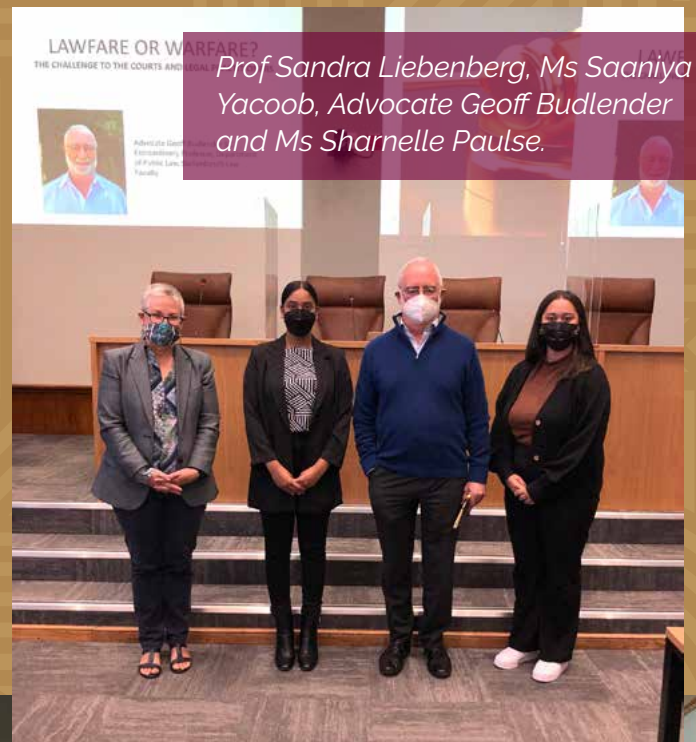
After the lecture, the guests had the opportunity to network and socialise in typical IP public lecture style. The Chair and the event sponsor, Von Seidels, consider the event a great success.



HF Oppenheimer Chair in Human Rights Law

Advocate Geoff Budlender SC lunch hour seminar

The HF Oppenheimer Chair in Human Rights Law and the Juridical Society Transformation Portfolio, under the stewardship of final-year LLB student, Saaniya Yacoob, organised and presented an online and in-person public lunch hour seminar with Advocate Geoff Budlender SC, Extraordinary Professor in the Department of Public Law, on 10 May 2022. The seminar was entitled, "Lawfare or Warfare? The challenges to the courts and legal practitioners". Advocate Budlender delivered an insightful address highlighting the challenges and opportunities of transformative legal litigation strategies across institutional, political, and socio-economic issues. The seminar was well attended in person and online; students and staff engaged in a fruitful question and answer session with Advocate Budlender, which was chaired by Professor Sandra Liebenberg and assisted by an LLM candidate, Ms Sharnelle Paulse.

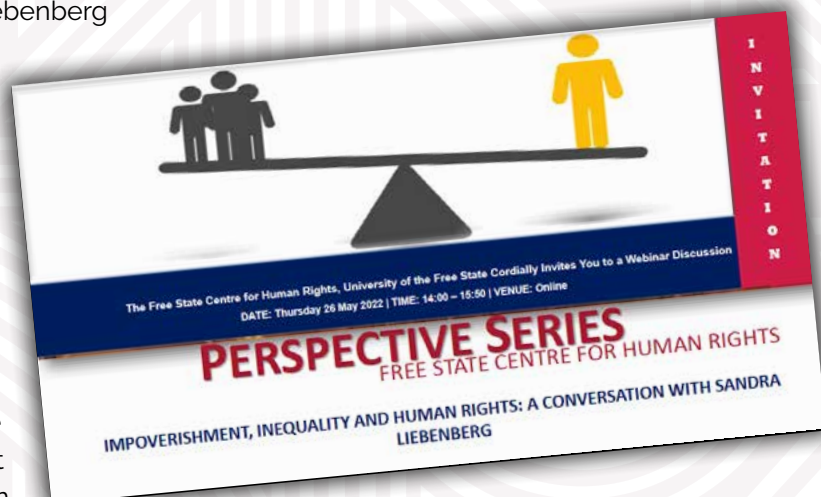


Advocate Geoff Budlender SC and audience members in room 2027 in the Old Main Building

Perspective series webinar UFS Centre for Human Rights

Professor Sandra Liebenberg was hosted by the Director of the University of the Free State's Centre for Human Rights, Professor Danie Brand, for a webinar discussion during the centre's perspective series on 26 May 2022. Professor Liebenberg addressed the attendees on "Impoverishment, inequality, and Human Rights". During her address, Professor Liebenberg indicated that a scarcity of available resources is not an automatic justification for not addressing human rights violations in the form of fiscal injustice. Professors Liebenberg and Brand indicated that the realisation of rights through resource mobilisation and redistribution would need transformative politics in the fiscal arena. Professor Liebenberg also argued that although courts are institutionally restrained, they are tasked to hold, at the very least, the other branches of government accountable "to come up with a credible plan

of action, in consultation and with the participation of society, on how they are going to close the inequality gap." Academic staff, civil society organisation representatives, media houses, and students from across South Africa attended the webinar. A write-up of the webinar can be accessed [here](#).



Professor Liebenberg on opening plenary panel of 2022 SA Law Teachers' Conference

Professor Sandra Liebenberg delivered a paper at the opening plenary session of the SA Law Teachers' Conference on 12 July 2022 in East London. The panel entitled, *Enforcing accountability; Consolidating democracy: Compelling sustainable development in the*

21st century, was chaired by Justice Mbuyiseli Madlanga of the Constitutional Court. Professor Liebenberg's paper was titled, "The Wild Coast seismic survey litigation: A case study into the role of the law in protecting the right to sustainable development."



(from left): Prof Renuka Vithal (Deputy Vice-Chancellor for Teaching and Learning, University of Fort Hare University); Prof Enyinna Nwauche (Nelson Mandela School of Law, UFH); Justice Nambitha Dambuzza (Supreme Court of Appeal); Prof Sakhela Buhlungu (Vice-Chancellor, UFH); Justice Mbuyiseli Madlanga (Constitutional Court); Prof Mzukisi Njotini (Dean, Nelson Mandela School of Law, UFH); Dr Nthabi Taole-Mjimba (Deputy Vice-Chancellor for Research, Partnership and Innovation, UFH); Prof Sandra Liebenberg (HF. Oppenheimer Chair in Human Rights Law, Stellenbosch University Law Faculty).

OP-EDS

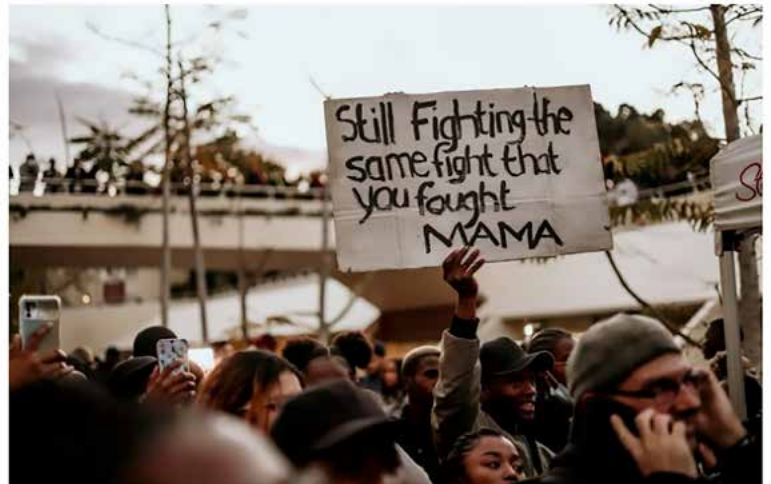
Youth day

Gideon Basson, from the HF Oppenheimer Chair, and Rabia Abba Omar, from the Centre for the Study of the Afterlife of Violence and the Reparative Quest at Stellenbosch University, co-wrote an opinion piece in the Mail & Guardian on Youth Day, 16 June 2022. They reflected on Stellenbosch University's institutional memory and responses to the intergenerational youth struggles demanding intersectional justice in light of the May 2022 student protest against racism at Stellenbosch University. The authors highlighted the following: "Our experience at Stellenbosch University shows us that a fundamental tension emerges: young people confront the institution's past and articulate different futures but come up against a system unwilling to remember. Our inference is that the university denies students the possibility to resurface the past in the present, by holding forth an image of a university that has transformed itself and labels discriminatory incidents as unfortunate cases untelling of the circumstances that give rise to them."

EDUCATION

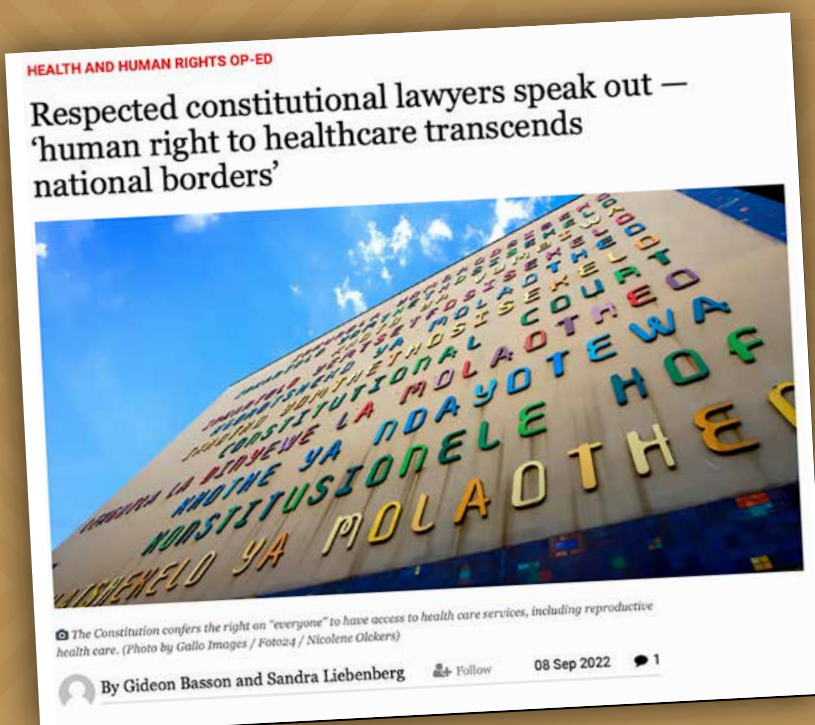
(Un)remembering intergenerational youth struggles at Stellenbosch University

Rabia Abba Omar Gideon Basson 15 Jun 2022



Intergenerational youth struggles, Mail & Guardian

Non-nationals' rights to health care



Mr Gideon Basson and Professor Sandra Liebenberg published a significant [human rights op-ed](#) in Daily Maverick Citizen of 8 September on the rights to health care of non-nationals under the South African Constitution in light of the troubling events of discriminatory exclusions of non-nationals from various primary care facilities across the country. The authors indicated that the current legislative and policy frameworks for regulating non-nationals' access to healthcare services are a patchwork of provisions that are not well aligned with the human right to health in the Constitution and international human rights law. In addition, they stressed that a coordinated and human rights-informed policy and legislative framework are urgently required to give effect to the right of non-nationals to health care services.

NRF awards ceremony

On 1 September 2022, Professor Sandra Liebenberg attended the 2022 NRF Awards Ceremony at the Century City Conference Centre, Cape Town, where she received her award for her first NRF A-rating.



Prof Liebenberg with Dr Phil Mjwara, Director General of the Dept of Science and Innovation and Ms Tanja Werheit, Consul-General of the Federal Republic of Germany at the NRF Awards Ceremony.

First human rights postgraduate seminar

On the 7th of September 2022, the HF Oppenheimer Chair in Human Rights Law and the Department of Public Law presented its first Human Rights Postgraduate Seminar. The seminar was organised by LLD candidate, Christiaan van Schalkwyk and assisted by Claire Rankin and Sharnelle Paulse, LLM candidates at the HF Oppenheimer Chair in Human Rights Law.

The seminar was opened to postgraduate LLM students, LLD candidates, and post-doctoral candidates with human rights-focused research projects. Its aim was to give postgraduate students an opportunity to present their research in a conference-type environment and to receive feedback from their peers and lecturers in the Department of Public Law. It also served to facilitate intellectual engagement on human rights themes and to build a sense of community amongst postgraduate students and staff.

Students presented on a variety of human rights issues, including the right to education; land and housing rights; the African regional human rights system; gender equality; socio-economic and environmental rights; oversight in procurement and budgetary allocations; and animal rights.

It was the first time since the Covid 19-pandemic that postgraduate students had an opportunity to interact with each other's research in person. The seminar was held at The Silo and Shed, a rustic conference venue located at Fransmankraal Farm, just outside Stellenbosch.



Ms Anisa Mahmoudi, LLD Candidate under the supervision of Prof Annika Rudman, presenting her research at the seminar.

Research impact: Discrimination on the basis of socio-economic disadvantage recognised

The recent report of the Special Rapporteur on Extreme Poverty and Human Rights of the United Nations Human Rights Council with the title, "Banning discrimination on grounds of socio-economic disadvantage: An essential tool in the fight against poverty" was broadcasted on 13 July 2022 and presented to the General Assembly on 28 October 2022. The report recognises the work of Professor Sandra Liebenberg, Mr Gideon Basson and Dr Delano van Der Linde in this field. Professor Liebenberg and Mr Basson also assisted the special rapporteur in the final stages of the report. In his report, the special rapporteur, Professor Olivier De Schutter, discusses how discrimination against people in poverty operates and how it can be addressed. He argues that anti-discrimination frameworks should be strengthened to effectively prohibit discrimination on the grounds of socioeconomic disadvantage.

Make poverty discrimination illegal like racism or sexism, urges UN official

Exclusive: 'Povertyism' restricts access to education, housing, jobs and benefits and must be outlawed, says UN rapporteur



✎ Olivier De Schutter, special rapporteur on extreme poverty and human rights will address the UN general assembly on Friday. Photograph: Mohamed Azakir/Reuters

Prejudice against poor people is "a stain on society" that needs to be made illegal, according to a senior UN official.

Screenshot of the media coverage of the presentation of the report in the [Guardian](#).

