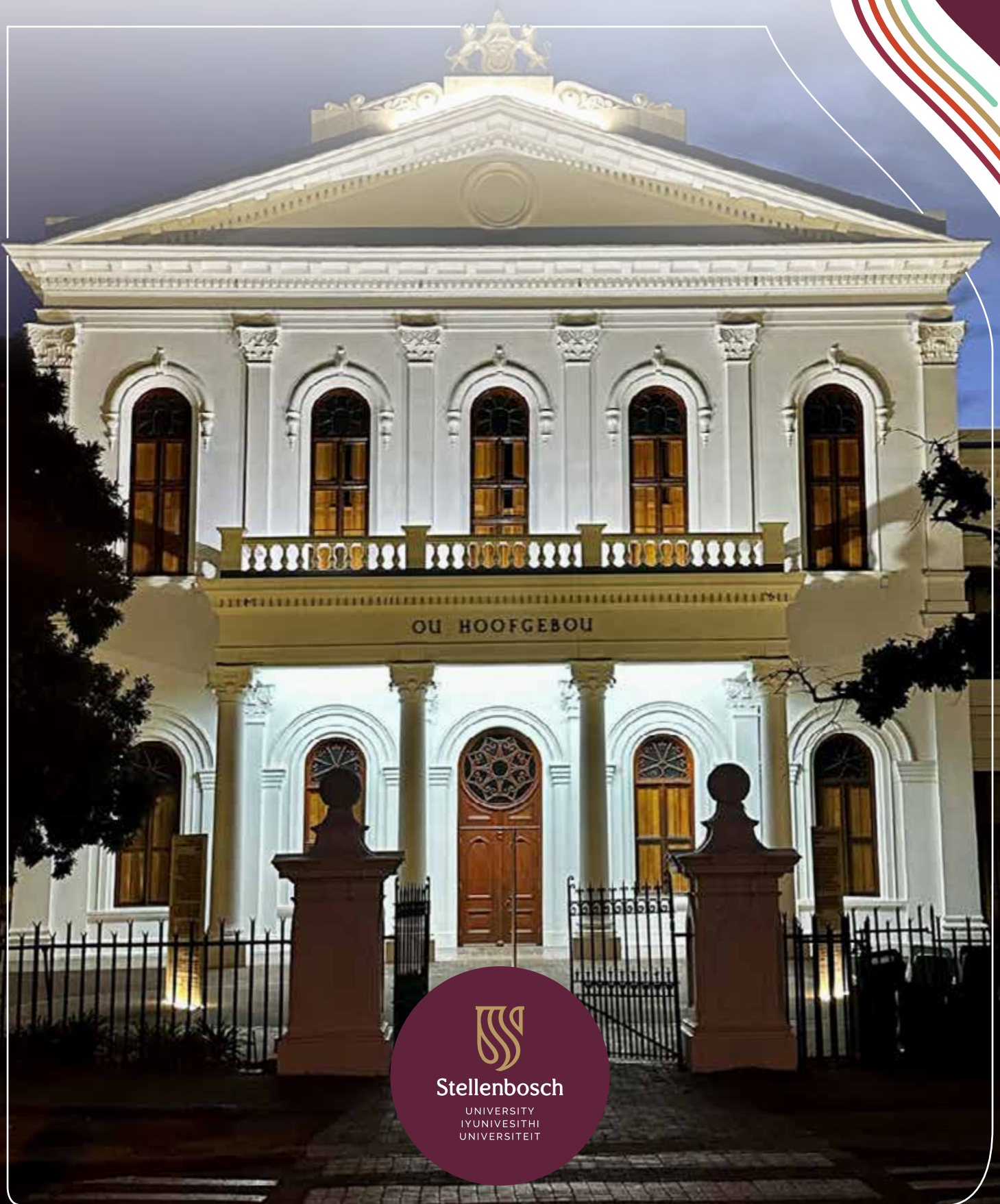


JULIE | 2024 | JULY



FACULTY OF LAW | IFACULTHI YOMTHETHO
FAKULTEIT REGSGELEERDHEID

NEWSLETTER NUUSBRIEF

Did you *know*?

Some interesting, and helpful,
things about the Faculty ...



The
Faculty of Law
introduced the
LLM
by coursework in
1994

The average
age of the
Faculty's
(permanent)
staff members
is
45

We are a musical faculty
(a variety of)
instruments
including the
violin, piano, cello,
guitar, **organ,** recorder
and **trumpet,** are played
by **various**
members of **staff**



In
2023,
the
LAW CLINIC
had
1176
walk-in
clients

SU's
**Faculty
of Law** ranks

13th
on the

'New 2024 Law
School Rankings:
The Sociology of Law'

(read more here: <https://www.mindingthecampus.org/2024/02/16/the-new-2024-law-school-rankings-the-sociology-of-law/>)

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Nuus van die Dekaan se kantoor

News from the Dean's Office



Boodskap van die Dekaan



Beste kollegas, studente, alumni en vriende

Dit is 30 jaar sedert Suid-Afrika se eerste demokratiese verkiesing wat op 27 April 1994 gehou was. Daar is baie om te sê oor die afgelope verkiesing op 29 Mei. Op 'n positiewe noot is ons trots dat daar weer 'n vrye en regverdige verkiesing plaasgevind het en dat die regerende party, ondanks die daling in steun en setels in die nasionale parlement, die uitslag en ons grondwet bevestig het. Die teenkant is dat 'n steeds kleiner persentasie van stemgeregtigdes hul stemreg uitgeoefen het wat moontlik dui op wydverspreide futloosheid en 'n gebrek aan hoop op verandering. Dit was egter verblydend om terugvoer te hoor van regstudente wat wel gaan stem het, sommige vir die eerste keer, en hul entoesiasme oor hul rol as jeug in ons demokrasie.

Dit blyk dat bewustheid en opvoeding rondom ons grondwetlike demokrasie in aksie op alle vlakke meer aandag moet geniet, insluitende in universiteite en regs fakulteite. Dit is 'n oproep waarvan Didcott J bykans twee dekades gelede die konteks geskets het, sien weer *Mohlomi v Minister of Defence* (1996 (12) BCLR 1559) par [14]:

'the state of affairs prevailing in South Africa, a land where poverty and illiteracy abound and differences of culture and language are pronounced, where such conditions isolate the people whom they handicap from the mainstream of the law, where most persons ... are either unaware of or poorly informed about their legal rights and what they should do in order to enforce those, and where access to the professional advice and assistance that they need so sorely is often difficult for financial and geographic reasons.'

Hierdie skrikkeljaar was tot dusver buitengewoon druk, nie net van 'n akademiese perspektief nie, maar ook weens die talle konflikte wat wêreldwyd voortduur en meegaande ontwrigting op kampusse. Dit is belangrik dat ons 'n inklusiewe omgewing handhaaf waar verskillende sienings en standpunte gehuldig en geuiter kan word en waar mense na mekaar luister en gespreksvoering plaasvind. Kollegas en studente het my vanjaar beïndruk met hoe hul met potensieel verdelende onderwerpe in die klas en elders op kampus omgegaan het.

Dit spyt my dat talle regstudente ook vanjaar nadelig geraak is deur die grootskaalse uitdagings met die NSFAS skema. Die ondersteuning van alumni, kollegas en ander

studente om hierdie studente by te staan (met verligting van studieskuld, voedselsekuriteit, beurse, ens.) was egter 'n herinnering dat waar ons saamstaan ons verbetering kan bewerkstellig; altyd saam vorentoe, nooit alleen nie. Alhoewel alle bottelnekke nog nie aangespreek is nie, is vordering wel sigbaar.

Die hoogtepunte van hierdie semester was beslis die Maart-gradeplegtigheid, twee intreeredses (Professor Theo Broodryk en Professor Anél du Plessis), die aansluit van Professor Johann Scholtz in die Gys Steyn Leerstoel vir Finansiële Reguleringsreg, asook die suksesvolle Stedelike Reg dag met UN Habitat en die Sosiale Geregtigheid en Menseregte publieke lesings. Ons is ook trots op ons SU Regskliniek wat 'n pryswenner in die spankategorie van die eerste SU Sosiale Impak Toekennings was en sodoende erkenning vir hul besondere bydraes in sosiale impak asook 'n kontantprys verwerf het. Daar was egter talle ander inisiatiewe en gebeure waaroor meer in die nuusbrief gelees kan word. Onder andere het die tweede Harvard, IGLP en SU Regsfakulteit Global Scholars Academy met 80 jong akademici (van 42 lande) en 40 akademici (van 14 lande) einde Junie in Stellenbosch plaasgevind. Ons sal egter meer hieroor in die tweede nuusbrief deel.

Dit is met leedwese dat ons hierdie semester kennis geneem het van die afsterwe van voormalige kollegas asook 'n Maties regstudent. Ons eer hul nalatenskap en dink aan hulle familie en vriende.

Die afgelope semester het ons egter ook verneem dat die eerste vrou as nuwe Hoofregter aanbeveel is en ons Fakulteit wens Regter Mandisa Maya alles van die beste toe in haar nuwe rol.

Die nobel pryswenner, Maria Ressa, se versugting dat 'sonder feite, kan jy nie die waarheid hê nie, sonder waarheid kan jy nie vertrou hê nie. Sonder hierdie drie het ons geen gedeelde werklikheid, geen oppergesag van die reg, geen demokrasie nie' vind aanklank by my. Ek sien uit na die tweede semester van 2024 en die geleentheid om gedeelde vertroue deur ons doen en late te bevorder. Soos altyd, sien ons daarna uit om jou by opkomende geleenthede te verwelkom. Volg ons gerus op [Stellenbosch University Faculty of Law: About | LinkedIn](#), [Facebook](#) en <http://blogs.sun.ac.za/law/>.

Professor Nicola Smit
Dekaan

Message from the Dean

Dear colleagues, students, alumni, and friends

It has been 30 years since South Africa's first democratic elections were held on 27 April 1994. There is a lot to be said about the past election on 29 May. On a positive note, we are proud that a free and fair election has once again taken place and that despite the drop in support and seats in the national parliament, the ruling party has confirmed the result and our constitution. On the other hand, an ever-smaller percentage of eligible voters exercised their right to vote, which possibly indicates widespread fatigue and a lack of hope for change. However, it was gratifying to hear feedback from law students who did vote, some for the first time, and their enthusiasm about their role in our democracy as the youth.

It seems that awareness and education around our constitutional democracy in action need to be given more attention at all levels, including in universities and law faculties. This is a call of which Didcott J sketched the context nearly two decades ago, see again *Mohlomi v Minister of Defence* (1996 (12) BCLR 1559) par [14]:

'the state of affairs prevailing in South Africa, a land where poverty and illiteracy abound and differences of culture and language are pronounced, where such conditions isolate the people whom they handicap from the mainstream of the law, where most persons ... are either unaware of or poorly informed about their legal rights and what they should do in order to enforce those, and where access to the professional advice and assistance that they need so sorely is often difficult for financial and geographic reasons.'

This leap year has, so far, been extremely pressed, not only from an academic perspective but also because of the many conflicts that continue worldwide as well as the accompanying disruption on campuses. It is important that we maintain an inclusive environment where different views and viewpoints can be held and expressed and where people listen to each other and have discussions. This year, colleagues and students impressed me with how they interacted with potentially divisive topics in class and elsewhere on campus.