Expert seminar on Sustainable Development and Economic, Social and Cultural Rights and Meeting of the Drafting Group of the Principles and Guidelines of the Human Rights of Future Generations

Professor Sandra Liebenberg travelled to Geneva during the first week of October 2022 for two engagements. The first was an Expert Seminar held on 1 October 2022 on sustainable development and economic, social, and cultural rights. It was hosted by the UN Committee on Economic, Social, and Cultural Rights ("UN CESCR") together with the German Institute for Human Rights and the Friedrich Ebert Stiftung. Professor Liebenberg presented the opening address entitled "Sustainable development and economic, social, and cultural rights: The state of art". Former doctoral candidate in the HF Oppenheimer Chair, Dr Megan Donald, also presented a paper at the seminar on the key outcomes of the regional and thematic consultations hosted by the UN CESCR

on a proposed new General Comment on the theme of sustainable development and economic, social, and cultural rights.

Thereafter, Professor Liebenberg participated in a virtual consultation held on 4 October 2022 and chaired an in-person meeting of the Drafting Group of the *Principles and Guidelines on the Human Rights of Future Generations*. The latter took place from 4 to 6 October at the Maison Internationale des Associations in Geneva. The Principles and Guidelines on the Human Rights of Future Generations will be adopted at a conference hosted by Maastricht University's Centre for Human Rights in early February 2023.



Prof Liebenberg at the Expert Seminar of the UN Committee on Economic, Social and Cultural Rights in Geneva on 1 October 2022.

Centre for Social Justice

October was a busy month for the Law Trust Chair in Social Justice at Stellenbosch University (SU). On 11 and 12 October, the Annual Social Justice Summit and International Conference on restitution were held at Boschendal and it coincided with the launch of the SU Faculty of Law's brand-new Centre for Social Justice (CSJ).

At the reception on 11 October, the Dean of the Law Faculty, Professor Nicola Smit, announced Professor Thuli Madonsela, until now the Law Trust Chair in Social Justice, as the inaugural director of the CSJ. Professor Smit explained the mission of the CSJ in the context of the university's transformation and restitution initiatives. "The mission of the new Centre for Social Justice is to promote social justice scholarship and consciousness, public policy design skills, and collaboration in academia and society," Professor Smit said.

Professor Smit added that the CSJ will be rooted in collaboration, both academically and in terms of social impact: "The Centre for Social Justice is an academic and research entity that resides within the Faculty of Law, but its constitution explicitly acknowledges the importance of working across the different faculties of the university, other higher education institutions, as well as public and private, local, and international enterprises and stakeholders."

In her inaugural speech as the newly appointed director of the CSJ, Professor Madonsela expressed gratitude for the opportunity to expand and strengthen the social justice initiatives she has spearheaded as the Law Trust Chair over the past five years. She also thanked all stakeholders for journeying with her and her team on the quest to accelerate the pace of responding to the constitutional call to establish a peaceful society that is based on social justice. "The Centre will house

all academic programmes and social impact projects currently undertaken by the Law Trust Chair in Social Justice. It will also be the entity through which all future academic scholarship and social impact projects of the Law Trust Chair are undertaken," Professor Madonsela explained.

At the reception the newly-appointed SU Vice Chancellor for Research and Innovation, Professor Sibusiso Moyo, also commented on the link between the establishment of the CSJ and the university's approach to transformation. She said the CSJ flows from the new Strategic Plan of the University where it seeks to use its academic spaces and partnerships for research and innovations that offer solutions to the continent's pressing challenges while being a force for positive change to advance social justice.

Even if it sometimes involves collaboration between researchers from different faculties, the CSJ is a Type 2 academic entity that reports to a single faculty. Such an entity can be established if its activities are significantly interdisciplinary or transdisciplinary in nature. A Type 2 entity may use the nomenclature of 'centre', 'institute', or 'school' and has a primary link to a single host faculty. The Centre will continue with collaborations with researchers in data science and serious gaming in a quest to reduce inequality through impact-conscious policymaking. The flagship project of the Centre remains the Musa Plan for Social Justice, which aims to mobilise societal, corporate, and international support and resources toward the accelerated reduction of poverty and inequality.

The Centre for Social Justice is here and ready to disrupt inequality

Professor Madonsela visits the UK

In September, Professor Thuli Madonsela joined the Development and Alumni Relations Office in visiting various constituents in the United Kingdom.

When Professor Madonsela was asked about her thoughts on talking about social justice to a UK community, Professor Madonsela said, "I am looking forward to speaking in the UK and engaging with the UK community on the topic of social justice. In this fast-moving world, most societies and political regimes, including those founded on democratic principles and ideals, struggle to achieve and maintain a balance between individual freedom and social justice. As we face increased economic and social pressures, inequality is expanding across all societies and so the need for social justice strengthens, and we must come together to find solutions."

The visit included a Social Walk to discuss Action4Inclusion and Social Justice, and a business breakfast hosted by Freshfields Bruckhaus Deringer LLP at the SA Chamber of Commerce, which presented Professor Madonsela with the opportunity to engage with the in-person and online audience around the topic of "What is Social Justice?"; and

an intimate lunch with donors of Stellenbosch University and Trustees of the SU Foundation in the UK, where the conversation was around the work of the newly launched Centre for Social Justice. As a guest of Professor Adam Habib, Professor Madonsela gave a public lecture in the Brunei Gallery as part of the Director's Lecture Series to guests of SOAS and SU alumni living in London. The lecture, "The Meaning of Social Justice", is available [here](#).

Professor Madonsela's visit ended in Edinburgh as a guest of the Society of Writers to His Majesty's Signet (known as the WS Society). The event hosted by the WS Society was preceded by a Q&A session where a group of young law graduate interns were given the opportunity to interact with Professor Madonsela. The welcome address was delivered by Lady Dorian, a Scottish advocate and judge who has served as the Lord Justice Clerk since 2016. Thereafter, Professor Madonsela engaged with acclaimed international journalist, Meera Selva, about the role of media and the law fraternity in ensuring the safeguards of democracy and social justice.

On Friday, 11 November 2022, the British High Commissioner to South Africa visited the Faculty of Law.



Professor Professor Richard Stevens; Mr Antony Phillipson, British High Commissioner to South Africa; Professor Thuli Madonsela

One Young World Summit 2022

The Social Justice Chair Team attended the One Young World Summit in Manchester from 5 to 8 September 2022. The team comprised Social Justice Chair incumbent, Professor Thuli Madonsela, who is a One Young World Councillor, and Mr Emile Vercuil. OYW is co-founded by former South African, Kate Robertson; it is a platform for young leaders from all continents and diverse communities to present on and talk about what they are doing to fix problems they have identified that are standing in the way of becoming the community they want to be.

The summit convened the brightest young talent from every country and sector, who are working to accelerate social impact. Delegates from 190+ countries were counselled by influential political, business, and humanitarian leaders, including Professor Madonsela

and the Duke and Duchess of Sussex, Meghan Markle and Prince Harry.

One of Professor Madonsela's many speaking engagements at the Summit included Strengthening Democracy as well as Ethical leadership. Professor Madonsela was also virtually linked to the Johannesburg Hive platforms; the participants of the event were engrossed with Professor Madonsela's keynote addresses.

On the last day of the Summit, the news of the passing of Queen Elizabeth II exposed delegates to another remarkable demonstration of the innovation, agility, and resilience of young leaders. When the news of the queen's passing reached conference organisers, it included a protocol requiring all events to cease. This meant excising the Olympics-styled ceremony where the mayor of Manchester passes the baton to the next host city, which is Belfast.



Short Courses

The Social Justice Chair successfully presented a range of short course on Social Justice. The courses were well-received by the participants from various disciplines. The participants, who hail from as far as

Mauritius and Botswana, have warmly embraced the courses, with a multidisciplinary team of presenters that includes a Harvard Professor and colleagues from SU.



Pavocat Stellenbosch Academy (PSA)

Counter-Corruption Summit

On 27 July 2022, the PSA brought together all branches of the South African state (executive, legislative, and judicial); various law-enforcement and oversight agencies; business leaders; NGOs and civil society representatives; academia; international organisations like the World Bank, African Development Bank, UN ODC; and the Commonwealth Secretariat in a Counter-Corruption Summit. The aim of the Summit was to help galvanise broad support for the continued efforts to counter corruption and to establish a forum or platform for collaboration across all sectors of society in coordinating counter-corruption initiatives. At the conclusion of the Summit, delegates unanimously adopted a SUMMIT DECLARATION, establishing the South Africa Regional Centre of Excellence in Integrity as the way forward to bring collaboration to countering corruption on the African continent.

PSA Counter-Corruption Summit Delegates and speakers included:

Hon Ronald Lamola MP, Minister of Justice and Correctional Services

Justice Mbuyiseli Madlanga, Justice of the Constitutional Court

Hon Mr Mkhuleko Hlengwa MP, Chairperson of the Standing Committee on Public Accounts, Parliament of the South Africa

Justice Edwin Cameron, Chancellor of SU

Professor Thuli Madonsela, Law Trust Chair of Social Justice, Stellenbosch University and former Public Protector of South Africa

Professor Sope Williams, Professor Stellenbosch University & Deputy Director, African Procurement Law Unit

Mr Karam Singh, Executive Director, Corruption Watch

Mr Sam Bwana, Integrity Vice Presidency, The World Bank Group

Ms Anele Dudu Ncube, African Development Bank

Mr Happy Khambule, Business Unity South Africa

Adv Anton du Plessis, Deputy National Director of Public Prosecutions

Adv Andrea Johnson, Investigating Director, NPA

Dr Roger Koranteng, Head, Public Sector Governance, Commonwealth Secretariat

More details, including recordings of some of the presentations, can be found at <https://blogs.sun.ac.za/law/summit/>



The Hon Mr Mkhuleko Hlengwa MP (Chairperson of the Standing Committee on Public Accounts, Parliament of the South Africa) addresses the Summit and is joined on the stage by Mr Songezo Mabece, Justice Mbuyiseli Madlanga, and Prof Thuli Madonsela



From left: Prof Deresh Ramjugernath, SU DVC (Teaching and Learning); Dr Delano van der Linde; Justice Mbuyiseli Madlanga, Prof Lee Marler, Prof Geo Quinot

South Africa Regional Centre of Excellence in Integrity

Following the adoption of the counter-corruption declaration at the 2022 PSA Counter-Corruption Summit, the PSA created the South Africa Regional Centre of Excellence in Integrity (SARCOE). The SARCOE is the umbrella vehicle to bring together all stakeholders across the private and public sectors to collaborate in the fight against corruption. The SARCOE serves as a forum to focus counter-corruption efforts and to enhance collaboration across various initiatives and, hence, increase coordination. The PSA serves as the secretariat of the SARCOE. Patrons of the SARCOE include Minister of Justice Ronald Lamola, Justice Edwin Cameron, and Professor Thuli Madonsela. The Advisory Board includes Mr Happy Khambule (representing Business Unity South Africa); Adv Anton du Plessis (Deputy National Director of Public Prosecutions); Dr Roger Koranteng



(Commonwealth Secretariat); Mr Karam Singh (CEO of Corruption Watch); Adv Andrea Johnson (Investigating Director, NPA); the Dean of SU Law Faculty; and Rabbi Gideon Pogrand of GIBS. The creation of the SARCOE, under leadership of the PSA, puts SU and its Law Faculty at the vanguard of fighting corruption in South Africa and on the African continent. For more details see <https://rcoe-sa.org/>.

South African Research Chair in Property Law (SARCPL)

SARCPL Conference: Transforming Property Law – 15 Years in the Making

This conference was dedicated to the work of the South African Research Chair in Property Law (SARCPL) over the last 15 years; first, as initiated by the late Professor André van der Walt, and then under the continued leadership of Professor Zsa-Zsa Boggenpoel from 2017 to 2022. The conference encouraged discussion on the scholarship of property law, under the theme "Transforming property law – 15 years in the making". Over the last 15 years, the SARCPL has been instrumental in shifting the theoretical

foundations of property law in light of the Constitution. This was done both in terms of the research outputs in the group by working out what a new theoretical foundation to property law should look like, but also by developing a new cohort of legal thinkers that can be integrated into domestic and international networks. At the end of 2022, the Chair will come to an end, and we are delighted to have had a conference to celebrate the work of the Chair

Continues on next page





and reflect on the future of property law.

From the first session it was clear that the conference would be a dynamic space, where there would be opportunity for deep reflection on the past, analysis of the present and planning for the future. Notably, Professor Sibusiso Moyo, the Deputy Vice-Chancellor: Research, Innovation and Postgraduate Studies at Stellenbosch University, encouraged the delegates to be forward looking in their engagement.

Similar themes arose from the keynote address by Justice Johan Froneman, who challenged delegates to think of practical next steps for land reform while keeping in mind that history remains important to how we formulate future strategies.

Professor Boggenpoel reflected on the networks formed through the existence of the Chair, remarking on the transformative nature and potential of many of these collaborations. The extraordinary track record of publications from the SARCPL was highlighted, with special reference to the successful Property Law Library Series (published by Juta) that, at the end of 2022, consists of 15 volumes, with growth of the library expected in coming years.

The conference also included a surprise panel, where Professor Danie Brand, Professor Rashmi Dyal-Chand,

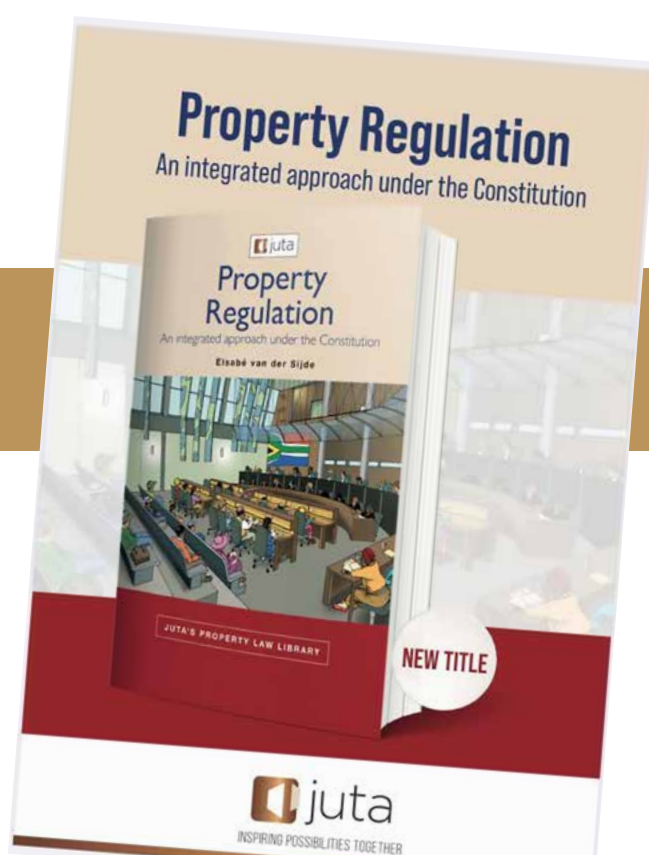
and Professor Elmien du Plessis reflected in a somewhat less academic fashion on the most pressing problems in property law that demand attention in the next 15 years, which also aimed to serve as an inspiration for the next generation of scholars.

The conference also included two special social evening events. On 30 November, the SARCPL and Juta hosted a book launch for an alumna of the Chair, Dr Elsabé van der Sijde, whose book *Property regulation: An integrated approach under the Constitution* had recently been published. On 1 December, a gala dinner was hosted at STIAS where delegates could continue the discussions of the day while enjoying South African (Stellenbosch University) hospitality.

The conference concluded on Friday 2 December with academic friendships strengthened, new connections made, and renewed enthusiasm and dedication to the important work of ensuring that property law can play a meaningful role in creating a more just and equal society.

Property Regulation by Dr Elsabé van der Sijde

A new book in the Juta Property Law Library series, entitled *Property Regulation: An integrated approach under the Constitution*, by Dr Elsabé van der Sijde was launched at the South African Property Law Teachers Colloquium, hosted by North-West University on 10 November 2022.



Faculty and students Fakulteit en studente

Faculty of Law self-evaluation 2019 to 2021: Quality is everyone's responsibility

As required by the SU Policy for Quality Assurance and Enhancement, the Faculty of Law underwent a self-evaluation from 19 to 21 October. This was the first time that the Faculty was evaluated as a whole rather than its distinct components (i.e., the three departments and the SU Law Clinic). The Faculty (with inputs from staff, students, and Faculty leaders) prepared a comprehensive self-evaluation report with a portfolio of evidence over the course of almost a year, and this self-evaluation report formed the basis for four external academics from other national law faculties to reflect and report on the Faculty's self-evaluation.

During the site visit from 19 to 21 October, the panel not

only had the opportunity to see our facilities but also interviewed administrative, professional, and academic staff. The panel also interviewed undergraduate and postgraduate students. The Faculty has already addressed some of the areas that we self-identified for improvement, and we look forward to receiving the panel's final report and recommendations.

The first part of the formal process has, therefore, now been completed and will only be repeated after a six-year cycle. However, we believe that quality is more than a promise, it involves genuine and consistent performance and, therefore, quality assurance is something with which we will continually engage.

Fakulteit Regsgeleerdheid selfevaluering 2019 tot 2021: Kwaliteit is almal se verantwoordelikheid

Soos vereis deur die US Beleid vir Gehalteversekering en Verbetering, het die Fakulteit Regsgeleerdheid vanaf 19 tot 21 Oktober 'n selfevaluering ondergaan. Dit was die eerste keer dat die Fakulteit as geheel 'n selfevaluering ondergaan het eerder as sy afsonderlike komponente (d.w.s. die drie departemente en die US Regskliniek). Die Fakulteit (met insette van personeel, studente en fakulteitsleiers) het oor die loop van byna 'n jaar 'n omvattende selfevalueringsverslag met 'n portefeulje van bewyse opgestel. Hierdie selfevalueringsverslag het die basis gevorm vir vier eksterne akademici van ander nasionale regs fakulteite om oor die Fakulteit se selfevaluering te besin en verslag te lewer.

Tydens die besoek van 19 tot 21 Oktober, het die paneel nie

net die geleentheid gehad om ons fasiliteite te sien nie, maar ook om onderhoude te voer met administratiewe, professionele en akademiese personeel. Die paneel het ook onderhoude gevoer met voorgaande en nagraadse studente. Die Fakulteit het reeds sommige van die areas wat ons self geïdentifiseer het vir verbetering aangespreek, en ons sien uit daarna om die paneel se finale verslag en aanbevelings te ontvang.

Die eerste deel van die formele proses is dus nou afgehandel en sal eers na 'n sesjaarsiklus herhaal word. Ons glo egter dat kwaliteit meer as 'n belofte is, dit behels opregte en konsekwente prestasie en daarom is kwaliteitsversekering iets waarmee ons voortdurend besig sal wees.

Lectures • Conferences • Workshops

Criminal Justice Winter School

The Criminal Justice Winter School took place on 27 and 28 June and provided postgraduate LLM and LLD students with the opportunity to present their research, in various stages of completion, to subject-experts. The Winter School was held online and was co-organised by Stellenbosch University (Professor Shannon Hoor) and University of Cape Town (Dr Tshepo Mosaka). Emeritus

Professor Jonathan Burchell delivered the opening address titled "South African criminal justice still at the crossroads". Dr Mary Nel and Dr Delano van der Linde also served as a chair and discussant, respectively, during two of the sessions.

From SU, Ms Kirstin Hagglund discussed her comparative study on *dolus eventualis* while Mr Enrico Meyer discussed his research on the publication of criminal proceedings in South Africa. Both participants from SU were runners-up for the best speaker prize.

Certificate Programme in Labour Dispute Resolution Practice (CLDRP)

For the past eight years, Professor Christoph Garbers has presented the Certificate Programme in Labour Dispute Resolution Practice (CLDRP), in collaboration with the Commission for Conciliation, Mediation and Arbitration (CCMA), in Stellenbosch and Midrand. Designed to train participants for a career as a commissioner of the CCMA, the programme has, over the years, attracted more than 1 500 students, delivered around 900 successful participants, and delivered (more than all other universities combined) the greatest number of successful applicants for positions as CCMA commissioners. In 2022, for the first time since 2019, the programme was again offered in person, with Stellenbosch University the only one to do so from all the universities involved in this initiative.

Prof Christoph Garbers in the Old Main quad with members of the 2022 Stellenbosch group participating in the CLDRP



Labour

Law

Colloquium

On 2 to 3 September, the Faculty hosted a Labour Law Colloquium at the Stellenbosch Institute for Advanced Study, which brought the South African labour law community together in person for the first time after the pandemic. Titled "Labour Law: Past, Present and Future", the colloquium formed part of the Faculty's centenary celebrations and also served as a vehicle to honour the contribution of Professor Manfred Weiss (Professor Emeritus, Goethe University, Frankfurt) to South African labour law. Professor Weiss was one of the drafters of the South African Labour Relations Act and has been a regular visitor to South Africa over the past 30 years, sharing his knowledge and experience with academics and students alike. The keynote address at the colloquium was delivered by Professor Simon Deakin from Cambridge University, who spoke on the crisis and revival of labour law from an international perspective. Other visiting speakers included Judge Basheer Waglay (Judge President of the Labour and Labour Appeal Court); Professor Evance Kalula (UCT); Judge Andre van Niekerk (Judge of the Labour Court); Professor Cameron Morajane (Director of the CCMA); Judge Avinash Govindjee (Judge of the High Court); Professor Letlhokwa

Mpedi (Vice Principal, and Principal designate, University of Johannesburg); Dr Ockert Dupper (International Labour Organisation); and, of course, Professor Weiss himself. Members of the Faculty who participated in the proceedings include Professors Nicola Smit, Christoph Garbers, Thuli Madonsela, and Karin Calitz, while one of the Faculty's doctoral students – Ms Riana Conradie – had the opportunity to speak about her research into neurodiversity in the workplace. At a dinner for delegates at Glenelly Estate on Friday, 2 September, the Liber Amicorum: Manfred Weiss (a book written in honour of Professor Weiss, co-edited by Professor Smit and to which a number of Faculty members contributed) was launched and dedicated to Professor Weiss and his contribution to labour law and scholarship.

Dinner Labour Law Colloquium: (From left front, around the table) Judge Avinash Govindjee; (partly hidden) Prof Stefan van Eck (UP); Prof Paul Benjamin (UWC); Mr Charles Nupen (former Director of the CCMA); Judge Andre van Niekerk; Prof PAK le Roux; Prof Christoph Garbers (Stellenbosch); Prof Letlhokwa Mpedi (UJ); Dr Ockert Dupper (ILO) and (front) Craig Bosch (Cape Bar)



Labour Law Colloquium group photo

African Police Civilian Oversight Forum (APCOF) and SU Faculty of Law hosts global annual convening of the Campaign to Decriminalise Poverty and Status

Representatives from over 50 organisations from over 30 countries gathered in Stellenbosch from 27 to 29 September 2022 to explore the theme "Decriminalising Status and Activism". The organisations are all members of the Campaign to Decriminalise Poverty and Status, a coalition of organisations from across the world that advocate for the review and repeal of laws that target people based on their status (social, political, or economic) or for their activism. The conference provided a unique opportunity for campaign members to learn lessons from successful litigation and advocacy approaches; explore emerging themes around the criminalisation of status and activism; and develop trans-regional, as well as multi-national and national litigation and advocacy strategies. The event was co-organised by Professor Bradley Slade (who delivered the opening address on behalf of the Stellenbosch University and the Faculty of Law) and Dr Delano van der Linde.

Continues on next page



Justice Cameron



Art exhibition



Dr van der Linde and Prof Slade – co-organisers



Judge Mlambo, the Judge President of the Gauteng Division of the High Court



Mr Gideon Basson



Hon. Maria Teresa Manuela, Commissioner and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, of the African Commission on Human and Peoples' Rights

The keynote was delivered by the Deputy Minister of Justice and Constitutional Development, John Jeffery. The conference also involved a photo exhibition, which was formally opened by Justice Edwin Cameron, Chancellor of SU. The theme of the exhibition was Residue and Ruin. The curator of the exhibition is Luvuyo Equiano Nyawose.

The Honourable Maria Teresa Manuela, Commissioner and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, of the African Commission on Human and Peoples' Rights, delivered the closing remarks. At the conclusion of the Conference, the initial draft of the Cape Declaration on Decriminalising Poverty and Status, rallying campaign partners in a call to action, was read out.



Prof Smit

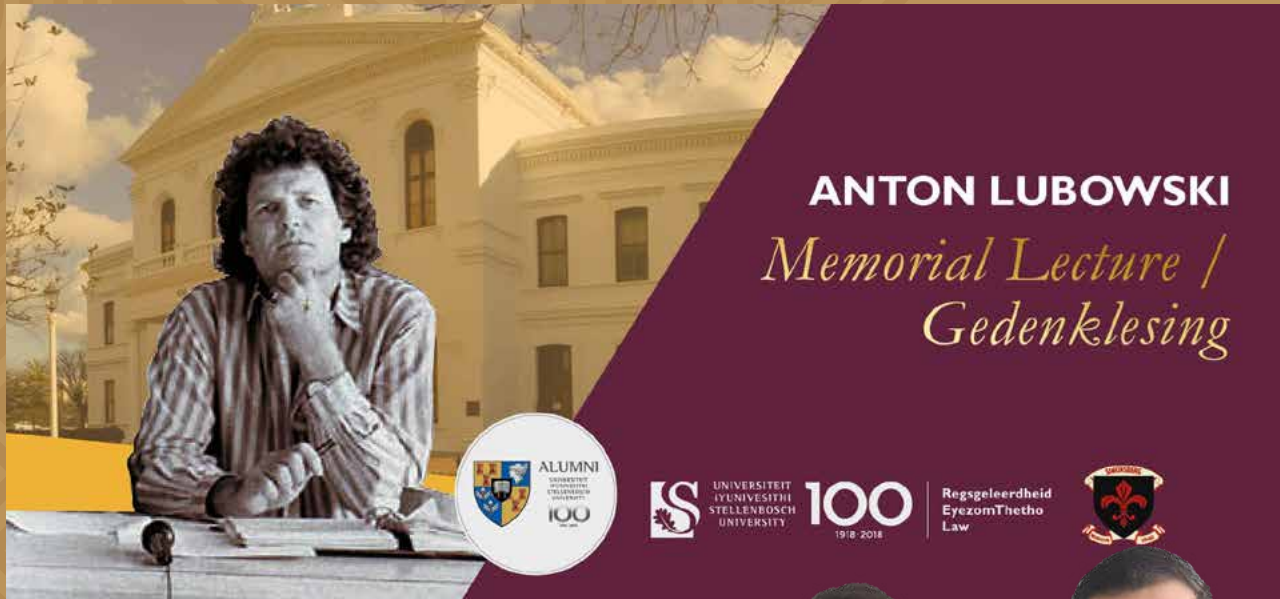


Mr John Jeffery (Deputy Minister of Justice and Constitutional Development)

Anton Lubowski Memorial Lecture (29 September 2022)

The fourth annual Anton Lubowski Memorial Lecture celebrating the life of anti-apartheid activist and advocate, Anton Theodor Eberhard August Lubowski (3 February 1952 – 12 September 1989), took place on 29 September 2022. The lecture was presented by Stellenbosch University's Development and Alumni

Relations Division, in partnership with the Faculty of Law, and Simonsberg Residence. The lecture was hosted both online and in-person. The speakers, Justice Bekebeke, Professor Thuli Madonsela, and Mr Moeletsi Mbeki, discussed the ways in which the Constitution addresses social justice.



Administrative Justice Association of South Africa (AdJASA) conference

Professor Geo Quinot and his LLD student, Mr Ernst Heydenrych, both presented papers at the Administrative Justice Association of South Africa (AdJASA) conference, held in Durban in August. Professor Quinot's paper focused on the treatment of politically exposed persons in public procurement, while Mr Heydenrych's paper dealt with internal controls on administrative action. At the conference, Professor Quinot was also again elected to the executive committee of AdJASA.



Mr Heydenrych and Prof Quinot at the AdJASA conference

Regional Learning and Teaching Conference

The Regional Learning and Teaching Conference, which took place on 8 September 2022, provided students (undergraduate and postgraduate) and staff members with a wonderful opportunity to meet with colleagues from the University of Cape Town (UCT) and the University of the Western Cape (UWC) on core issues and opportunities that arose during the Covid-19 pandemic. For example, using online resources to aid learning and teaching (such as, SUNLearn, the University's online platform), including the positives and negatives. However, this conference highlighted that the same critical issues and opportunities were experienced, irrespective of where one studied or taught.

It was a fascinating opportunity to hear from other universities, especially what their approaches were to online learning during the Covid-19 pandemic. Some immersed themselves in the online space and some missed the face-to-face lectures where they could easily engage with students. It was a great opportunity to hear from students regarding their experiences during the Covid-19 pandemic and how they coped with moving learning and teaching online. This discussion aided teaching staff, teaching assistants and lecturers alike, to understand and develop the skills to adjust the old way of

doing things to address the needs of the students (which was echoed by colleagues from the other universities). At Stellenbosch, this was quite an important point that was raised especially since there is an all-inclusive Extended Learning Space (ELS) system in place in most classrooms, which aids new ways of teaching.