I regret that many law students have also been adversely affected by the large-scale challenges with the NSFAS scheme this year. However, the support of alumni, colleagues, and other students to assist these students (with relief from student debt, food security, bursaries,

etc.) was a reminder that when we stand together, we can bring about improvement; always forward together, never alone. While all bottlenecks have not yet been addressed, progress is indeed visible.

The highlights of this semester include the March graduation ceremony, two inaugural lectures (Professor Theo Broodryk and Professor Anél du Plessis), the joining of Professor Johann Scholtz in the Gys Steyn Chair for Financial Regulation Law, as well as the successful Urban Law Day with UN Habitat and the Social Justice and Human Rights public lectures. We are also proud of our SU Law Clinic, which was a prize winner in the team category of the inaugural SU Social Impact Awards. The award comprised recognition of their exceptional contributions to social impact and a cash prize. However, there have been numerous other initiatives and events that are included in the newsletter. Among others, the second Harvard, IGLP and SU Law Faculty Global Scholars Academy with 80 young academics (from 42 countries) and 40 senior academics (from 14 countries) took place at the end of June in Stellenbosch. We will share more about this in the second newsletter.

It is with sadness that we learnt of the passing of former colleagues as well as a Maties law student this semester. We honour their legacies and think of their family and friends.

This past semester, however, we also learnt that the first woman was recommended as the new Chief Justice, and our Faculty wishes Justice Mandisa Maya all the best in her new role.

Nobel Prize winner Maria Ressa's suggestion that 'l'without facts, you can't have truth. Without truth, you can't have trust. Without these three, we have no shared reality, no rule of law, no democracy' resonates with me. I look forward to the second semester of 2024 and the opportunity to foster shared trust through our activities.

As always, we look forward to welcoming you to upcoming events. Please follow us on [Stellenbosch University Faculty of Law: About | LinkedIn](#), [Facebook](#) and <http://blogs.sun.ac.za/law/>.

Professor Nicola Smit
Dean

Umyalezo ovela kwiNtloko yeFakhalthi

Boogxa ababekekileyo, abafundi, ialamnayi, kunye nabahlobo

Sele kuyiminyaka engama30 ukususela oko kwabanjwa unyulo lokuqala lwentando yesininzi eMzantsi Afrika ngomhla wama27 kuTshazimpuzi ka1994. Kuninzi okungathethwa ngonyulo oludlulileyo lwangomhla wama29 kuCanzibe. Oku-vuyisayo kukuba, siyazingca ngokuba luphinde lwenziwa unyulo olukhululekileyo nolungenamkhethe kwaye nangona ihlile inkxaso nezihlalo kwipalamente kazwelonke, umbutho olawulayo uziqinisekile iziphumo kunye nomgaqosiseko wethu. Kwelinye icala, ngumyinge omncinci ovisayo wabavoti abafanelekileyo abasebenzise ilungelo labo lokuvota, nto leyo ebonisa ukudinwa okuxhaphakileyo kunye nokungabikho kwethemba lokutshintsha. Nangona kunjalo, bekuvuyisa ukuva ingxelo evela kubafundi bezomthetho abathe bavota, abanye okokuqala, kunye nomdla wabo ngendima yabo kwinkululeko yethu njengolutsha.

Kubonakala ngathi ulwazi kunye nemfundiso ngenkululeko esekelwe kumgaqosiseko esebenzayo kufuneka inikwe ingqwalasela ethe kratya kuwo onke amaqanaba, kubandakanywa neeyunivesithi kunye neefakhalthi zezifundo zomthetho. Eli likhwelo awathi uDidcott J walakhela umkhanyo phantse kwiminyaka engamashumi amabini eyadlulayo, jonga kwakhona uMohlomi v uMphathiswa wezoKhuselo leSizwe (ka1996 (12) BCLR 1559) umhlathi [14]:

'imeko yemicimbi egqubayo eMzantsi Afrika, ilizwe apho intlupheko nokungakwazi ukufunda kugquba khona neyantlukwano yenkcubeko nolwimi ziveswa lubala, apho iimeko ezilolo hlobo zibabeka bucala abantu abababambeleyo kwisiseko somthetho, apho uninzi lwabantu ... okanye benolwazi olulambathayo malunga namalungelo abo asemthethweni kwaye kufuneka benze ntoni ukuze bawanyanzelise, kwaye apho ukufikelela kwiingcebiso zobuchwephesha kunye noncedo abaludinga kakhulu kudla ngokuba nzima ngenxa yezizathu zemali nezendawo abahlala kuzo.'

Lo nyaka wohluke kangaka, ukuza kuthi ga ngoku, ujamelene nemingeni eliqela, kungaphelelanga nje ngokwembono yezemfundo, kodwa nangenxa yeengxabano ezininzi eziqhubekayo kwiilabathi jikelele kunye nokuphazamiseka okukhaphayo kwiikhampasi. Kubalulekile ukuba sigcine imekobume ebandakanyayo apho izimvo neembono ezahlukeneyo zinokubanjwa kwaye zivakaliswe nalapho abantu bamamelane kwaye babe neengxoxo. Kulo nyaka, abasebenzi kunye nabafundi bandichukumisile ngendlela abanxibeelana ngayo nezihloko ezinokudala iyantlukwano eklasini nakwezinye iindawo ekhampasini.

Ndilusizi kuba abafundi abaninzi bezomthetho nabo bachatshazelwe kakubi yimingeni emininzi yenkqubo yeNSFAS kulo nyaka. Nangona kunjalo, inkxaso yabo babesakuba ngaba-

fundi, oogxa babo, nabanye abafundi bathe bancedisa abafundi (ngokubakhulula kumatyala abafundi, ukubakho kokutya, iibhasari, njl.njl.) ibe sisikhumbuzo sokuba xa sibambene, singazisa uphuculo; rhoqo sonke phambili, awuwedwa. Nanonga imiqobo emininzi ingekasonjululwa, inkqubela phambili iyabonakala.

Awona manqaku aphambili esi siqingatha sonyaka aquka ithoko lothwesozidanga kweyoKwindla, iintetho ezimbini zokuqala zabo bafumana ubuNjingalwazi (uNjingalwazi uTheo Broodryk kunye noNjingalwazi Anél du Plessis), ukudibana kukaNjingalwazi uJohann Scholtz uSihlalo woMthetho wezoLawulo lwezeMali kwiGys Steyn, kwakunye nempumelelo ngakuSuku loMthetho waseziDolophini neUN Habitat kunye noBulungisa beNtlalo namaLungelo oLuntu (Social Justice and Human Rights) iintetho zoluntu. Sizingomba isifuba nangeKliniki yethu yoMthetho yeSU, ephumelele ibhaso kwicandelo leqela leeMbasa zokuQalwa zokwenza Ifuthe kwiNtlalo eSU. Eli bhaso liquka ukuqatshelwa kwegalelo labo elikhethekileyo ukuba nefuthe kwezentlalo kunye nebhaso lemali. Nangona kunjalo, kubekho amanye amanyathelo kunye nemicimbi emininzi ebandakanyiweyo kwincwadana yeendaba. Phakathi kwezinye, iHarvard, IGLP yesibini kunye neSU Law Faculty Global Scholars Academy enabafundi abaseze ngobuso elizweni abangama80 (abasuka kumazwe angama42) kunye nezifundiswa ezingamakhawhla ezingama40 (abasuka kumazwe ali14) yaqhutywa ekupheleni kweyeSilimela eStellenbosch. Siza kwabelana ngakumbi malunga noku kwincwadana yeendaba yesibini.

Kulusizi ukuva ngokusweleka kwabo bebesakuba ngoogxa bethu kwakunye nongumfundi wezomthetho waseMaties kwesi siqingatha sonyaka. Siyawuhlonipha umzila wabo kwaye sikwacinga ngentsapho kunye nabahlobo babo.

Le semester idlulileyo, nangona kunjalo, sifunde ukuba owasetyhini wokuqala kwenziwa isiphakamiso sokuba abeyiJaji eyiNtloko entsha, kwaye iFakhalthi yethu inqwenelela uJaji Mandisa Maya konke okuhle kwindima yakhe entsha.

UMaria Ressa ophumelele iBhaso leNobel ucebisa ukuba 'ngaphandle kweenyani, awunakuba nenyano. Ngaphandle kweenyani, awukwazi ukuthembela. Ngaphandle kwezi zintathu, asinazo iinyani ekwabelwana ngazo, akukho mgaqo womthetho, akukho ntando yesininzi endinokuzibandakanya nayo. Ndijonge lukhulu kwisiqingatha sesibini sowama2024 kunye nethuba lokukhuthaza ukuthembana ekwabelwana ngako ngemisebenzi yethu.

Njengesiqhelo, sijonge phambili ekwamkeleni kwimisitho ezayo. Nceda usilandele kula makhasi [About | LinkedIn](#), [Facebook](#) and <http://blogs.sun.ac.za/law/>.

UNjingalwazi Nicola Smit
INTloko yeFakhalthi

Research and Internationalisation

Southern African Law Teachers Conference

The year kicked off in earnest with the Southern African Law Teachers Conference (SALTC) ('Law, Resilience and Social Justice in the 21st Century'), held in Sun City from 15 to 19 January 2024. The Faculty was represented by nine colleagues, who all delivered papers and made keynote presentations.

The Conference also included the launch of *Protean Scholar: Essays in Honour of Gerrit Pienaar* (Juta 2023), which was co-edited by Dr Marda Horn (Free State University), Professor Juanita Pienaar (Stellenbosch University), and Professor Mitzi Wiese (North-West University). The book consists of contributions from former doctoral candidates

and colleagues of Professor Gerrit Pienaar, who retired from North-West University, where he lectured Property Law for roughly four decades. Professor Juanita Pienaar was Professor Gerrit Pienaar's first doctoral candidate, who completed her studies under his supervision in 1994. Dr Marda Horn and Professor Juanita Pienaar contributed book chapters; Professor Juanita Pienaar contributed the chapter, 'ESTA, farm workers and the right to family life: Contemporary considerations and recent developments' (in Horn M, Pienaar JM & Wiese M (eds) *Protean Scholar: Essays in Honour of Professor Gerrit Pienaar* (Juta 2023) 83–111).



Postgraduate Research Community

This year, the Research Community, a platform for postgraduate students and young academics, is back with a series of sessions designed to enhance the postgraduate experience in the Law Faculty. By extending our invitation to more students and staff, we aim to foster a sense of community and provide a space for discussing pressing research concerns and aspects of academic life. Our sessions, led by faculty members or guest presenters, cover a wide range of topics that are of interest to the Community. The sessions also offer a valuable opportunity for research feedback, where Community members can engage with and learn from each other's work.

In this first semester, the Community welcomed several prominent academics from the Faculty as well as guests from abroad. The first session saw Professor Sope Williams graciously present a seminar on the skill of writing abstracts, which catered to all the students who were seeking to submit abstracts to the various upcoming conferences hosted by the Faculty this year. April saw Professor Bradley Slade and Dr Delano Van der Linde present a session on how to convert a Master's or Doctoral thesis into academic articles. This was especially useful given that many of the Community members are in the process of publishing articles from their various post-graduate research projects. Further, this session allowed for a rich discussion on the different demands of academia - something that not all Community members were familiar with. Finally, in May, the Research Community welcomed Professor Paul Schoukens, a full professor at the KU Leuven

Faculty of Law and head of the Department of Labour and Social Security Law. Professor Schoukens led a very interesting session on EU Comparative law in the context of Social Security Law.

The feedback aspect of the sessions was also greatly appreciated by all the Community members. These allowed members to engage with the work of their peers thus exposing them to research and topics they would not normally be exposed to as part of their research endeavours. In the first semester, the Community engaged in topics such as constitutional property law, gender-inclusive legislative drafting, as well as substantive gender equality in the context of climate change adaptation. These discussions allowed the authors to reflect on whether they were meeting their goals, but most importantly, they created the space for constructive feedback.

The Research Community is a dynamic initiative that was initiated by the postgraduate community at the Faculty of Law. It has been wholeheartedly supported by the Vice Dean of Research, Professor Juanita Pienaar, and the Dean, Professor Nicola Smit. The early leadership of post-doctoral fellow, Dr Annemarie Strohwalde, and the subsequent stewardship of post-doctoral fellows, Dr Bryony Fox and Tanveer Jeewa, have been instrumental in shaping the Community into what it is today. The Research Community members are proud to be a part of this vibrant academic ecosystem and look forward to welcoming more members to their fold.



This year's writing retreat took place from 17 to 19 May 2024 at Val de Vine. It was scheduled to take place on the last day of lectures, before the start of the assessment period and accompanying grading of scripts.

Several colleagues (including Professor Juanita Pienaar, Mrs Ebrezia Johnson, Dr Delano van der Linde, Ms Gretchen Jansen, Ms Ray de Villiers, Dr Anisa Mahmoudi, Ms Mmakosha Mthelebofu, Ms Rukshana Parker, Dr Debbie Horsten, Dr Johndré Barnes, and Dr Bryony Fox), all working on research projects and doctoral studies, attended.

This was the third writing retreat and, like the previous retreats, was a huge success.

Writing retreat

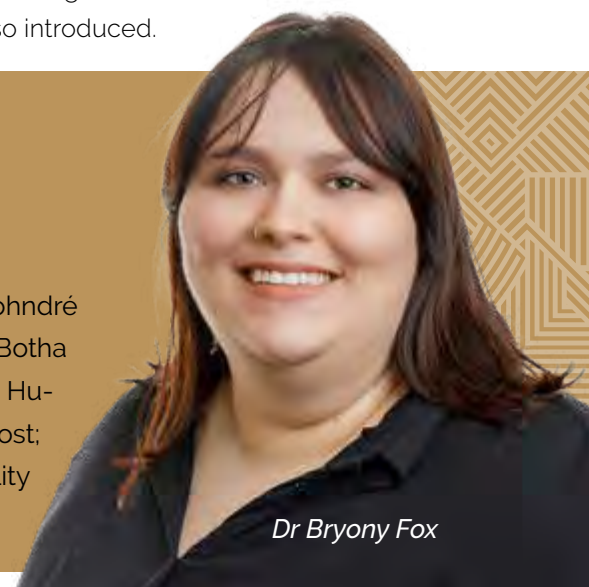
Postgraduate information session

An information session, with a view on postgraduate studies, took place for all final-year students on 29 February 2024. The purpose was to highlight the opportunities linked to postgraduate studies at the Faculty of Law. Mrs Karin Wiss, Professor Richard Stevens, and Professor Juanita Pienaar presented on the entry requirements, the various modes and options of postgraduate studies, as well as the funding and other support available. The incumbents of the various research chairs thereafter presented specific funding options and other

opportunities within the relevant chairs. In this regard, Professor Sandy Liebenberg introduced the HF Oppenheimer Chair in Human Rights Law; Professor Anél du Plessis introduced the Chair in Urban Law and Sustainability Governance, a newly established chair in Mercantile Law; Professor Sadulla Karjiker presented the Anton Mostert Research Chair in Intellectual Property Law; and the most recent research chair, the Gys Steyn Chair in Financial Regulation, under Professor Johann Scholtz, was also introduced.

New postdoctoral fellows

The Faculty welcomed new post-doctoral fellows, namely Dr Johndré Barnes in the Department of Public Law, with Professor Henk Botha as his host; Dr Anisa Mahmoudi in the HF Oppenheimer Chair in Human Rights Law, with Professor Sandra Liebenberg as her host; and Dr Bryony Fox in the Chair in Urban Law and Sustainability Governance, with Professor Anél du Plessis as her host.



Dr Bryony Fox

Internationalisation

Mrs Karin Wiss, Mr Angelo McKerry (International office), and Professor Juanita Pienaar conducted interviews with prospective exchange students in the LLB-programme on 15 February. A total of 11 students were selected to participate in the exchange programme. In the second semester, these students will be travelling to a variety of universities in Europe and the UK, including Cambridge

University for the first time.

Professor Paul Schoukens visited Stellenbosch from 7 to 10 May, to further develop a joint LLM with the University of KU Leuven.

Professor Juanita Pienaar
Vice Dean Research and Internationalisation



Oxford University



Teaching and Learning

It is hard to believe that we have already reached the end of the first semester of 2024 and that we can now reflect on it. The year started with a programme renewal workshop at the lovely Asara estate on 29 January 2024. The purpose of the morning was not only to reflect on the first two years of the renewed curriculum but also to reflect on the two years ahead. The session commenced with a presentation on the reasons why the Faculty has renewed its LLB programme, and statistics were provided to compare the throughput rate in the first two years versus historical data of modules that are still taught in the first two years. Generally speaking, it is still too early to draw any conclusions from the statistics. What is, however, a significant change is that 'pass requisite' modules that could previously only be taken if another module had been passed, have been significantly reduced. This is to ensure that students do not unnecessarily extend their degree programme unless there are very good reasons to have a module as a pass requisite module. Content alignment was another significant topic, i.e., how we should ensure that there is not unnecessary duplication across modules and that there is integration, whether horizontal (in a year group) or vertical and that the knowledge acquired is taken forward. Another significant topic is how to embed the necessary skills and dispositions that are required of our law graduates. One aspect is

what the minimum numeracy skills are that our graduates should have.

Closely aligned with all the above is the assessment strategy of the Faculty that was reported on in our 2023 newsletter(s). Some modules are designing interesting, yet also effective, formative assessment strategies to reflect the working world; for example providing complex factual scenarios to students who are then allocated into groups and who then

"... a significant change is that 'pass requisite' modules... have been significantly reduced."

have to write a group assignment. The group also has to undergo an oral assessment with the lecturer, and group members must also assess the contributions of their group. Students are therefore equipped to be able to work with people they may not know, how to manage a project, how to solve conflict, and how to debate different views on a topic.

Another aspect worth mentioning is the class representative system. Each year-group has a class representative who serves as the conduit

between the lecturer and students. The class representatives are tasked to meet with lecturers at least once per term and also with the Vice Dean. It was a pleasure to engage with our young leaders in this way and the maturity that they have shown to date.

Of course, there were challenges as well. The new student registration and marks-capturing system has started on a rather bumpy note, but once embedded shall be a valuable tool to aid student success. The ongoing problem with funding, which our NSFAS students are experiencing, is a note of concern to us because it has a direct impact on student success as students go hungry and/or cannot afford to attend lectures due to a lack of transport money. Through alumni bursary contributions, the Faculty attempts to financially assist as many students as possible, but the need is great. Should alumni wish to contribute to our faculty bursary scheme, you are welcome to contact the Dean's office.

By the time this newsletter is published, the mid-year assessments will have been completed. We wish our students and staff a well-deserved mid-year recess to recharge their batteries for the second semester.

Professor Richard Stevens
Vice Dean Teaching and Learning



African Procurement Law Unit (APLU)

Research Chairs and Units

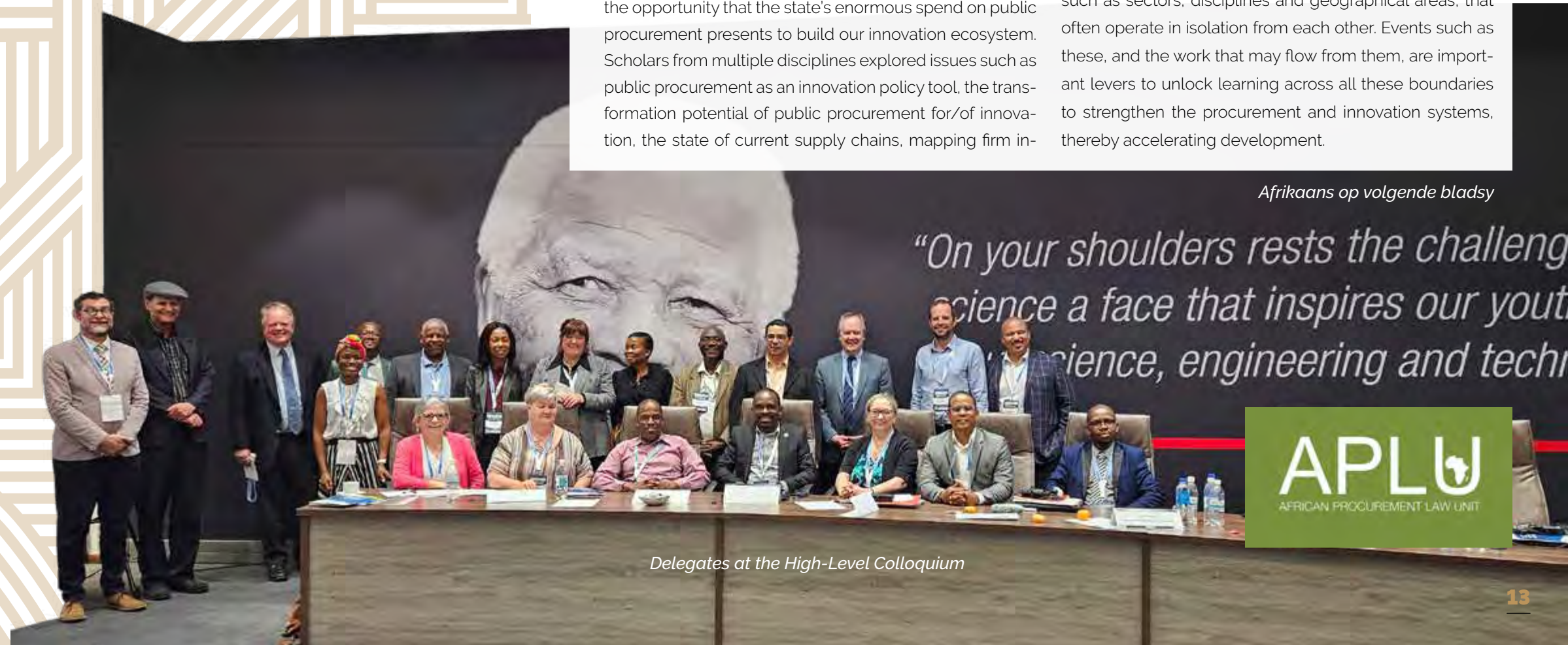
Navorsingsleerstoele en Eenhede

NRF-APLU International Conference on Public Procurement and Innovation in Africa

APLU organised two high-level engagements on behalf of the National Research Foundation (NRF) to explore the linkage between public procurement and innovation in Africa. At a one-day colloquium followed by a two-day conference, held between 13 and 15 November at the NRF campus in Pretoria, leading international scholars engaged with local policymakers, practitioners and scholars in both the areas of public procurement and innovation to explore ways in which public spending can be leveraged to accelerate innovation on the continent. Opening the conference, Mr Imraan Patel, Deputy Director-General for Research Development and Support in the Department of Science and Innovation, noted the need to use the opportunity that the state's enormous spend on public procurement presents to build our innovation ecosystem. Scholars from multiple disciplines explored issues such as public procurement as an innovation policy tool, the transformation potential of public procurement for/of innovation, the state of current supply chains, mapping firm in-

novation patterns in South Africa, the role of technology in procurement of innovation, pursuing functional and relational public procurement paradigms, innovation for gender-responsive procurement, defence procurement as a driver of innovation and public procurement in open innovation approaches. Best practices across the world were considered in building an appreciation of a fit-for-purpose approach to linking public procurement and innovation in Africa. Closing the conference, APLU's Professor Geo Quinot, who directed both events, highlighted the important linkages made during the engagements between scholars and practitioners across multiple boundaries, such as sectors, disciplines and geographical areas, that often operate in isolation from each other. Events such as these, and the work that may flow from them, are important levers to unlock learning across all these boundaries to strengthen the procurement and innovation systems, thereby accelerating development.