The disruption caused by Covid-19 gave teaching assistants and lecturers the valuable opportunity to take a step back and reassess how law is taught to students (both undergraduate and postgraduate). This conference was a valuable step towards implementing the product of such introspection and to build on it in the years to come.

Ms Gretchen Adams and Mr Ernst Heydenrych (LLD candidates) report that: "It was a privilege for us to present our experiences during 2020 and 2021 as teaching assistants since it was a new world to us too. It was a rewarding journey to engage with our fellow assistants, and teaching staff to assist them in any way possible. It presented us with the opportunity to develop our skills and assist our colleagues in achieving their potential (be that on using resources on SUNLearn or teaching online). It also gave us a renewed sense of patience, and diligence, which we would not take back." They also extended their thanks to Mrs Ebrezia Johnson for inviting them to present and to be part of the conference.



South African Society for Labour Law (SASLAW) Conference

The South African Society for Labour Law (SASLAW) celebrated a milestone this year when it hosted its 25th annual conference on 6 and 7 October 2022 in Sandton, Johannesburg. Professor Christoph Garbers and Dr Cecile deVilliers jointly represented the Faculty at the conference. Professor Garbers spoke about misconduct in the public service in general, while Dr de Villiers focused on the rather disturbing picture around misconduct of educators employed in the public education sector (this was part of her research for the doctoral degree conferred on her earlier this year by Stellenbosch University). A particularly exciting development around the conference was that Professor Garbers and Dr de Villiers were accompanied by a group of ten pre-final year students of the Faculty who submitted the best group essays on

collective labour law in the public service and its impact on the economy (as part of the third-year Labour Law module offered by the Faculty). As one of the students remarked afterwards: "A number of times issues relating to those discussed at the SASLAW conference, and between those of us who attended, have come to my mind with relevance to both my legal studies and to a broader worldview generally. I just wanted to thank you once again for facilitating our participation in the SASLAW Conference, and everything that came with it. It was a thoroughly enriching experience, not only through the official programme, but through the exposure it gave us to the legal field and community in general. I feel enormously privileged to have been included."



Top left: Mr Adriaan Lourens, Prof Christoph Garbers, Ms Karin Rautenbach, Dr Cecile de Villiers, Mr Lloyrenzo September, Ms Margeaux Wassenaar and Ms Caitlyn Laing. Bottom left: Mr Rudi Classen, Ms Pauli Brown, Ms Robyn Broodryk, Ms Carmen Walters, and Ms Jean-Marie Rousseau.

Symposium in honour of Reinhard Zimmermann

From 13 to 14 October 2022, Professors Jacques du Plessis and Philip Sutherland participated in a symposium honouring the retirement of Professor Reinhard Zimmermann as Director of the world-renowned Max Planck Institute for Comparative and International Private Law in Hamburg, Germany. The theme of the symposium was "Comparative Legal History and Historical Comparative Law". Professor du Plessis also chaired one of the sessions on the German and English law of unjustified enrichment. The symposium culminated in the handing over of a copy of a collection of essays dedicated to Professor Zimmermann on his 70th birthday. Three of these contributions were by Stellenbosch colleagues: Professor du Plessis wrote on "Basic Features and Problems of the South African Law of Unjustified Enrichment", whereas Dr Franziska Myburgh's contribution was titled "Setting the Record Straight: The 'South Africanisation' of the Prior Common Intention Requirement for the Rectification of Contracts". It is sad, yet touching, that our late colleague Professor Marius de Waal posthumously honoured his close friend, Professor Zimmermann, with the last product of his academic career, an essay on "The Flexibility of the Ownership Concept in the Law of Trusts". For more

than three decades, Professor Zimmermann has been a great benefactor of the Law Faculty; he has invited many colleagues to contribute to various international projects, hosted colleagues and students as visitors to the Institute, and engaged with the Faculty as an honorary professor in the Department of Private Law, and by presenting the Mortimer lecture. In 2008, Stellenbosch University awarded him an honorary doctorate in law, one of ten he has received over his remarkable career.



Zimmermann Symposium

© Max Planck Institute for Comparative and International Private Law

Annual International Mercantile Law Conference

The University of the Free State hosted its 7th Annual International Mercantile Law Conference from 2 to 4 November 2022 in Bloemfontein. The Faculty of Law was well represented at the conference and presentations covered a range of legal issues in labour, tax, and competition law. Dr Bradley Greenhalgh examined the role of the Registrar with reference to strike ballots in case of non-compliant trade unions. Ms Silke De Lange

considered the secrecy of taxpayer information and its disclosure by court in light of the recent cases pertaining to former president Zuma's tax affairs. Mr Thalalolwazi Msutu's presentation considered the value of data in competition law, with Ms Riana Conradie exploring accommodation of neurodiversity in the workplace. Dr Cecile de Villiers discussed the legislative regulation of responsibility to address educator misconduct in public schools. A particular highlight was a visit to

the Supreme Court of Appeal and Naval Hill, which hosts the largest bronze statue of Nelson Mandela in the world.



(from left to right): Dr Cecile de Villiers, Dr Bradley Greenhalgh, Ms Riana Conradie, Mr Thalalolwazi Msutu and Ms Silke de Lange.

Annual Regional Africa Human Rights Academic Network Conference

From 28 to 29 October, Professor Annika Rudman, together with Ms Anisa Mahmoudi (LLD candidate), Mr Derick de Klerk (LLM Candidate), and Mr Gideon Basson (former LLM Candidate and part-time lecturer), participated in the *Annual Regional Africa Human Rights Academic Network Conference* on the theme *Human Rights Adjudication in Africa: Challenges and Opportunities within the African Regional and Sub-Regional Human Rights Systems*.

The conference was organised by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund, Sweden, the Faculty of Law, University of Zimbabwe, and the Regional Africa Human Rights Academic Network, of which SU Law Faculty is a member. The conference was supported by the Swedish International Development Cooperation Agency (Sida) and the Swedish Embassy in Harare.

The conference was held at a time when the space for defending human rights in Zimbabwe is rapidly shrinking and the focus on the importance of supranational human rights institutions could not have been more apt.

On day one, Mr de Klerk presented a paper that he co-authored with Professor Rudman titled, "The ultimate withdrawal: a critical analysis of the jurisprudence of the African Court on Human and Peoples' Rights in search of explanations beyond the political". Day two started

off with a panel on *Gender-sensitive Adjudication in Africa* where Professor Rudman presented her paper on "Rape as manifestation of gender-based discrimination - an exploration of state responsibility for sexual and gender-based violence in the jurisprudence of the ECOWAS Community Court of Justice" followed by Ms Mahmoudi and Professor Rudman's paper, "A Critical Analysis of Resocialisation as an Obligation, Right and Remedy under the Maputo Protocol in the Jurisprudence of The African Court on Human and Peoples' Rights and The ECOWAS Court of Justice". These presentations were followed, in the afternoon, by Mr Basson's presentation on "Fortune as a ground of prohibited discrimination under the African Charter on Human and Peoples' Rights".

The conference was preceded by a three-day workshop held in Nairobi Kenya in June to support early career researchers in their first endeavour to publish their academic work. The research emanating from this conference will be published in a book in early 2023 by PULP. As a result of the workshop and the hard work of the early career researchers 8 out of the 16 chapters of the book have been produced by up-and-coming researchers.

Next year's *Annual Regional Africa Human Rights Academic Network Conference* will be hosted by the Faculty with the hope that as many colleagues as possible will feel inspired to participate.



(From the left) Prof Annika Rudman, Mr Gideon Basson, Ms Anisa Mahmoudi, and Mr Derick de Klerk

Professor Quinot is currently on sabbatical leave and presented papers at two virtual conferences during the second half of 2022. In October, he read a paper on "Peculiarity and generality in South African procurement law as barriers and enablers of BRICS procurement law congruence" at the St Petersburg International Contractual Relations Forum. At the International Exchange Forum on Sustainable Public Food Procurement, hosted by the UN's Food and Agriculture Organization (FAO) and the German Institute of Development and Sustainability (IDOS), Professor Quinot presented a paper on "Procurement regulation for sustainable public food procurement". In November, Professor Quinot participated in the 23rd International Conference of Chief Justices of the World on Article 51 of the Constitution of India, held in Lucknow, India, which focused on sustainability in effective global governance.

Professor Geo Quinot joined Dr Eugenio Vaccari of the University of London and Professor Laura Coordes of the University of Arizona in the first instalment of a new series of INSOL Talks, called "Hot Topic discussions", focusing on leading topics within the global insolvency community. The first episode focused on Local Public Entities in Distress and reflected on a global study, funded by INSOL International, on how financial pressure in local government is treated in law globally. The episode can be accessed at <https://podcasts.apple.com/gb/podcast/ep-25-local-public-entities-in-distress/id1580587057?i=1000584787003>.

Also in November, Professor Geo Quinot participated in a training event for senior government officials from the MENA region on public procurement and governance at the ILO's International Training Centre in Turin, Italy. The focus of the training was on the reform of public procurement systems in light of global developments such as emergencies and sustainable development.

Professor Geo Quinot



Prof Quinot delivering his paper at the 23rd International Conference of Chief Justices of the World in Lucknow, India



Prof Quinot with officials from the MENA region at the ILO International Training Center in Turin

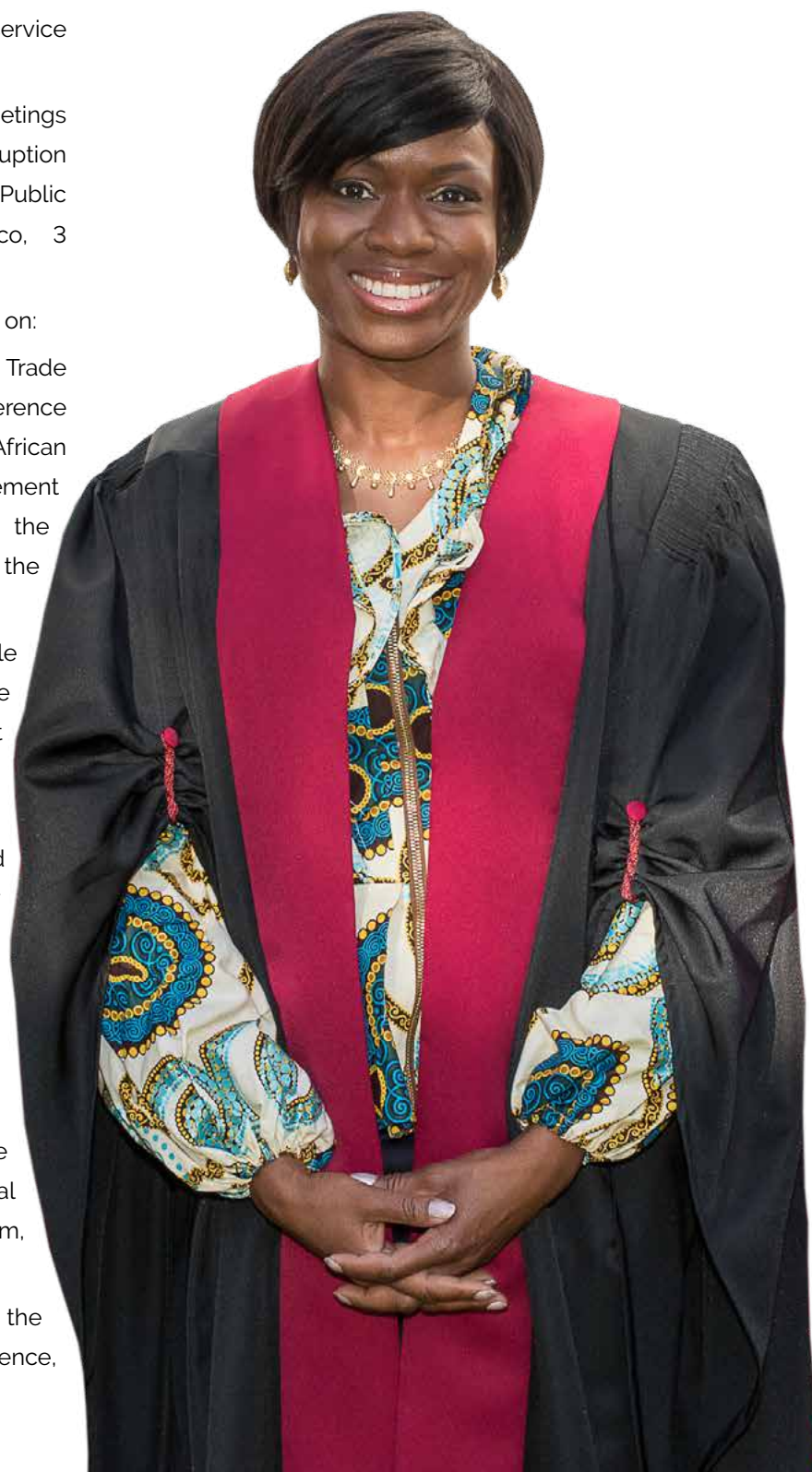
Professor Williams-Elegbe

Professor Williams-Elegbe participated as panellist at:

- The Open Government Partnership Regional Meetings for Africa and the Middle East on "Procurement reform: corruption risks, emergencies, and effective service delivery", Marrakech, Morocco, 1 November; and
- The Open Government Partnership Regional Meetings for Africa and the Middle East on "Tackling Corruption and other Barriers to Women's Participation in Public Procurement in Africa", Marrakech, Morocco, 3 November 2022.

Professor Williams-Elegbe participated as speaker on:

- "Procurement harmonization and Regional Trade Agreements in Africa", at the online conference arranged by the United Nations and the African Procurement Law Unit titled: Public Procurement Dimensions of Modernizing and Harmonizing the International Commercial Law Framework in the AfCFTA, 3 November 2022;
- "Gender Responsive Procurement and Sustainable Food Procurement", at the International Exchange Forum on Sustainable Public Food Procurement 2022, organised by the Food and Agriculture Organization, Online, 26 October 2022;
- "Gender Responsive Procurement: Barriers and Challenges", at the George Washington University School of Law, Washington DC, 10 October 2022;
- "Corruption and Public Procurement: The Links and the Solutions", at the Counter Corruption Summit of the Pavocat-Stellenbosch Academy, STIAS, 27 July 2022;
- "New Frontiers in procurement: A perspective from Africa", at the Public Procurement Global Revolution Conference, University of Nottingham, UK, 13 June 2022; and
- "Gender inclusive procurement in Africa", at the Public Procurement Global Revolution Conference, University of Nottingham, UK, 13 June 2022.