Afrikaans op volgende bladsy



Delegates at the High-Level Colloquium





Prof Charles Edquist and Prof Louise Knight in conversation with moderator, Nqaba Mabece, at the conference.

NRF-APLU Internasionale Konferensie oor Staatsverkryging en Innovasie in Afrika

APLU het twee hoëvlak-byeenkomste namens die Nasionale Navorsingstigting (NNS) georganiseer om die verband tussen staatsverkryging en innovasie in Afrika te ondersoek. By 'n eendag-kollokwium gevolg deur 'n tweedaagse konferensie, gehou tussen 13 en 15 November by die NNS-kampus in Pretoria, het toonaangewende internasionale vakkundiges met plaaslike beleidmakers, praktisyns en vakkundiges in beide die gebiede van staatsverkryging en innovasie geskakel om maniere te ondersoek waarin openbare besteding aangewend kan word om innovasie op die vasteland te versnel. Met die opening van die konferensie het mnr. Imraan Patel, adjunk-direkteur-generaal vir navorsingsontwikkeling en -ondersteuning in die Departement van Wetenskap en Innovasie, benadruk hoe belangrik dit is om die geleentheid te gebruik wat die staat se enorme besteding aan staatsverkryging bied om ons innovasie-ekosisteem te bou. Kundiges van verskeie dissiplines het kwessies soos openbare verkryging as 'n innovasiebeleidsinstrument, die transformasiepotensiaal van openbare verkryging vir/van innovasie, die stand van huidige voorsieningsket-

tings, kartering van firma-innovasiepatrone in Suid-Afrika, die rol van tegnologie in die verkryging van innovasie, die nastreef van funksionele en relasionele staatsverkrygingsparadigmas, innovasie vir geslags-gefokusde verkryging, verdedigingsverkryging as 'n drywer van innovasie en staatsverkryging in oop innovasiebenaderings. Beste praktyke regoor die wêreld is oorweeg in die bou van 'n geskikte benadering om staatsverkryging en innovasie in Afrika te koppel. As afsluiting van die konferensie het APLU se professor Geo Quinot, wat beide geleenthede gelei het, die belangrike skakels uitgelig wat gemaak is tydens die byeenkomste tussen akademici en praktisyns oor veelvuldige grense, soos sektore, dissiplines en geografiese gebiede, wat dikwels in isolasie van mekaar werk. Geleenthede soos hierdie, en die werk wat daaruit mag voortvloei, is belangrike hefbome om kennis oor al hierdie grense heen te ontsluit ten einde die verkryging- en innovasiestelsels te versterk en sodoende ontwikkeling te versnel.



Anton Mostert Chair of Intellectual Property Law

The Anton Mostert Chair of Intellectual Property Law hosted its annual Intellectual Property Short Course from 21 to 23 May 2024 at the Stellenbosch Institute for Advanced Studies (STIAS).

This certificate programme is aimed at non-legal or non-IP practitioners, and this year the diverse group of attendees included practising attorneys, BSc students interested in IP law, university staff members, and representatives from various corporate entities. The Short Course is specifically designed to provide attendees with an introduction to intellectual property (IP) law and its

practical application. Attendees gain a basic understanding of the various forms of IP protection and how relevant IP is to almost every commercial endeavour, and beyond. They particularly enjoy the opportunity to ask questions about specific aspects of IP related to their own work environments.

In addition to Professor Sadulla Karjiker, Professor Philip Sutherland, and Ms Gretchen Jansen, the presenters included practitioners from notable IP firms, such as Adams & Adams, Spoor & Fischer, and Von Seidels IP, who provided participants with valuable insights from practice.

Annette van Tonder was, of course, ever-present, not only ensuring the smooth-running of the administration and presentation of the Short Course, but also ensuring that all attendees and presenters were warmly welcomed. This all contributed to the Chair receiving very good feedback from the participants on the contents of the course, as well as the overall organisation of the Short Course. The IP Chair is looking forward to taking this short course to Botswana from 9 to 11 September 2024, where it will be presented for the first time.



Centre for Social Justice

The birth of the Social Justice and Equality Law Educators Association (SOJELEA)

The Centre for Social Justice (CSJ) convened an Expert Symposium on Social Justice and Equality Law Education on 19 December 2023. The symposium, which took place on the Teams platform, brought together legal academics currently offering courses on Social Justice and Equality Law or Social Justice and the Law, to share good practices while reflecting on current approaches, challenges, and prospects to improve and scale offerings. Symposium participants were drawn from 11 leading institutions, among them international academic institutions and the chairperson of the International Labour Organization (ILO) Committee on Freedom of Association (CFA) in Switzerland.

The core objectives of the symposium were to:

- 1) Review the Social Justice and Law short courses offered by the CSJ, benchmarking the same against comparable approaches on social justice and equality law education.
- 2) Share information on social justice and equality law courses, including short courses, modules, master's, and doctoral studies and reflect on what has worked.
- 3) Identify and reflect on overlaps and gaps; and

- 4) Share perspectives on the future of social justice and equality law pedagogy and collaboration opportunities.
- 5) Establish a Social Justice and Equality Law Educators Association (SOJELEA) as a platform for learning and growing together.

The dialogue enriched and diversified the conscious conversation on social justice and equality law pedagogy. The symposium exceeded expectations, particularly regarding the exceptional level of commitment to social justice among participants, depth of empathy and richness of the shared good practices.

The symposium concluded with a vote on a resolution to constitute itself as a professional association called the Social Justice and Equality Law Educators' Association (SOJELEA). SOJELEA was established as a specialist network platform for learning and growing together as social justice and equality law educators and practitioners. It was also agreed that SOJELEA will serve as a platform to facilitate collaboration on levelling up social justice and equality law to catalyse progress in the advancement of social justice and contribute to the achievement of relevant aspects of the Sustainable Development Goals (SDG) agenda by 2030.



The Social Justice Lecture

On World Day of Social Justice, the CSJ hosted the 5th Annual Social Justice Lecture delivered by Public Protector, Advocate Kholeka Gcaleka. The lecture was titled 'Social Justice, an antidote to poverty: 30 years into democracy, what still needs to be done?'. The public lecture was attended by 300 people drawn from various stakeholders including government, civil society, students, and academics.



Advocate Kholeka Gcaleka,
Prof Thuli Madonsela



Submission on White Paper for Human Settlements

On 26 February 2024, the CSJ convened an online (Zoom) engagement with various stakeholders in academia; the CSJ was represented by Professor Thuli Madonsela and Mr Thembaletu Seyisi. On 28 February 2024, the CSJ presented a written submission on the Draft White Paper, which primarily focused on the anticipated social justice implications of the White Paper and

its proposed policy proposals on the future of human settlements. This intervention led to the collaboration between the CSJ and the Department of Human Settlements and Professor Madonsela's being appointed to lead the Department's Reference Group in terms of providing expertise on Constitutional Imperatives, International Treaties and Jurisprudence.



Law Reform

On 19 February 2024, Professor Madonsela submitted a policy brief to the Minister of Finance, Enoch Godongwana, on 'Mainstreaming Social Justice in Fiscal Policy: Viewing the SRD Grant and Sustainable Income Support from a Constitutional Governance Lens'. The policy brief and intervention recommended an increase in the SRD Grant.

Thembaletu Seyisi, Minister Enoch Godongwana, Prof Thuli Madonsela

Social Justice Café, 10 April 2024

Front row (left to right): Prof Thuli Madonsela, Prof Anél du Plessis, Candice Egan. Back row (left to right): Tyler de Wet, Sthabile Duma, Katlego Letlonkane.



On 10 April 2024, the CSJ hosted a café-styled discussion to unpack SDG2: Zero Hunger and Social Context Awareness, particularly student hunger.

The broad objective of the café was to discuss the unfolding emergency of global hunger including student hunger at universities. Facilitated by Katlego Letlonkane, Programme Manager: Capacity Development in the Employment Equity and the Promotion of Diversity division in Human Resources, the discussion unpacked

various dimensions of hunger and food insecurity globally and among students while highlighting the human rights and social cohesion implications. The Café further sought to locate the dialogical engagement on hunger within the broader social context of structural social injustice that plunges some into hunger and related multi-dimensional aspects of poverty.

The keynote for this café was delivered by Professor Thuli Madonsela.

#Action4Inclusion



Social Justice Walk Participants

Student Accommodation Crisis

During the February Registration period, the CSJ, with the assistance of Convocation members, intervened and assisted Stellenbosch University in crowdfunding to assist about 100 students who were unaccommodated with food and toilet-ries. The CSJ continues to assist about eight unfunded students.



Prof Thuli Madonsela & Students

Dr Lourens achieves her Doctoral degree

On Thursday, 28 March, Dr Marna Lourens of the CSJ graduated with her LLD, after six years of hard work. Her dissertation title was 'Towards Transformative Justice for Un-Coerced Adult Female Sex Workers in South Africa: An Approach that Speaks to the Multi-Layered and Multi-Faceted Realities of Women in South Africa'.

The study examined the extent to which the existing legal approach to un-coerced adult sex work in South Africa is aligned with its constitutional dispensation. Based on an intersectional theoretical analysis, it argued for an approach that captures the interlocking constraints implic-

it in sex workers' lives and contributes to transformative justice for them. When interviewed during the graduation, Dr Lourens said, 'After such a long stretch with my head in the books, it's amazing to be free to enjoy weekends and holidays again and pay full attention to my family and friends. People don't tell you that completing an LLD is a very lonely path. But I don't regret taking on this challenge. The journey has been more than doing an LLD, I've grown so much. What I've written and researched has made me into something more. I've come to realise the value of self-reflection and appreciating the realities of other people's lives and stories.'



Welcoming of new Interns at the Centre for Social Justice

The 8th of April marked a new chapter for the CSJ as it extended a heartfelt welcome to its newest team members, consisting of five dynamic and passionate interns, and two research assistants. After an extensive recruitment process that began with advertisements on the CSJ's social media platforms, followed by interviews that showcased the incredible talent and dedication of the candidates, the CSJ is thrilled to have

these exceptional individuals joining the Centre from April 2024 to March 2025.

The CSJ commends the newcomers for their decision to join its mission to advocate for social justice. The CSJ was drawn to their unwavering commitment to create positive change in the world and is confident that their contributions will be invaluable as they work toward their shared goals.

Each new member brings a unique

set of skills, experiences, and perspectives to the CSJ team, thus enriching it. From their diverse backgrounds to their innovative ideas, the CSJ is excited to see the impact made during their time together.

As the new members settle into their roles, the CSJ wishes to advise that they are not alone and that the CSJ is more than just an organisation. It is a community of like-minded individuals dedicated to making a difference.

Thebe Magugu's latest campaign debuts in British Vogue featuring Prof Thuli Madonsela

Professor Thuli Madonsela has been featured in the renowned designer Thebe Magugu's latest campaign, which debuted in the British Vogue. 'I am exceedingly honoured by the privilege of being associated with Thebe Magugu one of Africa's exceptionally talented designers who has made the world their oyster. It is like the cherry on top,' said Professor Madonsela.



Kayamandi fires

On 14 April 2024, Professor Madonsela with the CSJ team, SU Alumni, and Friends of Maties helped mobilise support for Kayamandi fire survivors. The donations included

non-perishable items, clothes, blankets, house utensils etc. The CSJ's intervention also led to the Minister of Human Settlements, Mmamoloko Kubayi, visiting Kayamandi.

CSJ Staff, SU Alumni, Students and Kayamandi Residents



Imililo yase-Kayamandi

Ngomhla we14 kuTshazimpuzi wama2024, uNjingalwazi Madonsela kunye neqela leCSJ, iiAlamnayi zaseSU, kunye neFriends of Maties bancedisa ekuhlanganiseni inkxaso kumaxhoba omlilo eKayamandi. Iminikelo yayiquka izinto ezifana nokutya okungaboliyo, iimpahla, iingubo, iimpahla zendlu njl.njl. Ukungenelela kweCSJ kukhokelele ekubeni uMphathiswa wezokuHlaliswa koLuntu, uMmamoloko Kubayi, atyelele eKayamandi.



Chair in Urban Law and Sustainability Governance



The recently established Chair in Urban Law and Sustainability Governance hit the ground running in the first half of 2024.

The Chair, founded in July 2023 under the leadership of Professor Anél du Plessis, has welcomed its first cohort of postgraduate students and researchers. Dr Bryony Fox has joined as the Chair's Postdoctoral Research Fellow, while Ms Elizabeth Dhumbura and Mr Englebert Chikodza are pursuing their LLDs within the Chair. Ms Michaela O'Donoghue and Ms Wilmien van Biljon are working on their LLMs, and Ms Robyn Bayer is conducting her LLB dissertation project within the Chair. Their diverse research projects align with the Chair's mission to advance environmental and urban law on a domestic and regional level. The Chair's key areas of focus include environmental sustainability and climate change, with a specific interest in the intersection of law, urban development, and sustainability governance. With this cohort, the Chair is eager to establish itself as a leading institution for urban law and sustainability governance and a hub for environmental law research within the Faculty of Law

January was a busy month for the Chair. It hosted a book workshop for local and international academics for an upcoming book (*Cities and Climate Change Law*, Edward Elgar), which Professor Du Plessis is co-authoring with Professor Catherine Zengerling, Professor Oliver Fuo, and Dr Debora Sotto. The Chair then hosted the 2024 Annual Urban Law Day Symposium on 26 January, co-hosted

with UN-Habitat and the Konrad-Adenauer Stiftung's Regional Programme Energy Security and Climate Change in Sub-Saharan Africa. The symposium featured four panel discussions on the theme of 'The Role of the Judiciary in Pushing the Legal Frontiers for City-level Transition and Sustainability'. The panels, attended by local, regional, and international academics, jurists, and practitioners, delved into how the courts can contribute to urban law development, examining conceptual ideas and jurisprudence from various domestic courts in Africa.

April saw Professor Du Plessis co-presenting with Mr Andrew Gilder at the first instalment of the ClimaGovernance Series organised by EcoMaties on 8 April. Professor Du Plessis spoke on the responsibility of municipalities regarding climate change governance, carbon tax, and the changing landscape of climate change law in South Africa.



Later that week, she was a panellist alongside Professor Thuli Madonsela at the Social Justice Café, hosted by the Centre for Social Justice, which looked at the worrying issue of food insecurity on campus. Professor Du Plessis focused on the legal framework surrounding food waste in South Africa.

At the beginning of May, the members of the Chair gath-

al conference was 'Social Justice and Sustainable Urban Development in the African Context'. The conference gave students from various fields of study at Stellenbosch University, North-West University, University of Pretoria, University of Cape Town, and the University of KwaZulu-Natal the opportunity to present their research, network, and engage in discussions.



ered for a Research Feedback Day. They presented their progress on various research projects from the first half of the year and received constructive feedback on how to proceed. The month continued with an exciting milestone when Professor Du Plessis delivered her inaugural lecture, titled 'Divining the Impact of Climate Change on the Future of Urban Law in South Africa.' This lecture covered aspects of her extensive research, which has significantly influenced urban law, climate change law, and governance in South Africa and beyond. Additionally, she emphasised the importance of new forms of research in the law, including cross-disciplinary approaches. Professor Du Plessis also expressed her joy and passion for supervising and mentoring Master's students, Doctoral candidates, and Postdoctoral Research Fellows, who are to become the future generation of legal researchers. This event was attended by colleagues from Stellenbosch University and neighbouring universities as well as students, interested members of society, family and friends.

The month concluded on a high note with the Chair hosting its 1st Annual National Multidisciplinary Postgraduate Student Conference on Contemporary Urban Development Questions on 24 May. The theme of this year's virtu-

The conference comprised four sessions, chaired by Professor Du Plessis, Dr Fox from the ULSG Chair, and Mr Krisdan Bezuidenhout from North-West University. These sessions covered many aspects of urban development, including the different role-players in city life, cities' responses to climate change, urban environmental management, and public space dynamics in the African context. The various student presenters expertly relayed their research to the attendees. A special congratulations to Ms Emily Barnes from the University of Pretoria, who won first place. She was closely followed by a tie for runners-up: Ms Wilmien Van Biljon from Stellenbosch University and Mr Krisdan Bezuidenhout from North-West University. This event set a strong foundation for future thought leadership in urban law and sustainability governance.

Overall, it was a jam-packed but successful first half of the year.



Development and Rule of Law Programme (DROP)

Renewal of Memorandum of Understanding between DROP, UNEP, and UBA

After four successful years of global cooperation, the Development and Rule of Law Programme (DROP) at Stellenbosch University, the United Nations Environment Programme (UNEP) in Nairobi, Kenya and the German Environment Agency (UBA) have renewed their cooperation commitment for four consecutive years. DROP was founded in 2012 as a Programme aimed at researching and promoting sustainable development law and policy, focusing on reconciling the tensions between environmental sustainability, economic development, and human welfare, with a holistic view on current legal, political, economic and social developments. UNEP is the leading global authority on the environment with the mission to inspire, inform, and enable nations and peoples to improve their quality of life without compromising that of future gener-

ations, especially through cutting-edge science, coordination and advocacy. The German UBA centres around policy advice to counter environmental risks. The Memorandum of Understanding (MoU) between the 3 partners envisages, among others, more joint cooperative activities, especially on the African continent (but also beyond) with a focus on the regulation of global economic activities in the context of sustainability; legal questions on climate law, policy and litigation; networking and organisation of research, workshops and conferences in the sub-regions of Africa; investigating legal questions about the African Continental Free Trade Agreement (AfCFTA) and to establishing a circular economy worldwide, with special consideration of existing and envisaged legislation.

The photo with representatives of all three partnering entities was taken at the inception meeting held at Mathaiga Country Club, Nairobi, Kenya on 24 February 2024.



HF Oppenheimer Chair in Human Rights Law

Justice Jody Kollapen delivers the 18th Annual Human Rights Lecture

The 18th Annual Human Rights Lecture, hosted by the HF Oppenheimer Chair in Human Rights Law, Professor Sandra Liebenberg and the Dean of the Law Faculty, Professor Nicola Smit, took place in the evening on Tuesday the 19th of March, at the Faculty of Law. This lecture, sponsored by the law firm Webber Wentzel, marks Human Rights Day, which was commemorated on the 21st of March. The lecture was hosted in a hybrid format and was well-attended both in person and online by various representatives of government institutions, civil society organisations, academics, students, and the media.

This year's lecture was presented by Justice Jody Kollapen of the Constitutional Court of South Africa, on the topic of *Realising Socio-Economic Rights in an Unequal Society*.

Justice Kollapen has enjoyed a long and distinguished record of human rights work in South Africa. From 2017 until 2021, before taking up a permanent position on the bench of the highest court in the country, he served as an acting Justice of the Constitutional Court of South Africa. Previously, Justice Kollapen sat as a Judge of the High Court in the Gauteng Division, Pretoria. Currently, he is also the Chairperson of the South African Law Reform Commission. Preceding his appointment to the bench, Justice Kollapen served in many notable roles, including as the Chairperson of the South African Human Rights Commission from 2002 to 2009.

In his lecture, Justice Kollapen focused on ameliorating poverty and inequality in South Africa by foregrounding the realisation of socio-economic rights. Justice Kollapen commented that as we sit for our 7th election in South Africa our constitutional democracy has enjoyed many successes but has also been deeply contested. The Justice highlighted that to overcome the entrenched reality of poverty and inequality that shape so many South African

lives, the Constitution must be looked at as the framework within which to chart our way forward. However, in addition to the Constitution, he remarked that the collective consciousness we bring to bear on what happens in our society is extremely important to overcome our deep-rooted issues of poverty and inequality. Within our constitutional framework, Justice Kollapen noted that substantive equality, in its redistributive form, must play a key role in transforming our society. Further, he noted that how substantive equality interrelates with socio-economic rights is important in fighting against poverty and inequality in our society.

Remarking on the role of the courts in realising socio-economic

rights in an unequal society, Justice Kollapen explained that our courts cannot replace the phenomenon of government by discussion, which should occur between the state and its people. However, he asserted that when people want to assert their rights in court, the courts must apply the reasonableness review as a comprehensive model of accountability. Within this context, he remarked that due regard to the doctrine of separation of powers is crucial for the courts to respect. However, at the same time, developing normative content on socio-economic rights should be encouraged. The Justice noted that this development should not necessarily be done by the courts but by the government and its people.