Recognition | Erkenning

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

- The Faculty is pleased with its improved placement on the recent Times Higher Education [THE] law subject ranking, which sees the Faculty ranked within the group of 176-200. Click [here](#) for more information.
- The Faculty wishes to congratulate Professor Theo Broodryk with his appointment, in terms of section 3(1)(f) of the Rules Board for Courts of Law Act, 1985, as a member of the Rules Board for Courts of Law. This appointment is with effect from 30 November 2022 for a period of five years.
- The Faculty further congratulates Professor Thuli Madonsela who was elected chairperson of the management board of the Cities Alliance (a global partnership fighting urban poverty hosted by the UN Office for Project Services (UNOPS)).
- The Faculty congratulates Dr Chidozie Chukwudumogu (post-doctoral fellow in the Department of Mercantile Law) with his appointment as law lecturer at Sydney University, Australia.
- The Faculty congratulates Prof Sope Williams-Elegbe with being the winner in the category of research and education under His Highness's Sheikh Tamim Bin Hamad Al-Thani International Anti-Corruption Excellence Awards in Doha on December 8.

Global Scholars Academy

2023 GLOBAL SCHOLARS ACADEMY

January 16 - 20, 2023
Stellenbosch, South Africa

The Global Scholars Academy is an intensive residential experience designed to enable junior faculty and emerging scholars to engage in sustained, interdisciplinary, peer-to-peer collaboration under the close mentorship of research faculty drawn from the world's top universities.

The Academy is open by application to junior scholars working to understand and map the levers of political, economic, and legal authority in the world today. We particularly welcome applications from scholars from the Global South and those working on policy challenges of particular concern to communities in the Global South.



Learn more and apply:
iglp.law.harvard.edu

Applications due: October 7, 2022

The Global Scholars Academy is a new collaboration between the Stellenbosch University Faculty of Law (together with the Faculty of Economic and Management Sciences) and the Institute for Global Law & Policy at Harvard Law School. The Global Scholars Academy will be held in Stellenbosch, South Africa, from 16 to 20 January 2023.

Visit iglp.law.harvard.edu for more information.

Dekaan begin tweede termyn

Professor Nicola Smit het op 1 Augustus met haar tweede termyn as dekaan begin. Met die aanvang van haar eerste vyf-jaar termyn in 2017, het sy haar prioriteite soos volg opgesom "As far as law faculties are concerned, there is a need for us to critically reflect on the transformative nature of legal education in South Africa in order to promote social justice, the impact and effectiveness of our programmes, the imperative of renewed emphasis on ethics in our programmes and research, the considered transformation of our staff and students, the professional development of staff and finding innovative ways to increase access whilst providing sufficient support to maintain good success rates and the delivery of well-rounded, knowledgeable, skilled, and ethical graduates."

Professor Smit meen dat ten spyte van die impak van Covid-19 het die Fakulteit goed gevorder met die doelwitte wat gestel is. Met die oog op 'n tweede termyn het professor Smit in haar beskikbaarstelling vir 'n tweede termyn aangedui dat haar fokus wel in sekere opsigte sal verskuif en dat haar visie vir die volgende vyf jaar die volgende insluit: "[t]o consolidate our position after COVID-19 ..., augment and maintain the wellness of staff and students, prioritise several areas identified in our Environmental Plan ..., and contribute to SU realising its Vision-2040 and Strategy."

Dit is duidelik dat daar talle planne in die pyplyn en in uitvoer is, byvoorbeeld nuwe leerstoete, die verdere uitrol van hernuwe programkurrikula, ondersteuning vir inkomende en huidige studente wie se vordering nog deur die pandemie beïnvloed word, die internalisering van die SU en grondwetlike waardes en die realisering van 'n transformatiewe studente ervaring vir elke student, uitbreiding van die ko-kurrikulêre programme, en verdere geteikende geleenthede van internasionalisering vir beide personeel en studente. In besonder is daar 'n herfokus op die Fakulteit se navorsing

en nagraadse aanbiedings wat hand aan hand met internasionalisering gaan. Professor Smit meen dat die Fakulteit is welbekend vir unieke en verreikende sosiale impak projekte en inklusiewe inisiatiewe en dat die SU Regskliniek, Sentrum vir Sosiale Geregtigheid, HF Oppenheimer Leerstoel in Menseregte tesame met alle ander leerstoete en projekte in die fakulteit steeds gefokus sal bly op hierdie impakvolle werk op 'n volhoubare wyse.

Die nuwe jaar gaan dus opwindend wees, maar eers gaan die dekaan 'n kort sabbatsverlof gedurende die eerste semester geniet en ons glo sy sal die tydjie weg van die boei van die dagboek geniet.





Inside the Old Main Building

Cambridge-SU Student Exchange Agreement

In October, the Faculties of Law of Stellenbosch University and the University of Cambridge entered into a student exchange agreement. The agreement permits two students to attend the partner university as visiting students for one academic year. The Dean of the Faculty of Law at SU, Professor Nicola Smit, stated: "We are excited to partner with the University of Cambridge to offer our students the opportunity to benefit from an academic experience at a leading global law faculty. At the same time, we look forward to welcoming students from the University of Cambridge in Stellenbosch and know that this will advance our internationalisation at home initiative".

Read more about the student exchange agreement [here](#).



Faculty staff Fakulteit personeel

Staff Abroad

Professor Stevens visits Germany and the Netherlands

As part of the Technische Universität München's (TUM) Global Visiting Professor Programme, Professor Richard Stevens was invited to lecture a module in the Legal Aspects of Private Equity Investment to their doctoral students between 5 June 2022 and 15 July 2022. Because Professor Stevens also lectures the Company Law module, he used his visit in München to visit colleagues in Corporate Law at the Ludwig Maximilian University in München, a university from where the Stellenbosch Faculty of Law draws a strong pool of LLM students.

During his stay in Germany, Professor Stevens spent two weeks visiting two partner faculties of the Faculty, Bucerius Law School in Hamburg and Tilburg Law School in the Netherlands. Professor Stevens was hosted by Professor Maurice Adams, vice-dean of the Law School, in Tilburg, where he met a number of colleagues in their undergraduate and postgraduate programmes, as well as colleagues in their teaching and learning division (including the blended learning team). Professor Stevens reports "the teaching and learning division of the law school is about as big as our Faculty! It was insightful to see the support that lecturers have in terms of teaching and learning strategies, assessment strategies and the creative support for blended learning where you have colleagues with legal backgrounds and professional videographers support academics with blended learning projects". A highlight of the visit to Tilburg was an invitation to be in the academic procession for the conferral of several honorary doctoral degrees.

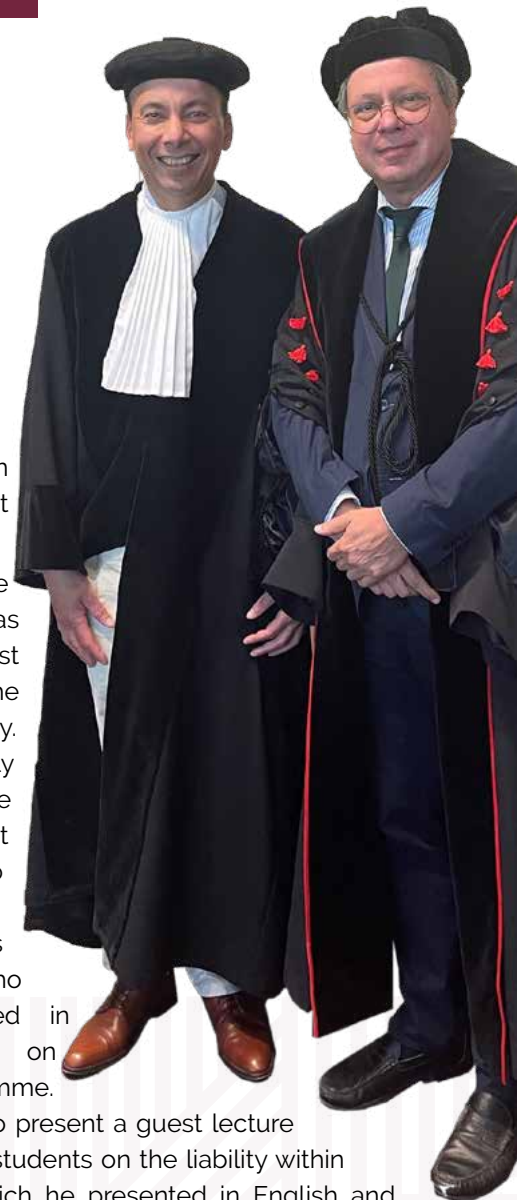
At the Bucerius Law School in Hamburg, he was hosted by the Dean, Professor Katharina Boele-Woelki, who is also an extraordinary professor in the Department of Private Law in our Faculty. Professor Stevens spent a fruitful afternoon with the Law School's Legal Technology,

Learning Innovation Lab, and student support team.

The final stop of the two-week visit was a visit to the newest partner Faculty, the Münster Law Faculty. The visit was primarily aimed to sign the exchange agreement between the two faculties and also to meet colleagues from Münster who would be interested in visiting Stellenbosch on this exchange programme.

He was also invited to present a guest lecture to the corporate law students on the liability within corporate groups which he presented in English and German.

Professor Stevens says: "It was wonderful to see the esteem in which our faculty is held by our partners in Europe. It was also good to see that our teaching, learning, and assessment practices are closely aligned to practices of our partners even though the support for teaching and learning is something we can only aspire to have. Being able to teach in person again was also a wonderful experience especially at the level of the doctoral students. It was also so good to see Wayne Chinembiri, former assistant in the Department of Mercantile Law and currently doctoral student, at TUM again."



In the Media

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

- In an article featured in the Sunday Times, Dr van der Linde calls attention to sections of the Unlawful Entry on Premises Bill.
- In a Netwerk24 article, "Só kan die Guptas agter tralies beland", Dr van der Linde discusses money laundering, flight risks, and witness immunity.
- Dr van der Linde comments on the role and responsibilities of the national commissioner as dictated by the Constitution in response to allegations on SABC News that Police Minister Bheki Cele is disregarding boundaries.
- Dr van der Linde was also cited in a recent judgment by the Western Cape division of the High Court. In *S v Davids and Others* ZAWCHC 216 (31 October 2022).

Henney J highlighted some of the evidentiary complexity relating to the prosecution of organised crime offences and referred to Dr van der Linde's article "Evidentiary and procedural issues relating to the prevention of Organised Crime Act" (2020) 137(3) in the *South African Law Journal*.

Several colleagues and post-doctoral fellows have published op-eds, articles etc. A couple of these include two by Dr Kavuro, who has published on the topical matter of refugees and xenophobic violence: "World Refugee Day – SA leaves the displaced in the lurch as 'global asylum fatigue' sets in" and "Refrain from name-calling - it fuels xenophobic violence". See also Professor Ruppel's article, "Fifty years after Stockholm Conference we face multiple hells, but 'only one Earth'", before world environmental day, and interviews with Dr Cecile de Villiers on her doctoral research on eTV: and eNCA.

New Appointments

Dr Admark Moyo

Dr Admark Moyo joined the Department of Private Law as a senior lecturer at the start of November. He lectures Family Law, Advanced Family Law, and Children's Rights. Dr Moyo also supervises postgraduate students carrying out research in Family Law and Children's Rights. He has extensive experience in producing high quality research and knowledge resources on legal and policy matters affecting children. His publications have been cited with approval by top courts, including the South African Constitutional Court, and leading authorities in various countries across the continent. Over the years, he has offered advisory services to Civil Society Organisations, governments, and



UN agencies as part of a team offering consultancy services on the rule of children's rights in Africa. In his previous roles, Dr Moyo has worked with regional bodies, governments, and non-state actors in the field of children's rights and has supported the African Committee of Experts on the Rights and Welfare of the Child to produce high level continental study reports and normative frameworks and guidelines on various issues affecting children in Africa. He is also an external expert to the Committee's Working Group on Children with Disabilities in Africa. We trust that Dr Moyo will enjoy an enriching, collegial, and productive career at Stellenbosch University.

Welcome, little ones

"A new baby is like the beginning of all things—wonder, hope, a dream of possibilities."

—Eda LeShan



Dawid Jacobus Broodryk

With great pleasure, the Faculty would like to announce the births of Dawid Jacobus Broodryk and Amiah Sally Williams. Dawid Broodryk was born on 16 September 2022 to Professor Theo Broodryk and his wife, Mrs Marlene Broodryk. Amiah Williams was born on 31 October 2022 to Mrs Candice Williams and her husband, Mr Reger Williams. Congratulations to the new parents!



Amiah Sally Williams

Farewell | Afskeidsgroet

Sonia Human

On 26 October, 65 years ago, Cornelia Sophia Human was born. Her mother preferred the name Sonia, after Sonia Henny, the world-renowned ice-skating star. Sonia did not make her mark as ice skater. Instead, she made her mark where it really mattered: here in Stellenbosch, at the Law Faculty, and in our hearts.

Sonia was one of the first people I encountered when I joined the Faculty almost 29 years ago. At that stage we were both young academics, she lectured Law of Succession and Deeds and Registries, and I lectured Roman Law and Property Law. We did not know what was more dubious at that stage: her military background or my Potch background! Fortunately for me, we became fast friends and later also members of 'Die Hoek'.

Over the years we attended numerous conferences together. Two stand out: the first a Scandinavian conference that started in Denmark, then Norway and Sweden and for good measure we also added Finland, where Sonia did a marathon; and the second, Utah, where I did my first and only half marathon, with Sonia coaching me all the way. Coaching, guiding, and mentoring – these are some of Sonia's real strengths, whether in the Faculty or on the road.

Sonia is an excellent colleague and a well-loved, respected lecturer. For many years, she received the best loved lecturer award – a prize based on the final years' votes. She is also a seasoned promotor with many doctoral candidates, including some of our colleagues, under her belt.