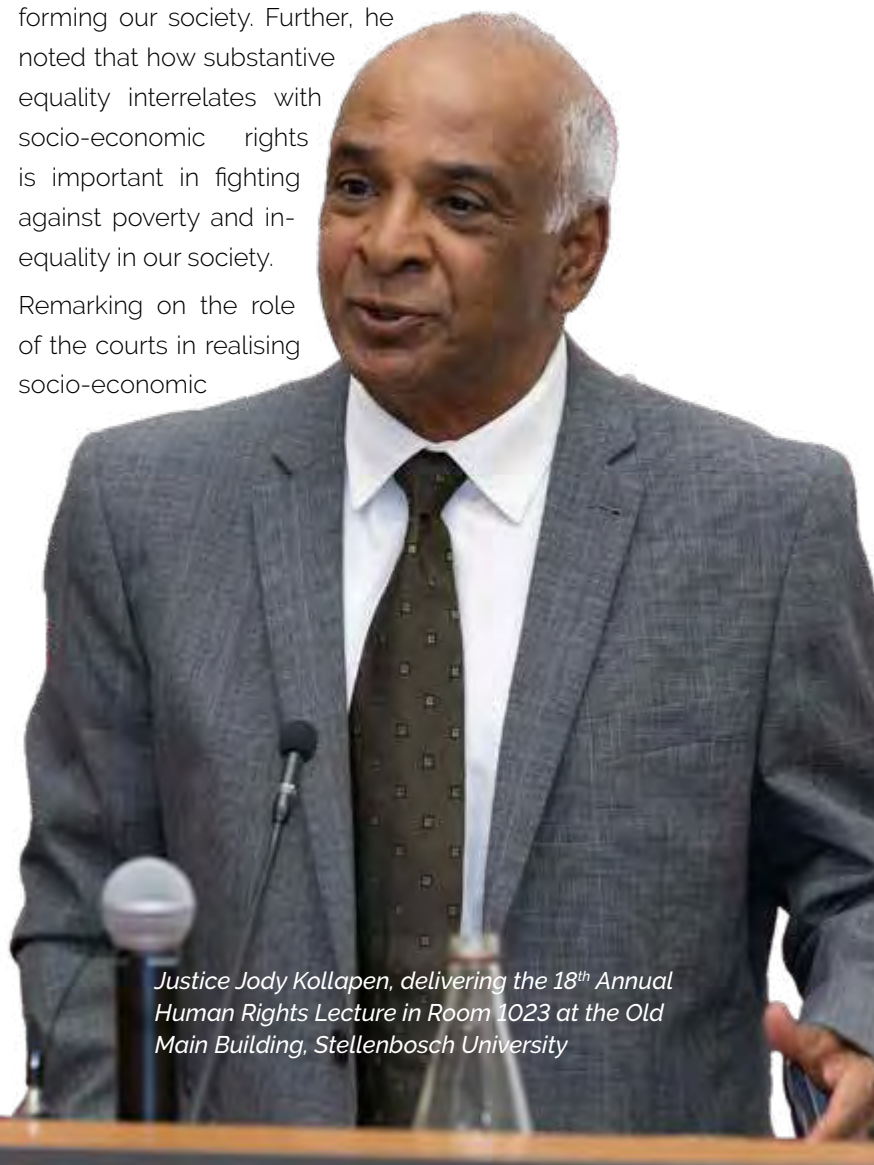
Justice Kollapen concluded by surmising that we all have mixed feelings entering our 4th decade of democracy in South Africa, however, we must take the lessons we have learnt and build on these moving forward. He enthusiastically asserted that we all must locate our place within this aspirational democracy, and we must remain hopeful. Justice Kollapen urged that we must all question what our answer would be when people ask how a society such as ours, armed with arguably the most egalitarian Constitution in the world, could allow poverty and inequality to survive for so long. Professor Sandra Li-



Justice Jody Kollapen, Professor Sandra Liebenberg and the HF Oppenheimer Chair in Human Rights Law Team: Vuyiseka Klaas, Melissa Robertson, and Anisa Mahmoudi

ebenberg, in thanking the Justice for his thought-provoking lecture, agreed that this question demands deep reflection on how structural poverty and inequality can be overcome in our society and what role we each have to play in this journey.

See also: Tamsin Metelerkamp, 'Future of SA's Democratic Society Depends on Overcoming Poverty and Inequality – Justice Jody Kollapen' Daily Maverick, 20 March 2024: <https://www.dailymaverick.co.za/article/2024-03-20-jody-kollapen-poverty-inequality-and-sas-democratic-future/>



Justice Jody Kollapen, delivering the 18th Annual Human Rights Lecture in Room 1023 at the Old Main Building, Stellenbosch University



From left: Vice-Chancellor of Stellenbosch University, Wim de Villiers; Webber Wentzel Partner, Adriano Esterhuizen; HF Oppenheimer Chair in Human Rights Law incumbent, Professor Sandra Liebenberg; 18th Annual Human Rights Lecture Speaker, Justice Jody Kollapen; Dean of the Faculty of Law, Professor Nicola Smit; Deputy Vice-Chancellor Social Impact, Transformation and Personnel, Nico Koopman; and Deputy Vice-Chancellor Learning and Teaching, Professor Deresh Ramjugernath

Lunchtime Seminar with Prof Bhabha

On 12 March 2024, the H.F. Oppenheimer Chair in Human Rights Law hosted a lunchtime seminar presented by Professor Jacqueline Bhabha on the topic of 'Refugees, Human Rights and Host Communities: The Importance of Local Solidarity'. In her presentation, Professor Bhabha emphasised the significance of inter-disciplinary scholarship and shared her experiences of engaging in inductive research, which draws from experience gained in the field. Of particular interest to her scholarly work is the reception by local communities of distress migrants. 'Distress migrants' are, according to Professor Bhabha, all individuals fleeing their home countries, including those that do not meet the requirements for asylum in terms of the Refugee Convention. In this regard, she studied the experience of the Greek island of Lesbos and the initial outpouring of local solidarity shown by the inhabitants of the island. Over time, however, this local solidarity dissipated due to several factors including the burden on the island to provide for the influx of migrants; the healthcare system became strained, schools became overcrowded and crime rates were increasing due to unemployment. This contributed to growing resentment felt by locals whose island was no longer perceived as a desirable tourist destination, resulting in a significant loss of income. Professor Bhabha underscored the fragility of local solidarity where state support is non-existent. Indeed, she highlighted the important role that states play in pre-empting the needs of local communities in situations of migrancy to ensure the longevity of local solidarity. Where support is lacking, her research has shown the dissolution of solidarity and the development of xenophobic and resentful attitudes. In contrasting the approach taken by the EU in response to Russia's invasion of Ukraine and the influx of migrants to the EU as a result, Professor Bhabha demonstrated that the ca-

capacity for pre-emptive action does, indeed exist where there is political will. Where support exists, research has shown that local solidarity is maintained. The question, thus, remains: what can we do to help states anticipate migration-based needs? Professor Liebenberg facilitated an engaging question and answer session where students engaged on the topic of migration generally, and the willingness of states such as South Africa to support local communities in maintaining solidarity with migrants where such support in local communities for their basic services and support is lacking. The Chair is privileged to have been able to host Professor Bhabha and they are grateful for her highly informative contribution.



Prof Sandra Liebenberg and Prof Jacqueline Bhabha



Workshop: Remedies for Socio-Economic Rights Violations

On 6 December 2023, the HF Oppenheimer Chair in Human Rights Law partnered with the public interest law centre, [Section 27](#), and the law firm [Cliffe Dekker Hofmeyr \(CDH\)](#) to host a workshop on remedies for [structural violations of socio-economic rights](#). The workshop took place in the conference room of CDH in Johannesburg and was well-attended by a cross-section of public interest lawyers, civil society organisations, academics, students, members of the judiciary and staff of chapter 9 institutions. The workshop was opened by a thought-provoking keynote address by Justice Johan Froneman, retired Justice of the Constitutional Court and member of the Board of Trustees of Section 27.

The workshop had three main components. The first part was aimed

at uncovering the perspectives and experiences of civil society organisations involved in litigating socio-economic rights cases. The second part incorporated a comparative dimension on how to design remedies that can address the underlying causes of socio-economic rights violations in both individual and collective cases. This part included presentations from both Colombian and South African members of the judiciary as well as academics and a senior advocate. Part three focused on perspectives of the judiciary in crafting remedies for socio-economic rights violations, and also included participants from members of the South African and Colombian judiciary. Professor Liebenberg concluded the workshop by synthesising the key themes that emerged and outlining the various

suggestions from both speakers and the audience on how to take the project further.

Both the presentations and discussions at the workshop were very rich and benefitted from the combined experiences and insights of civil society public interest law practitioners, academics, and members of the judiciary.

The three organisations involved in the workshop plan various initiatives to take forward the workshop recommendations. One such initiative is a conference which will be co-hosted by the Chair and Professor Bradley Slade (HOD, Public Law) from 28 – 29 November 2024 entitled, *Human Rights and Constitutional Accountability*. For more information on this conference, see [here](#).

Photo Credit (from left to right): Mila Harding, [Section 27](#); Sandra Liebenberg, HF Oppenheimer Chair in Human Rights Law; Jacque Cassette, Director of Pro Bono and Human Rights Practice, CDH; Faranaaz Veriava, Senior Lecturer, Faculty of Law, University of Pretoria and Strategic Advisor, [Section 27](#); Sasha Stevenson, Executive Director, [Section 27](#)

'So You Want to be a Human Rights Lawyer? Prospects and Pathways': Jacquie Cassette of CDH Delivers Lunchtime Seminar

Mrs Melissa Robertson and Dr Anisa Mahmoudi report that, on 15 May 2024, the HF Oppenheimer Chair in Human Rights Law, Professor Sandra Liebenberg and the JV/S Transformation Portfolio headed by Liam Gillesen hosted a lunchtime seminar with the above title.

The guest for this seminar was Ms Jacquie Cassette, Director and Head of the Pro Bono and Human Rights Practice at Cliffe Dekker Hofmeyr (CDH). Ms Cassette has enjoyed a long and remarkable record of human rights work in South Africa. She started off her career as a lecturer at the University of the Witwatersrand, whereafter she had the opportunity to intern at the Office of the Prosecutor at the International Criminal Tribunal for Yugoslavia and Rwanda. Upon her return to South Africa, she worked as a research assistant and law clerk to Justice Richard Goldstone at the Constitutional Court. Thereafter, she took up a position as a senior investigator at the Office of the Public Protector. She then transitioned into working as a full-time advocate at the Johannesburg Bar. Ms Cassette joined CDH in 2014 where she still works today.

The seminar was well-attended by law students. In an in-

terview-like presentation format, Professor Liebenberg first asked Ms Cassette to give the SU law students an idea of the type of work she undertakes at CDH. Ms Cassette explained that the department's work ranges from taking on public interest impact litigation cases to assisting individuals with legal representation. In discussing the department's public interest litigation cases, she mentioned that their cases range from refugee, migrant and citizenship cases to access to education cases for undocumented children. She specifically mentioned that her department's Cape Town office focuses on women's rights with a speciality developing in taking on gender-based violence cases.

The second question Professor Liebenberg posed to Ms Cassette concerned the skills and attributes required to be a human rights/public interest practitioner. Ms Cassette explained that every stage in one's career should be treated as a valuable opportunity to build skills and competencies to progress closer towards one's ultimate goals and dreams. She went on to explain how the diverse steps in her career helped to build a variety of skills. She

has worked as a lecturer, intern, research assistant and law clerk, senior investigator and advocate. Through all these positions she learnt the value of hard work, determination, grit, legal rigour for understanding the facts and the law in a case,

From left to right:
HF Oppenheimer
Chair in Human Rights
Law incumbent, Prof
Sandra Liebenberg;
and Seminar
Presenter, Jacquie
Cassette



and developing soft skills to deal with clients and to be able to work in a team environment.

Professor Liebenberg then opened the floor to questions from SU students, who posed several questions to Jacquie, ranging from how to get a foot in the door of human rights practice, the role of mentorship and networks, how to stay motivated in a demanding practice, and her views on achieving a healthy work-life balance in a demanding profession. Ms Cassette highlighted several important practical steps that students could take to improve their prospects of doing human rights. She also highlighted the opportunities to do human rights work within a commercial law context, as well as in pro bono and extra-curricular activities. She agreed that ensuring that one has a work-life balance is essential in the legal profession. She emphasised the importance of engaging with one's peers on common issues and voicing them together. To stay motivated,

Ms Cassette indicated that she found her work deeply rewarding, particularly the 'ripple-effect' of achieving a good outcome for clients – whether individuals or groups. She also said that having

an excellent team of people to work with and a support system is vital. She has come to embrace a more spiritual perspective on her life and work. Ms Cassette emphasised how important mentors are in the human rights space. She confirmed that they are the people one connects with, and they assist in moving between opportunities. She mentioned that mentorship and some life experience assisted her in overcoming the many challenges one faces working as an advocate, especially as a woman. Ms Cassette mentioned that there are many opportunities out there that students can explore that can assist them in moving towards the goal of a human rights practice: these include, working for chapter 9 institutions, going into government, doing internships and clerking at courts. Lastly, Ms Cassette emphasised that it is good to have a specific goal in mind, but in the journey, one must remain open to seizing different opportunities and experiences.

The seminar ended with a formal vote of thanks to Ms Cassette by Liam Gillesen. He indicated his full agreement with Ms Cassette that all lawyers in South Africa have a constitutional obligation to assist in fighting for access to justice in our country.



From left to right: Liam Gillesen, JV/S Transformation Officer; Pheno Lewanika, JV/S Events Manager; Seminar Presenter, Jacquie Cassette; HF Oppenheimer Chair in Human Rights Law incumbent, Prof Sandra Liebenberg; and the HF Oppenheimer Chair in Human Rights Law Team: Melissa Robertson and Dr Anisa Mahmoudi



Lectures • Conferences Seminars • Book Launches

Faculty and students Fakuliteit en studente

Mercantile Law Research seminar, 6 February 2024

The Department of Mercantile Law hosted the first of two research seminars for the year on 6 February 2024. The combination of a lovely venue, top-tier presentations from speakers, and the presence of colleagues set the stage for an intellectually stimulating day.

The Department enjoyed presentations from Dr Izelle du Plessis, Dr Aisha Adams (on invitation by Professor Garbers), Professor Sope Williams, and Dr Enelia Jansen van Rensburg. The first presentation of the day was delivered by Dr Du Plessis, who presented a paper titled 'The conduit principle and recent amendments to section 25B of the Income Tax Act'. Thereafter, Dr Adams presented a paper, related to her Doctor of Philosophy (PhD), entitled 'Toward inclusion: Rethinking appearance discrimination in South African Labour Law'. After a refreshment break, Professor Williams presented a paper titled 'Sexual corruption and

the law in South Africa'. Dr Jansen van Rensburg concluded the research seminar with a paper titled 'Independent Community Pharmacy Association v Clicks Group Ltd and others 2023 JDR 1121 (CC)'.

It is worth mentioning that the presentations provided by the speakers were intended for different upcoming engagements, such as colloquia, workshops, as well as research projects and research papers. The opportunity to present a paper at the research seminars provides a platform for colleagues to obtain inputs to improve their research for such engagements, projects, or papers.

It is rather difficult to capture the morning in a sentence. However, the quote by Dan Millman encapsulates its spirit, 'The seasons do not push one another; neither do the clouds race the wind across the sky. All things happen in their own good time.'

Mercantile Law Research seminar, 24 May 2024

The Department of Mercantile Law held its second (and final) research seminar for the year on 24 May 2024. The morning was filled with presentations from four speakers and provided a wonderful opportunity for colleagues to gather for a great meal afterwards and to spend some time with each other.

The department heard presentations from Mrs Silke de Lange, Professor Christoph Garbers, Professor Charl Hugo, and Professor Phillip Sutherland. Mrs De Lange presented a paper titled 'Double Jeopardy in Tax', which is intended to be a collaboration between Mrs De Lange and Dr Delano van der Linde. There was also a presentation from Professor Garbers, titled 'On the holy weed, criminal records (and working for Lexis Nexis) and the apartheid wage gap: the battle for the soul of employment equity law continues'. After the tea break, Professor Hugo provided colleagues with a presentation entitled 'Development of the fraud exception to the independence principle governing letters

of credit and demand guarantees in Eurobank Ergasias SA v Bombardier Inc (2024 SCC 11)'. The last presentation was from Professor Sutherland, who presented a paper titled 'Should professional firms only be allowed to conduct business in personal liability companies?'.

The day was filled with thought-provoking presentations and afforded colleagues an insight into the research being undertaken within the department. Despite the timing of the seminar (which is the first week of mid-year assessments), it was wonderful to host colleagues at an off-campus venue. It was made all the better due to the presence of the sun on the day (which is usually not the case for Stellenbosch at this time of the year).

The following quote by J.M. Darhower aptly describes what is envisaged by the departmental research seminars, 'Go for it while you can. I know you have it in you. And I can't promise you'll get everything you want, but I can promise nothing will change if you don't try.'

Southern African Law Teachers Conference



From left to right: Prof Shannon Hctor, Prof Bradley Slade, Prof Nicola Smit, Prof Juanita Pienaar, Ms Nondumiso Phenyane, Dr Mary Nel, Dr Delano van der Linde, Ms Ebrezia Johnson

The bi-annual Southern African Law Teachers' Conference, hosted by the Faculty of Law of the North-West University, took place at Sun City from 15 to 19 January 2024. The overarching theme of the conference was Law, Resilience, and Social Justice in the 21st Century.

The following colleagues attended and presented papers, participated in plenary sessions, or chaired sessions: Professor Nicola Smit, Professor Juanita Pienaar, Professor Sope Williams, Professor Shannon Hctor, Professor Bradley Slade, Dr Mary Nel, Dr Delano van der Linde, Ms Ebrezia Johnson, and Ms Nondumiso Phenyane.

Colleagues can attest to the vibrant and robust discus-

sions during the various sessions – and afterwards during lunch and evening dinners! The conference presented a wonderful opportunity to connect and re-connect with colleagues from other law faculties. Several opportunities for collaboration were also established. SU colleagues had the opportunity to participate in a team-building exercise in the form of a game drive in rainy and windy conditions, had to collectively solve complex puzzles, and received a lesson in practising silence.

During the Annual General Meeting, Professor Slade was elected as the deputy president of the Southern African Law Teachers Society.



From left to right: Prof Shannon Hctor, Prof Juanita Pienaar, Ms Ebrezia Johnson, Dr Mary Nel, Prof Bradley Slade, Dr Delano van der Linde, Prof Sope Williams, Prof Nicola Smit, Ms Nondumiso Phenyane

Morti Malherbe Lecture

The Morti Malherbe Memorial Lecture hosted by the Faculty of Law, Stellenbosch University, was held on Wednesday, 6 March 2024. Professor Reinhard Zimmermann, Emeritus Director, Max Planck Institute for Comparative and International Private Law, Germany, presented the topic of 'The Civilian Tradition'.

Professor Zimmerman is undoubtedly one of the greatest exponents of private law in modern times. His academic output is quite simply prodigious. It includes 25 books as author, more than 50 books as co-editor, and hundreds of chapters, essays and articles that cover major fields such as the laws of contract, delict, unjustified enrichment and succession.

These disciplines he generally approached from a historical and comparative perspective, displaying a strong interest in the civil law tradition (the topic of our lecture), the common law tradition, the particularly exciting mixed legal systems of South Africa and Scotland, and the harmonisation of private law.

Throughout his academic career, Professor Zimmermann has received numerous awards, honours and honorary appointments. These include the Leibniz Prize, which is the most important research award in Germany, and more recently, the Feltrinelli Prize of the Lincean Academy in Italy. On the latest count, Professor Zimmermann also holds honorary doctorates from ten Universities, including Stellenbosch, and has held guest professorships at many universities, including Chicago, Edinburgh, Berkeley, Yale, Cornell, Oxford, Cambridge, and, last, but not least, Stellenbosch, where he currently is an honorary professor in the Department of Private law.

This brings us to his strong bond with the South African legal academic community, and the Stellenbosch Law Faculty in particular.

After completing his legal studies at the University of Hamburg, Professor Zimmerman, at the tender age of 29, was appointed in 1981 as the W.P. Schreiner Professor of Roman and Comparative Law at the University of Cape Town. Although there was some earlier contact with Stellenbosch colleagues during his student days, it was during his time at UCT that Professor Zimmermann com-

menced establishing lasting academic and personal links with our Faculty of Law. These links were not only continued but strengthened after he relocated to Germany, and first occupied a Chair at the University of Regensburg, followed by a directorship of the Max Planck Institute for Comparative and International Private law in Hamburg, a position he held with great distinction over two decades.

Throughout this period many of the Faculty's former students or the 'light-seeking youth', as he prefers to call them, as well as members of this Faculty were assistants at his Chair, holders of visiting fellowships at his Institute, and participants in his research projects.

When Professor Zimmermann left South Africa for Germany, there was no reason to expect that he should retain any particular association with the Faculty. Nonetheless, amid ever-increasing demands on his time, he continued to support us in following the hard road to learning.

During his current visit, Professor Zimmermann has also indicated a keen interest in guiding further generations of students and colleagues along this road. The Faculty is immensely grateful that he has been such a wonderfully loyal friend to the Faculty collectively, and to many individually.





Top left to right: Prof Reinhard Zimmermann, Judge Ian Farlam, Prof Danie Visser, Prof Muneer Abduroaf, and Mr Louis van Vuren
Seated left to right: Prof Kristin Boosfeld, Mrs Rukshana Parker, Prof Francois Du Toit, Adv Eleonore Van der Horst, and Prof Fatima Osman

Succession Law Seminar

The Succession Law Seminar, held at the University of Cape Town on March 19, facilitated a dynamic exchange of ideas and insights among succession law experts from various institutions nationally and internationally. The purpose of the seminar was to foster scholarly exchange, explore current trends, and deepen the understanding of the law of succession. Mrs Rukshana Parker delivered a thought-provoking paper at the seminar on artificial reproduction and its implications within the law of

succession.

The impressive list of presenters included Professor Reinhard Zimmermann (Emeritus Director: Max Planck Institute for Comparative and International Private Law, Hamburg); Dr James Faber (Senior Lecturer: Department of Private Law, University of the Free State); Professor Kristin Boosfeld (Professor: Institute for Foreign and International Private Law, University of Freiburg); Professor Fatima Osman (Associate Professor: Department of Private Law, University of Cape Town);

Mr Louis van Vuren (Chief Executive Officer: Fiduciary Institute of Southern Africa); Mrs Rukshana Parker (Lecturer: Department of Private Law, University of Stellenbosch); and Professor Muneer Abduroaf (Associate Professor: Department of Private Law, University of the Western Cape).