She is also a former dean, with a stellar legacy. She was dean in a very turbulent, volatile time in tertiary education, around 2015 to 2017: in the time of 'Rhodes must fall', 'Fees must fall', and at Stellenbosch specifically, also

"Open Stellenbosch" and "die taalkwessie", where she was regularly confronted by all sides – those in favour of as well as those against retaining Afrikaans as main language of tuition. Again, she remained steadfast and focused.

The Dean's Bursaries is her legacy, an initiative that enabled, and continues to enable, scores of postgraduate students to complete their studies successfully. The now well-established walk from the Coetzenburg Centre back to the Old Main Building for celebrations after graduation, is her brainchild, a wonderful tradition that has grown and is now synonymous with graduating at the Stellenbosch Faculty of Law: A festive, yet prestigious walk along Oak-lined trees, with Faculty, supporters, and family members. She was a gracious leader who introduced more transparency in management structures at Faculty level. V She never shied away from duty and responsibility, including an exemplary performance as chair of the Student Disciplinary Committee, over many decades.

I always thought Sonia's surname is so very apt: she is indeed very human. She is kind, friendly and goes to great lengths to try and understand another person's point of view – to put her in that person's shoes, so to speak.

Sonia is indeed retiring at the end of the year, but we are very happy that she is staying on as emeritus professor. As Vice-Dean: Research and Internationalisation, I am very happy about the next cohort of postgraduate students that she will still deliver. As colleague and friend, I am very happy that we can all still benefit from her years of experience and wisdom. One of the many pearls of wisdom that I personally fall back on regularly is: 'Hou perspektief!'

Professor Juanita Pienaar

Students | Studente

Graduation 22

The following degrees and diplomas were conferred during the December 2022 graduation ceremonies: 3 LLD, 30 LLM, 95 LLB, 14 BAccLLB, and 10 PGDip. The Faculty is very proud of all the students who graduated and wish them every success.



Exchange Students



Jacobie at KU Leuven

"The hardest thing to do is leaving your comfort zone. But you have to let go of the life you're familiar with and take the risk to live the life you dream about."

T. Arigo



Daisy at the University of Aberdeen

"A new country, new culture and two new jurisdictions to grapple with. Coupled with snow and 4pm sunsets, exchange at the University of Aberdeen, Scotland is truly an experience I will never forget"

Academically talented final-year LLB students and students in the general structured LLM programme have the opportunity to enrol for law modules at our partner law schools, which are then applied to their SU degree, by participating in a semester exchange. Students who take part in the exchange frequently

remark on the extraordinary learning opportunity that a semester exchange offers, both in terms of academic development and personal development.

The semester exchange programme is one of the ways the Faculty of Law pursues its strategic objective of internationalisation.



Megan at the University of Antwerp

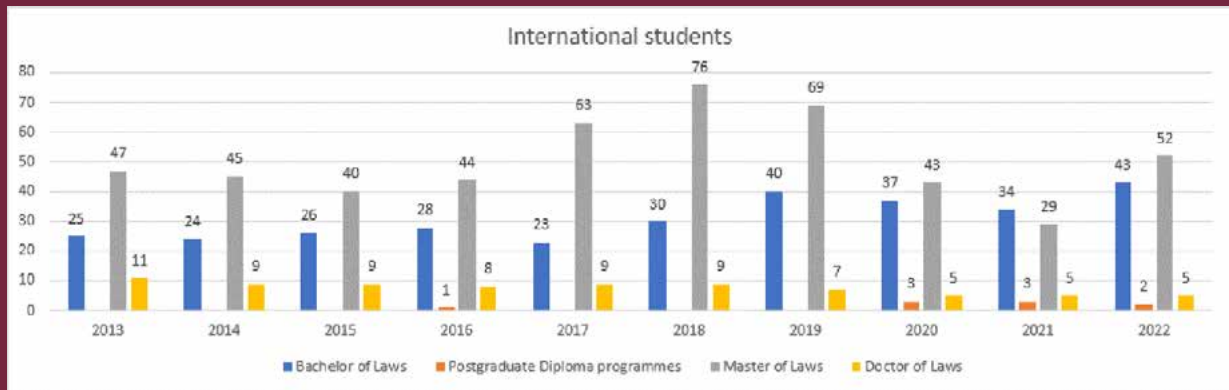
"What a remarkable experience! I have learned so much about myself, about other customs and cultures and about law. This will forever have a profound impact on my life!."



Nicola at the University of Antwerp

"This exchange has challenged me in so many ways I could never have expected. I am grateful for the opportunity to learn and grow and for the memories I can carry home with me forever."

International Students



Following the pandemic, there have been signs of recovery in the return of international students, as is illustrated by the graph.

Christof Heyns African Human Rights Moot Court

From 24 to 31 July, Ms Margeaux Wassenaar and Mr Yanga Keva participated in the 31st Christof Heyns African Human Rights Moot Court Competition held in Cairo, Egypt. The competition, held annually in a different country on the continent, covers human rights issues with arguments presented to a fictitious African Human Rights Court. This year the topics concerned human trafficking, climate justice, and social media and AI regulation.

Ms Wassenaar and Mr Keva started preparing for the competition in March with extensive research for the memorials. This was an important foundational phase to preparing for the competition as they did not have much international or regional law knowledge. However, with the expert guidance of Professor Annika Rudman

and Ms Claire Rankin (a past-participant and coach), they managed to submit excellent memorials that placed second overall in the competition.

The competition was hosted by the British University in Egypt with more than 30 teams competing in French, Arabic, Portuguese, and English. Although, they experienced some difficulties in the dorms, they managed to put their best foot forward in the first round on Monday. Each round proved to be more challenging than the last, as the judges tried to discern who would be able to progress to the next round.

Late on the Wednesday evening, they found out that they had made it through to the finals. By way of a draw from a hat, they were paired up with the teams from Kwame Nkrumah University in Ghana; Félix Houphouët-Boigny University in Ivory Coast; and Makerere



(from the left): Mr Yanga Keva, Prof Annika Rudman, Ms Margeaux Wassenaar, and Ms Claire Rankin.

University in Uganda to represent the respondents. As a team, it was their responsibility to work together on the Thursday to prepare combined memorials and decide on final arguments and speakers. The students reflect that "This proved to be particularly tricky as we had been paired with a French-speaking team and the translation services provided were inadequate. Nevertheless, we managed to submit the new memorials, part of which was in French, and enjoy the excursion day on the Friday - something which few finalist teams had been able to do over the years of the competition. Some of the highlights of this excursion were the pyramids, the sphinx, a papyrus museum, and a Bedouin village."

The finals, presided over by a bench consisting of five judges including the Vice-President of the African Human Rights Court and the Vice-Chairperson of the

African Commission, were particularly challenging as translation services made it difficult to understand the arguments that were presented by the opposing team and the questions posed by the bench. Nevertheless, through crafty arguments presented by the combined team, with Mr Keva representing Stellenbosch University, they managed to convince the court to find in their favour.

Ms Wassenaar writes that "The months of hard work, perseverance, and juggling academic responsibilities were incredibly fruitful and we have become better mooters with a wealth of knowledge on different African and international law instruments." Ms Wassenaar expressed their gratitude to the Faculty, Professor Rudman, and Ms Rankin, without whom participating in this competition would have been impossible.



Student Awards

First Year Achievement Awards



The Faculty congratulates Luca Bester with achieving recognition as the top first year performance during a ceremony earlier this semester. Read more [here](#).

(from the left): Prof Deresh Ramjugernath, Prof Richard Stevens, Ms Shani Viljoen, Mrs Ebrezia Johnson, Mr Luca Bester, Prof Nicola Smit

Christof Heyns Memorial Thesis Award 2022

In October, the Pretoria University Press (PULP) announced the winners of the Christof Heyns Memorial Thesis Award 2022. The runner-up prize was awarded to Dr Irene Thomas for her thesis, titled "The Application of the Principle of Complementarity in the Relationship Between the African Court and the African Commission under the Regional African Human Rights System", which was completed under the supervision of Professor Annika Rudman.

Rector's Achievements Award Ceremony

Every year students are recognised for excellent achievements across different focus areas. In 2022, a group of 73 Stellenbosch University (SU) students were recently honoured with Rector's Awards for Excellent Achievement in academics, leadership, culture, social impact, sport, and service provision. Several students from the Faculty of Law were recognised at this occasion, including for the following categories:

Academics - nominated by the Faculty and comprising the Rector's Award for Excellent Achievement as well as the SU medal for top master's student:

- Estelle Hislop LLB
- Hugo Uys LLB
- Mitchell Brooks LLM (Public Procurement Law)

Sport:

- Franco Rheeder (boxing) LLB

Leadership:

- Sebastian Foster BA (Law); LLB
- Estelle Hislop LLB
- Karabo Mogashoa BAccLLB
- Christo van der Bank LLB



Student court 2022/23

The new members of the Student Court 2022/2023 were confirmed by an appointment committee chaired by the Dean, Professor Nicola Smit, in terms of the new provisions of the SU Student Constitution:

Chief Justice: Mr JW Beukes

Deputy Chief Justice: Ms Zeta Braaf

Secretary and Treasurer: Mr Theodore Pauw

Campus Liaison: Mr Adriaan Lourens

Constitutional Compliance: Ms Rochán Simonis

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)

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



Chairperson: Ernst Pieterse



Vice Chairperson: Risuna Risimati



Secretary General: Iman Domingo



Treasurer: Willem Roux



Events Manager: Ane Theron



*Student Enrichment Officer:
Wilmien van Biljon*



*Public Relations Officer:
Odette Chiweshe*



*Student Affairs Officer:
Cole Baker*



*Transformation Officer:
Gugulethu Mudzingiranwa*



Media and Marketing Officer: Jamie Murray

Outgoing JV/S

The Faculty of Law would like to commend the outgoing 2021/2022 JV/S on the completion of their term. We wish the students all the best with their future endeavours.

AI and the Law

The Faculty, in collaboration with Swart Law – a local firm specialising in entrepreneurial technology and intellectual property law – hosted a seminar series on “AI and the Law” in the second semester of 2022. Following discussions in 2021 initiated by Mr Derick Swart (an alumnus of the Faculty), a series of lectures involving approximately 50 undergraduate and postgraduate law students across 5 virtual seminars, commenced on 21 September. The sessions were facilitated by Dr Bradley Greenhalgh, the Faculty’s Legal Education and Student Coordinator. The seminar series commenced with an opening function hosted at the Faculty, which saw presentations by Mr Swart, Professor Kanshukan Rajaratnam (Director of the School for Data Science and Computational Thinking at SU), and Dr Dirk Brand (Extraordinary Senior Lecturer at the School of Public Leadership at SU) on the intersection between Artificial Intelligence (AI), ethics, and the law. Professor Rajaratnam and Dr Brand also hosted the first of the virtual seminars. Each of these saw engagement between Mr Swart and various co-presenters, and focused on particular themes of AI and the law in the context of the South African and foreign/international legal spheres. Topics included exploring the (legal) initiatives currently in place seeking to regulate AI, consideration of the Eu-

ropean Union’s AI Act, unpacking machine learning in the financial services’ industry, AI and intellectual property, as well as AI and legal technology. Guest presenters included Dr McElory Hoffman from Praelexis, Ms Ingrid Fourie, and Law Faculty alum, Ms Lara Wessels (both from Swart Law). Professor Sadulla Karjiker, the Faculty’s Anton Mostert Chair in IP Law, also contributed to the discussions. Upon the completion of each seminar, the participants were tasked with completing individual online questionnaires that assessed their knowledge of the subject matter presented, and required reflection on what had been learnt and the implications thereof towards the future of AI and the law. The seminar series concluded with a final written assignment in the form of an opinion piece on the ethical need for legal practitioners to use technology in service to their clients. Participants, who successfully completed the seminar series, will receive certificates from Swart Law, with the latter providing prizes for the best opinion pieces and most active contributor. The Faculty looks forward to formalising the seminar series going forward in order to grow the co-curriculum offering available to our students, and celebrates the opportunities afforded by the interaction between local law firms and our alumni.



The ACFE visits the Faculty's BAccLLB Students

Members from the South African chapter of the Association of Certified Fraud Examiners (ACFE) were hosted by Silke de Lange at the Faculty on Friday, 30 September 2022, and did a presentation for our BAccLLB students. The four speakers were Helen du Toit (Head of Business Integrity at Santam), Megan Govender (head of the Forensic Services department at the Sanlam Life & Savings Cluster), Kotie Oosthuizen (Regional Head of Forensic Investigations at ABSA), and Johan van Dyk (Executive Head for Forensics at XTND, which is part of the EOH Holdings Group).

The ACFE is the world's largest anti-fraud association, which empowers anti-fraud professionals with leading-edge training, resources, and professional certification. The association facilitates individuals to become

qualified as certified fraud examiners (CFEs), who are then regarded as leaders in the anti-fraud community and specialists in the prevention, detection, and deterrence of fraud. Our BAccLLB students are ideally suited for a career in this area, irrespective of whether they decide to qualify as a chartered accountant or as a lawyer upon the completion of the degree. The knowledge, skills, and dispositions acquired during the course of the degree in the fields of law, finance, and auditing are clearly extremely relevant and important in this area, where there is a clear intersection between law and accounting.

Both the speakers and the students were extremely enthusiastic and keen to cooperate further. The establishment of an ACFE student chapter at SU, the first one at a South African university, is now underway.

Children's rights reading group

Undertaking a Doctorate in Law can be daunting and, at times, may feel incredibly overwhelming. The process of researching and writing a proposal and dissertation can only be described as a roller coaster of emotions. There are high points when students are energised and excited about their research and other times when self-doubt and, occasionally, imposter syndrome creeps in.

It is during these low points, when a student is spending hours alone in the library or at their home desk, poring through case law, legislation, treaties, and textbooks, that they may realise how solitary a doctorate can truly be. It can also feel frustrating that there are not many opportunities to share and get feedback on your research outside of the formal feedback from your supervisor.

It was for this reason the Children's Rights Reading Group was created. Spearheaded by second-year LLD student, Bryony Fox, the Reading Group is made up of five LLD students who are researching in the field of international children's rights. All five are also primarily supervised by Professor Sonia Human and are grateful for her input and help in establishing the group.

The group is conducted by way of monthly meetings. The students are chosen on rotation as the session leader and may either share a particularly difficult article, case, or reading with which they are grappling and ask for the group's thoughts and opinions on the reading. Alternatively, they present an aspect of their research on which they would like feedback and opinions. This has been greatly successful in allowing not only for ideas to be discussed and shared freely, but also allowing the students

to practise their presentation skills in a safe learning environment.

In addition to the students' various presentations, the group also organised information sessions on research skills and techniques. The sessions, presented by the Faculty librarian, Mr Pieter du Plessis, were informative and interesting.

The group members strongly believe the reading group not only allowed them to function as a small community that supported each other when needed, but it also strengthened their research abilities.

The group hopes to carry on its role as a feedback and support mechanism, which strengthens the research of its members, in 2023.



Back row: Ms Bryony Fox, Ms Caitlyn Lattimer, Ms Harriet Harding, Professor Sonia Human. Front row: Ms Taydren Van Vuren, Ms Jamie Day

DIE ONGERECHTIGHEDE VAN ONS VER-
HULDIG DIEGENE WAT VIR GERECHTIG-
EN VRYHEID IN ONS LAND GELY HET;
RESPEKTEER DIEGENE WAT HUL BEY-
IET OM ONS LAND OP TE BOU EN TE
ONTWIKKEL; EN GLO DAT SUID-AFRI-
BEHOORT AAN ALMAL WAT DAARIN V-
VERENIG IN ONS VERSKEIDENHEID.
DAAROM NEEM ONS, DEUR ONS
VRYVERKOSE VERTEENWOORDIGERS
HIERDIE GRONDWET AAN AS DIE HO-
EG VAN DIE REPUBLIEK TEN EINDE -

DIE VERDEELDHEID VAN DIE VERLED-
HEEL EN 'n SAMELEWING GEGROND O-
DEMOKRATIESE WAARDES, MAATSKA-
GERECHTIGHEID EN BASIESE MENSER-
E SKEP;

DIE GRONDSLAG TE LÊ VIR 'n
DEMOKRATIESE EN OOP SAMELEWIN-
WAARIN REGERING GEGROND VES IS
VIL VAN DIE BEVOLKING EN ELKE BU

Social Impact Sosiale Impak

US Regskliniek | SU Law Clinic



The Clinic is very proud of two of our candidate legal practitioners, Stephanie O'Reilly and Elandré van der Gryp, who recently received confirmation that they passed all their attorney admission examination papers. Many congratulations!

The Financial Literacy Project is an annual initiative that aims to empower our surrounding communities

(schools and farms) with essential financial literacy skills. The project is coordinated by one of our attorneys, Josie Parks, who was assisted by our candidate legal practitioners, Theo Opperman, Itumeleng Mashego, and Stephanie O'Reilly. The training is con-



ducted by third-year civil procedure students of the Faculty of Law and financial planning students currently enrolled at the EMS Faculty of Stellenbosch

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Mr Odwa Nweba



Ms Stephanie O'Reilly

University. The training deals with issues such as the importance of a good credit score, the effects of being over-indebted, the benefits of saving, and certain rights contained in the Consumer Protection Act. This year, we conducted five sessions through which we reached approximately 800 individuals.

From 17 October to 5 November 2022, the Clinic continued with its constitutional rights training project in terms of which we provide training to numerous vulnerable and marginalised communities across different provinces in South Africa. The sessions were conducted by the Clinic's Odwa Nweba and Step-



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nie O'Reilly. We visited KwaMakutha and Mpophome-ni in KwaZulu Natal; Duncan Village in Eastern Cape; Thohoyandou and Mankweng in Limpopo; and KwaMhlangu in Mpumalanga.

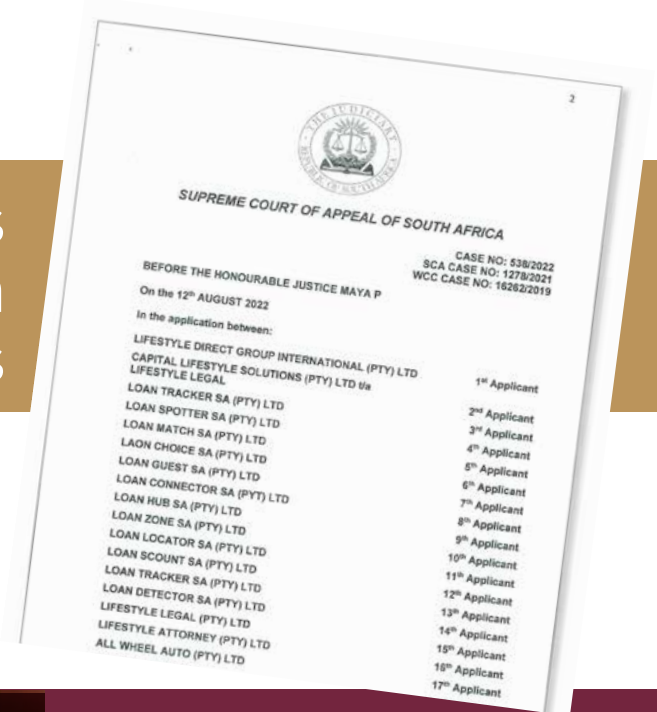
The Clinic recently hosted a delegation of staff and students from Strathmore University Law Clinic,

Nairobi, Kenya. Our colleagues from East Africa are conducting a benchmark exercise to gather information to improve their own clinical program. In the process, they also shared their own experiences and expertise with our clinicians, staff, and students at the Clinic and Faculty of Law.



SU Law Clinic class action certification success

SU Law Clinic and others v Lifestyle Direct Group International and others. The application by Lifestyle Direct Group International and others to the SCA for reconsideration has been dismissed, with costs. The matter has now been appealed to the Constitutional Court.



Legal Writing Development short course

Do you need a refresher course to enhance your legal writing as a legal professional?

Enrol in this course if you wish to improve your writing skills in general as well as your ability to write clearly and concisely in a legal setting.

Alumni

Goue Reünie

Op 22 Oktober 2022 het die Fakulteit die klas van 1972 terugverwelkom vir hul goue reünie. Lede van die klas, wat 50 jaar gelede gegradueer het, sluit in twee voormalige regsdekane, 'n appèlhofregter, regters, entrepreneurs, besigheidsleiers, professore in regte en suksesvolle praktisyne.

Golden Reunion

On 22 October 2022, the Faculty welcomed back the class of 1972 for their golden reunion. Members of the class, who graduated 50 years ago, include two former deans of law, an appeal court judge, judges, entrepreneurs, leaders in commerce, professors of law, and successful practitioners.



Class of 1977 and Class of 1996 Reunions

Klas van 1977 en Klas van 1996 Reünies

On Saturday 5 November 2022, the LLB classes of 1977 and 1996 were invited back to the Old Main Building at Stellenbosch University for brunch and a faculty tour, whereafter Prof Andreas van Wyk presented the guest lecture. A pleasant time was enjoyed by all. A decision was taken to reconvene after 5 years instead of the usual 10 years. Forward together!

Op Saterdag 5 November 2022 is die LLB-klas van 1977 en 1996 na die Ou Hoofgebou van die Universiteit Stellenbosch teruggenooi vir 'n noenontbyt en fakulteitstoer, waarna prof Andreas van Wyk die gaslesing aangebied het. Almal het die tyd saam baie geniet. 'n Besluit is geneem om na 5 jaar, in plaas van die gebruikelike 10 jaar, weer bymekaar te kom. Saam vorentoe!





Alumni Gathering in Windhoek

On Thursday, 8 September 2022, Professors du Plessis, Karjiker, and Sutherland celebrated 101 years of Maties Reg Law with alumni and friends of the Faculty at the Stellenbosch Wine Bar and Bistro, in Windhoek, Namibia. The event was well-attended and the speeches by the Faculty members were well-received.

Alumni-byeenkoms in Windhoek

Op Donderdag, 8 September 2022, het professore du Plessis, Karjiker en Sutherland 101 jaar van Maties Reg saam met alumni en vriende van die Fakulteit by die Stellenbosch Wine Bar en Bistro, in Windhoek, Namibië, gevier. Die geleentheid is goed bygewoon en die toesprake deur die Fakulteitslede is goed ontvang.



Alumnus receives the *Judge JP Karuaihe Trust Legal Excellence Award*

The Faculty of Law congratulates alumnus, Luke Schröder (LLB, 2019), on recently being awarded the Judge JP Karuaihe Trust Legal Excellence Award for the best Justice Training Centre (JTC) student of the 2021 academic year. The JTC provides postgraduate training to candidate legal practitioners in Namibia and conducts the Legal Practitioners' Qualifying Examinations. The award is given to the JTC student who obtains the highest overall average in the Namibian Legal Practitioners' Qualifying Exams (LPQEs)/Board Exams across all 11 subjects in their respective year completed through the JTC programme. Mr Schröder was not able to attend the the Namibian Law Society's AGM, but a representative received the award on his behalf. For more information, please see the [NBC article](#) and [recording](#), or visit the [JP Karuaihe Foundation's Facebook page](#).



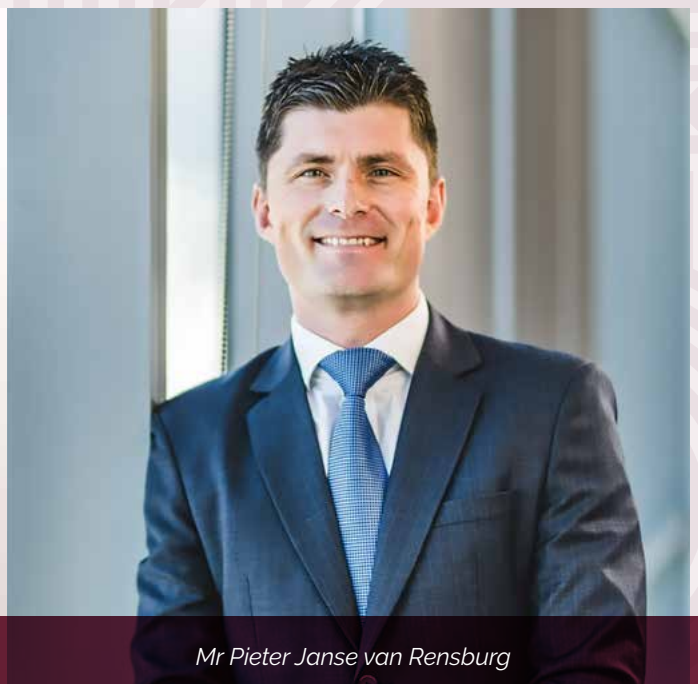
Faculty Alumni Appointed to the Tax Court Bench

President Ramaphosa has appointed two SU alumni, Dr Albertus Marais and Mr Pieter Janse van Rensburg, to the Tax Court bench as accounting members. Dr Marais completed his BAccLLB at the Faculty in 2006 and he completed his LLD at the Faculty in 2019. Mr Janse

van Rensburg obtained his BAccLLB degree from the Faculty in 2008 and his MAcc (Tax) from SU's School of Accountancy. They are both chartered accountants and partners at AJM Tax, a specialist tax consulting and litigation firm.



Dr Albertus Marais



Mr Pieter Janse van Rensburg

Memorial Herdenking

In Memoriam Annette King

* 18 July 1956

† 5 September 2022



Annette King passed away peacefully at her home in Somerset West on 5 September 2022. She joined the Department of Public Law as secretary on 1 August 1986 and retired from this position at the end of 2018. She served the department for more than 30 years with distinction. Annette (or Mrs King as she was also known) is described by her colleagues as a caring person, with a warm and compassionate personality. She was regarded as a mother figure in the department (and wider faculty), to colleagues and students alike. Colleagues remember her as a person with a great sense of humour, but also someone who could call a spade a spade. Even after formal retirement, Annette could still be relied upon for support, a friendly smile, or word of encouragement. At the time of her passing, she was the part-time

administrative officer of the South African Research Chair in Property Law.

She will be missed. Our thoughts and prayers go out to her family, friends, and colleagues.

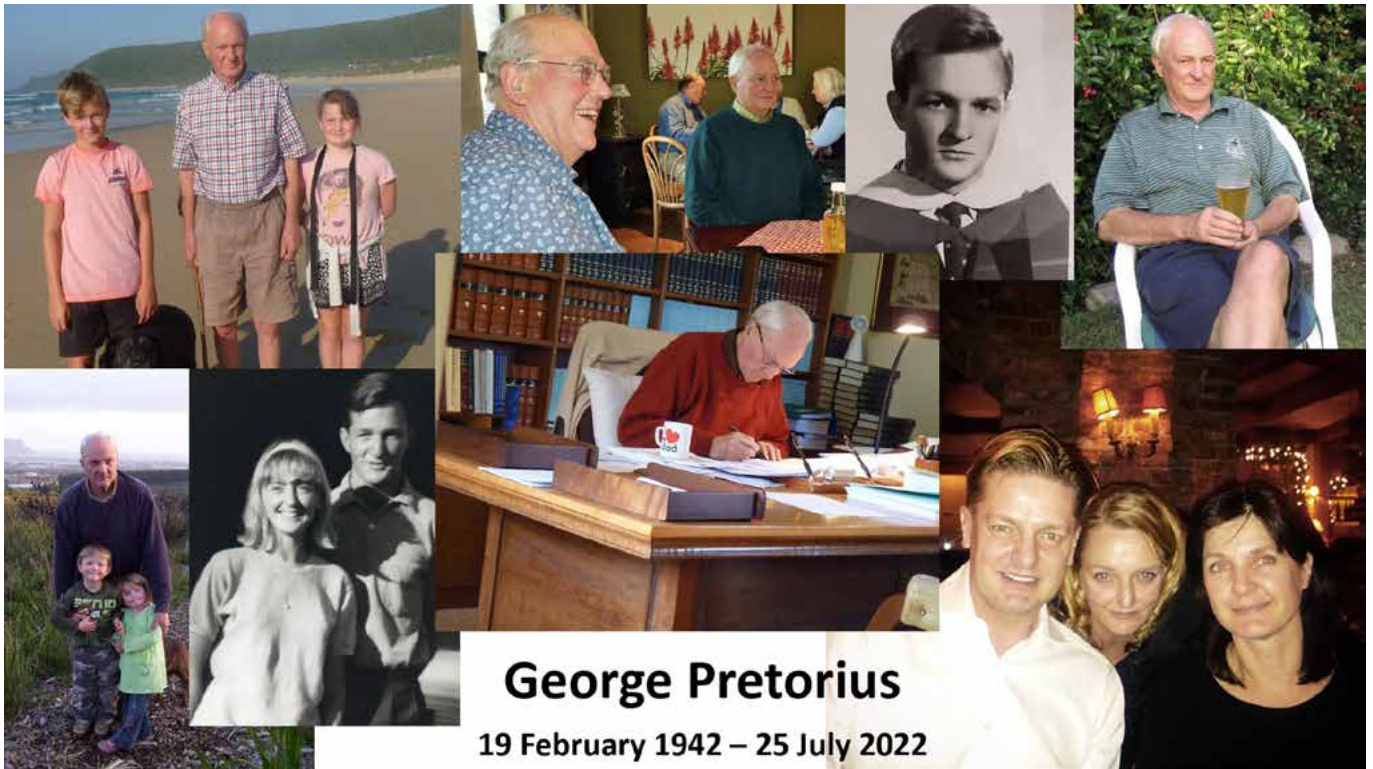
"There are many who shape one's (academic) career, but in my experience, it is mostly only those with fancy titles that are called mentors and are lauded for such contributions, while, in reality, it is often those behind the scenes, outside of the limelight, that play the most significant role in steering one in the right direction.

In my life, Annette King was such a person. And it is with great sadness that I note her passing this morning.

Annette often joked that she raised me by hand, but it wasn't just a joke. She was the secretary of the Departments of Latin and later Public Law when I was an undergraduate student in those departments and became my rock when I joined Public Law as a young (and somewhat bewildered) academic. She could answer any administrative question and knew exactly who to call within the university to get things done. When I later served as HOD of the Department, I soon realized that she knew much better how to run the Department than I ever would. But, more than that, Annette was the embodiment of a caring community – she truly cared, in a deep and personal way, for every human around her, even those that caused her much anguish.

Colleagues like Annette are indispensable to success (and joy) in academia. We've missed her every day since she retired and will miss her even more acutely with her passing. I offer thanks for having known Annette King and for the tremendous role that she has played in my academic life. My life was the better because of her and I will strive to live by the same code of care that she embodied.

Geo Quinot, LinkedIn, 5 September 2022"



There was an iconic movie in the 1950s called "The Quiet Man". It was much celebrated and was nominated for several awards. It was not about George Pretorius, but it might as well have been, because its title fitted him perfectly as a description of his demeanour. George was indeed a quiet man, but when speaking his intellect and character boomed forth loud and clear, and his words carried great weight and commanded respect. He was the very antithesis of those described by the saying "empty barrels make the most noise"; he made little noise, while his barrel was full to the brim. He may have been quiet, but was not necessarily silent, particularly when the occasion arose to express his firmly held beliefs and views, which he did in a forthright manner. When he spoke, people listened!

George Archibald Clarke Pretorius was born on 19 February 1942. He grew up in Brits in the then Transvaal, where he had his schooling. He spurned his family's tradition of studying at the University of Pretoria and instead elected to become a Matie. He studied law at Stellenbosch University, attaining his LLB degree in 1966. He excelled at sport during his student days, particularly in athletics, where he was a champion hurdler, and in rugby where as a fleet footed wing three-quarter he toured with the Maties First XV. His leadership qualities came to the fore when he was appointed Primarius of Helderberg Residence.

George's decision to study at Stellenbosch proved to be a fateful one. For there, he discovered the two enduring loves of his life - the Western Cape and Brenda Joubert, whom he married in 1966, the moment the ink on his degree certificate had dried. He carried these loves

through to the end of his days. They fed his soul and enriched his life.

I met George during our fourth year of legal studies. I grew to know him and respect him, and was fortunate enough to forge a firm friendship with him over the next two years leading up to our graduation. This largely came about through a practice that developed for George, Bill Daly, Pieter Le Roux and I to troop off to have coffee at the Eike Kafee or the Barracuda Restaurant after nearly every day's classes. We shared thoughts, hopes, problems, interests, as well as trials and tribulations arising from our studies and lives in general, and got to know one another pretty well. I learned that, despite the fact that George sought, and attained, complete anonymity in class (I doubt that he ever asked a question or ventured a comment throughout the two years of LLB), he had a deep and comprehensive knowledge and understanding of the law we were being taught, and had all the credentials to make an excellent lawyer, which indeed turned out to be the case. I also discovered that he had a delightful personality (despite being somewhat dogged and obstinate in his views), was intelligent, able and caring, and that he made a good and loyal friend. These perceptions were confirmed and reinforced over the next fifty-six years of our valued friendship.

When George married Brenda at the end of 1966, I acted as the best man at their wedding. It transpired that Brenda and Dana, whom I was dating at the time and whom I subsequently married, had been classmates at high school. This served to strengthen the bond between George and me, and indeed between the two couples. These bonds continue to the present day, but alas George

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is no longer bound by them although this memory will forever be an integral part of them.

While LLB students, George and I had a common ambition. We both aspired to enlist in the Department of Foreign Affairs and become diplomats. Somewhere along the line before the critical day, Brenda advised him that to be a diplomat he would have to be sociable and diplomatic. Since he had neither of these character traits, the diplomatic service was not for him; he had better stay with law. Becoming an advocate required one to have public speaking skills, for which he had neither the aptitude nor the inclination, so he had better become an attorney. He heeded her advice and embarked on a career as an attorney. I followed in his footsteps after a brief interlude in the diplomatic service. I can't help feeling that he conned me into joining the diplomatic corps, only to abandon our joint endeavour at the eleventh hour and leave me out on a limb!

He served articles with Dichmont and Dichmont, a Cape Town firm, and soon after being admitted as an attorney in 1968, he and Brenda decided to seek their fortune in the City of Gold. They migrated to Johannesburg, thus reluctantly deserting the Western Cape (but vowing to return someday, as to the promised land), where George joined the substantial Johannesburg attorneys' firm, Cliffe, Dekker and Todd, initially as a professional assistant and later, in 1971, as a partner. He remained a significant and esteemed partner of the firm until 1999 when, as the firm engaged in mergers with foreign and local firms to become a mega firm (which did not find favour with him), he relinquished his partnership and elected rather to become a consultant to the firm. A year later the call of the Western Cape became irresistible, and he relocated to Erinvale Estate in Somerset West to set up his own individual practice dealing with litigation and, in particular, arbitrations. He continued to practise successfully in this field until his untimely death in July 2022.

When I left the Department of Foreign Affairs and sought employment as an articled clerk in a firm of attorneys, George did his level best to have Cliffe Dekker and Todd hire me. However, as a married man supporting a wife and two children, my financial requirements were too rich for the firm's diet and his efforts came to naught. I appreciated his willingness as a true friend to help me. I subsequently found my niche with a firm of specialist intellectual property attorneys in Pretoria. While we lived in Pretoria, we retained contact with Brenda and George and saw them intermittently. Our friendship remained strong.

In 2007, with retirement looming, my wife and I, being natives of Cape Town, decided that our 40-year period of exile in Pretoria should end and we followed George and Brenda's lead and returned to the promised land. We settled in Stellenbosch, a stone's throw away from Somerset West and the Pretorius household. Being new

to the area after our long sojourn in Pretoria, we knew few people. George took me under his wing and for the best part of the next five years, we met weekly for lunch. Thereafter our lunches became less frequent due to other demands on our time, but we continued to break bread together from time to time, often accompanied by Poen Hoffman, a classmate from LLB days, who had hailed from Malmesbury and had also done time in Pretoria for several years before heeding the call of the Cape and returning home. It was like old times at the Eike Kafee.

In the meantime, the quiet man had also become a solitary man. That is not to be confused with a lonely or reclusive man, which he was not. Operating alone as a sole practitioner from his home, George increasingly kept his own company, which he enjoyed. He liked the company of others (and they enjoyed his), but on his own terms, and when he felt the need for it. He was, and always had been, essentially a loner.

His one-man band comprised Brenda, a Latin teacher, as his secretary-cum-PA and girl Friday. It was perfectly in order for George, who was steeped in propriety, to have a love affair with his secretary and to shack up with her. Moreover, as we were taught by our professors, and as was necessary for all good lawyers, he now had a proper grounding in Latin. *A vincula matrimonii* – From the bond of matrimony!

He was an ardent golfer and an active participant in the Erinvale Golf Club, where he soon became the in-house legal adviser. This gave him ample social interaction for his liking. He became an institution in the golf club. Committees (which were not for him) and Chairmen came and went but George was a constant presence. He became the power behind the throne. It reached the point where successive Chairmen would not move without first consulting George on legal and other issues. The esteem and affection in which he was held by the members of the golf club was evidenced when, upon his passing, the Golf Club spontaneously held a function to commemorate his life.

One of the sociable highlights of George's life, where he could indulge himself by enjoying ample company, was to participate in the annual 'Mannetoer'. This was a gathering, usually lasting three days, of a bunch of twenty or so ex-Maties of the 1960s vintage, at a lodge or guest accommodation venue in some out of the way place; it involved telling stories over a braai and a few beers or glasses of wine and reliving the days of yore at Matieland. Poen Hoffman, Bill Daly, and I were also part of the team. With Poen replacing Pieter Le Roux, this was also a reunion of the Eike Kafee crew. Poen was wont to refer to us as the 'Fab Four'. At least in our own estimation, we were indeed. Such is the nature of long-lasting and true friendship.

As part of his penchant for solitude, George and Brenda acquired a holiday get-away at Nature's Valley where

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he could go native to his heart's content. He loved the remoteness and peaceful atmosphere of Nature's Valley. They spent several weeks, if not months, each year at this favourite spot. Indeed, George seriously considered going to live there permanently. However, Brenda, who was generally prepared to let George have his own way, balked at this notion and his plans were put on hold, never to be fulfilled.

George enjoyed an enviable, well-earned, reputation as an attorney. His incisive mind, determination to do the best for his clients, knowledge of the law, and discernment characterised his success. The top lawyers in the country rightly considered him as their peer. Above all, he was ethical and honourable to a fault. His clients could always be assured that they were in good hands and that he would pursue their interests to the utmost degree and to the best of his considerable ability.

He was a good husband to Brenda (a quality that she reciprocated wholeheartedly) and an admirable father to his children Jan, Carolyn, and Louise, as well as a much loved and doting grandfather. A measure of the affection and loyalty that he engendered with his children was demonstrated when, upon hearing of his failing health, they all immediately dropped whatever they were doing in far flung parts of the world and rushed to gather at his bedside to be with him and their mother, and to pay their last respects to him.

George Pretorius, the quiet man, may have been somewhat unobtrusive by nature, but his firm voice will remain and resonate indefinitely in the minds and memories of those who had the privilege of knowing him.

Owen Dean (the first incumbent of the Anton Mostert Chair of Intellectual Property Law until 2015), 16 September 2022

Albert van Niekerk: 'n Man van durf en daad wat 'n verskil hier gemaak het

Een van die land se voorste gewese diplomate en ambassadeurs, Albert van Niekerk, is in die Mediclinic Vergelegen-hospitaal in Somerset-Wes aan limfoom en longontsteking oorlede. Hy was 82.

In die aanbeveling vir 'n erepenning wat hy van sy alma mater die Hoërskool Jan van Riebeeck in 2005 ontvang het, skryf hulle dat Van Niekerk 31 jaar lank in Suid-Afrika se diplomatieke diens was en dat hy 18 jaar lank in oorsese poste in New York, Washington (DC), Tel Aviv, Bonn (twee maal, die tweede keer as ambassadeur) en Londen gedien het.

Hy het vyf afdelings in die departement van buitelandse sake gestig, asook 'n nuwe konsulaat-generaal in Israel in 1972, wat later 'n ambassade geword het. Van Niekerk was ook deel van die diplomatieke span wat voor die 1994-verkiezing top-ANC-politici en ander leiers met uitgebreide oorsese reise tot die werkveld van die diplomatieke diens georiënteer het.

Die afgelope jare het hy en sy gade in Somerset-Wes gewoon. Sy vrou, Katinka, sê: "Hy was die gelukkigste in twee stede: Tel Aviv en Bonn. Sy geluk daar was direk verbind aan die genot en vervulling wat hy uit sy werk geput het."

Hulle het in hul eerste jaar op Stellenbosch ontmoet: "Dit was tydens die jooloptogte waar ons geld moes insamel om die Neelsie te bou wat nou jare later stewig op die Stellenbosse kampus staan. 'n Foto is geneem van hom en sy boesemvriend André Walters met my en my

'n Lewe
deur
Herman
Lategan



Albert van Niekerk en sy vrou, Katinka.

'Hy het vir
my elke
boek
denkbaar
gegee.'

vriendin op jooldag. Ek en Albert het dus 64 jaar lank saam (sy aan sy) deurgebring, waarvan ons 58 jaar getroud was."

Sy dogter, 'n sielkundige en voormalige aktrise, Jana van Niekerk, onthou: "Hy was by my toe ek my eerste asemteug ingehaal het. My pa het op my gewag sodat ek by hom kon wees voordat hy sy laaste een kon uitblaas. Hy is so grasiuus weg."

"Om die digter Mary Oliver te parafraseer: 'Hy het vir my 'n boks met lig gegee, een waarvan ek die geskenke steeds uitpak.' Dankie dat jy my pa was."

Sy ander dogter, die romansier Elizabeth Lowry wat in Oxford woon, sê: "My ambisies het altyd vir hom saak gemaak, al was dit lees, skilder of skryf. Hy het vir my elke boek denkbaar gegee."

"Toe ek grootword, het hy my laat voel soos 'n mens in my volle reg. Van my vroegste herinnering aan hom is waar hy by sy lessenaar sit, omring met lêers, memorandum, toesprake, boeke en koerante. Hy het wyd gelees, was konsensus

met sy werk, maar het ook vlieërs op die strand gevlieg, was lief vir rolprente en het selfs gerolkskaats."

Albert Erich van Niekerk is in Windhoek gebore en het aan die Hoërskool Jan van Riebeeck in Kaapstad gematrikuleer. Daarna het hy regte aan die Universiteit Stellenbosch studeer. Sy pa, Albert, en ma, Erna, het in 'n stadion in die Grootfontein-distrik geboer. Hy was ook lid van die Diamantraad en parlamentslid vir Etoosha. Sy ouers het dus ses maande van die jaar gedurende die parlamentsitting in die Kaap deurgebring.

'n Vriendin, die joernalis Amanda Botha, sê: "So 'n besondere man! Hy het 'n verskil gemaak in die makro- en mikrobestaan van ons land, sy mense en in individuele lewens, waarvan ek ook 'n ontvanger was. Albert was 'n man van durf en daad. Ek eer sy nagedagtenis."

Hy word oorleef deur sy vrou, twee dogters en drie kleinkinders.

† Albert Erich van Niekerk, gebore 8 September 1940, oorlede 17 Oktober 2022.



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