Other attendees included Former Supreme Court Judge Ian Farlam; Professor Danie Visser; Advocate Eleonore Van der Horst (retired); and Professor Francois Du Toit (the HOD Private Law, University of Cape Town).

Inaugural Lectures

Prof Theo Broodryk

On 9 April, Professor Theo Broodryk delivered his inaugural lecture, 'Reflecting on 30 years of class action in South Africa: a people inured to hardship, but not to collective redress?' It was an excellent lecture that was well attended by colleagues, students, and the family of Professor Broodryk. Professor Theo Broodryk is a professor of law at Stellenbosch University and the manager of the University's Law Clinic, an accredited law firm with 17 staff members. He obtained the degrees BA, LLB and LLD from SU. He is an admitted attorney of the South African High Court and manager of the SU Law Clinic.

Reflecting on 30 years of class action in South Africa: a people inured to hardship, but not to collective redress?

Class actions allow multiple persons with similar claims against the same defendant to consolidate their cases into a single lawsuit. Class actions promote efficiency by preventing the court system from being overwhelmed with numerous individual cases that address the same or similar issues. They also facilitate access to justice, providing a mechanism for individuals who may not have the financial means to pursue individual lawsuits. In addition, class actions help ensure consistent judgments for similarly situated

plaintiffs, can deter persons engaging in unlawful practices, and can catalyse systemic change by addressing widespread issues that affect many people. Despite these benefits, however, there have only been a limited number of class actions in South Africa to date. This inaugural lecture considers why the class action remains underutilised almost 30 years since its introduction into South African law and why a sea change likely awaits the landscape of collective redress in the country.

Prof Nico Koopman, Prof Nicola Smit, Prof Theo Broodryk, Prof Richard Stevens, and Prof Juanita Pienaar



Op 9 April 2024 het professor Theo Broodryk sy intrede, 'Besinning oor klasaksie in Suid-Afrika die afgelope 30 jaar: 'n nasie gewoon aan swaarkry, maar skugter vir kollektiewe herstel?' gelewer. Dit was 'n uitstekende lesing wat goed bygewoon is deur kolle-

gas, studente en familie van professor Broodryk. Professor Theo Broodryk is 'n professor in die regte aan die Universiteit Stellenbosch (US) en die bestuurder van die Universiteit se Regskliniek, 'n geakkrediteerde regsfirmat met 17 per-

soneellede. Hy het die grade BA, LLB en LLD aan die US verwerf. Hy is 'n toegelate prokureur van die Suid-Afrikaanse hooggeregshof en bestuurder van die SU Regskliniek.

Besinning oor klasaksie in Suid-Afrika die afgelope 30 jaar: 'n nasie gewoon aan swaarkry, maar skugter vir kollektiewe herstel?

Klasaksies stel verskeie persone met soortgelyke eise teen dieselfde verweerder in staat om hulle sake in 'n enkele regsgeding te konsolideer. Klasaksies bevorder doeltreffendheid deur te keer dat die hofstelsel oorval word met etlike individuele sake oor dieselfde of soortgelyke kwessies. Dit bewerkstellig ook toegang tot die reg deur 'n meganisme te voorsien aan individue wat dalk nie oor die finansiële middele vir individuele sake beskik nie. Daarbenewens kan klasaksies konsekwente uitsprake help verseker vir eisers in soortgelyke omstandighede, as afskrikmiddel dien vir per-

sone wat betrokke is by onwettige praktyke, en sistemiese verandering teweegbring deur wydverspreide kwessies aan te roer wat 'n groot groep mense raak. Ondanks hierdie voordele, was daar egter tot dusver nog net 'n beperkte getal klasaksies in Suid-Afrika. Hierdie intrede besin oor waarom die klasaksie steeds onderbenut is bykans 30 jaar sedert dit in die Suid-Afrikaanse regstelsel bekend gestel is en waarom daar waarskynlik 'n transformasie voorlê op die terrein van kollektiewe herstel in die land.

Prof Anél du Plessis

On 16 May, Professor Anél du Plessis delivered her inaugural lecture, 'Divining the impact of climate change on the future of urban law in South Africa'. It was an excellent lecture that was well attended by colleagues, stu-

dents, and the family of Professor Du Plessis. Professor Anél du Plessis was appointed as the inaugural incumbent of the Chair in Urban Law and Sustainability Governance at Stellenbosch Universi-

ty in July 2023. Having completed her law training at North-West University (NWU) (BA (Law), LLB, LLM, LLD), she joined that institution's teaching staff in 2005 and was promoted to full professor in 2012.

Divining the impact of climate change on the future of urban law in South Africa

The rapid rate of urbanisation in Africa raises challenges and questions of legal relevance. These questions are complex because cities and towns are spaces of cohabitation where law, quasi-law and lawlessness all converge to steer relationships among a diversity of people, as well as between people and things (including the urban commons). Cities are also characterised by head-on collisions between people's rights. They are often ruled not so much by democratic order as by politics, trade and investment, coupled with the influential clustering of property ownership, wealth and advantageous access to otherwise obscured information and new technologies.

As the law 'of' and 'in' cities, urban law is firmly rooted in an intricate mix of private, public and mercantile law, with a plethora of sources of authority and origin. In the South

African context, it comprises more than classic local government law. As a manifestation of legal geography, urban law determines social and environmental justice trajectories and is at the heart of many a court decision involving metropolitan, medium-sized and smaller municipalities. One might think that the study, design and implementation of urban law could not be any more complex than it already is.

Yet the fact that cities in South Africa find themselves in the eye of the storm brought about by a global climate crisis adds an entirely new dimension of complexity. This lecture reflects on the demands of climate-resilient development and how this is expected to influence the future of urban law in South Africa – not only as a matter of legal practice, but also as a field of research and teaching.

Op 16 Mei het professor Anél du Plessis haar intrede, 'n Voorspelling van die impak van klimaatsverandering op die toekoms van stedelike reg in Suid-Afrika' gelewer. Dit was 'n uitstekende lesing wat goed bygewoon is deur kolle-

gas, studente en familie van professor Du Plessis. Professor Anél du Plessis is in Julie 2023 as die eerste bekleër van die Leerstoel in Stedelike Reg en Volhoubaarheidsbestuur by die Universiteit Stellenbosch

aangestel. Nadat sy haar regsopleiding aan Noordwes-Universiteit (NWU) voltooi (BA (Regte), LLB, LLM, LLD), sluit sy haar in 2005 by daardie instelling se onderrigpersoneel aan en word in 2012 tot volprofessor bevorder.

'n Voorspelling van die impak van klimaatsverandering op die toekoms van stedelike reg in Suid-Afrika

Die snelle pas van verstedeliking in Afrika hou regsrelevante uitdagings en kwessies in. Hierdie kwessies is kompleks omdat stede en dorpe gedeelde ruimtes is waar die reg, kwasi-reg en wetteloosheid ineenloop om verhoudings tussen diverse mense én tussen mense en dinge (waaronder gemeenskaplike stedelike hulpbronne) te rig. Stede word ook gekenmerk deur kop-aan-kop-botsings tussen mense se regte. Dikwels word stede nie deur demokratiese orde beheer nie, maar eerder deur politiek, handel en belegging, tesame met 'n invloedryke kombinasie van eiendomsbesit, welvaart en voordelige toegang tot andersins ontoeganklike inligting en nuwe tegnologieë.

Stedelike reg, synde die reg 'van' en 'in' stede, is stewig veranker in 'n verwikkelde mengsel van die privaat-, publiek- en handelsreg en het 'n magdom bewysplase en bronne van oorsprong. In Suid-Afrikaanse verband behels dit meer as

net die klassieke reg van plaaslike regering. As 'n manifestasie van regsgeografie, bepaal stedelike reg die gang van sosiale en omgewingsgeregtigheid en maak dit die kern uit van menige onlangse hofuitspraak in verband met metropolitaanse, middelslag- en kleiner munisipaliteite. 'n Mens dink dalk dat die studie, ontwerp en implementering van stedelike reg nie méér kompleks kan wees as wat dit reeds is nie.

Nogtans bevind Suid-Afrikaanse stede hulle as gevolg van 'n wêreldwye klimaatskrisis in die oog van die storm, wat 'n heel nuwe dimensie van kompleksiteit oopbreek. Hierdie intrede dink na oor die eise van klimaatsveerkragtige ontwikkeling en hoe dit na verwagting die toekoms van stedelike reg in Suid-Afrika sal beïnvloed – nie net as 'n praktiese regskwessie nie, maar ook as 'n navorsings- en onder-



Prof Sadulla Karjiker, Prof Juanita Pienaar, Prof Anél du Plessis, Prof Nicola Smit, Prof Richard Stevens

Using Social Media to Bridge the Gap Between Class and Practice

On 19 February 2024, Ms Nondumiso Phenyane launched a law podcast called Hearsay with Nondumiso. Although the initial concept for the podcast was to record and share guest lectures for the Law of Evidence module, the podcast has since morphed into a platform to bridge the gap between the lecture room and practice. Through podcast



Ms Nondumiso Phenyane

episodes, Instagram stories, and reels, the Hearsay podcast has, in its short existence, exposed and connected students to some important practical components of the law, including in the Magistrate's Court and the South African Police Service.

Beyond bridging the gap between class and practice, the Hearsay podcast has provided an innovative means to explore a different mode of teaching as it encourages students to learn by listening to a conversation as opposed to a traditional guest lecture. Additionally, it has provided a powerful means to share study tips, inspiring stories, and fascinating law topics.

The podcast, paired with local guest lectures and court visits, seeks to ensure that students get a feel for how the law works in practice. It will be exciting to see if students embrace this new medium; further, it will be exciting to see if sharing knowledge in this way will open up the classroom beyond the Stellenbosch University community.

The podcast is available on various podcast apps including Apple Podcast, Spotify, Deezer, Podcast Addict, Listen Notes, and Radio.net. You can also keep up with it on Instagram at hearsay_withnondumiso.



Members of the Law of Evidence 471 class visit the Magistrate's Court

Prof Geo Quinot

In January 2024, Professor Geo Quinot participated in the Breakwater II conference of the Administrative Justice Association of South Africa, held at the UCT Law Faculty. The conference reflected on the 30th anniversary of the original Breakwater conference that took place in 1993 at the Breakwater

campus of UCT and where a charter for administrative justice for a future democratic South Africa was formulated (the Breakwater Declaration). At the follow-up conference in 2024, delegates deliberated on the legacy of the Breakwater Declaration, what has worked and what challenges towards

achieving administrative justice in South Africa remain. Professor Quinot delivered a paper, titled 'The Re-(sur)vival of the Jockey Club', in which he explored the unfinished business of framing legal oversight by means of judicial review of private power.



Prof Quinot presenting his paper at the Breakwater II conference

Professor Geo Quinot het in Januarie 2024 deelgeneem aan die Breakwater II-konferensie van die Administrative Justice Association of South Africa, wat by die UK Regsfakulteit gehou is. Die konferensie het besin oor die 30ste herdenking van die oorspronklike Breakwater-konferensie wat in 1993 by die Breakwater-kampus van

UK plaasgevind het en waar 'n handves vir administratiewe geregtigheid vir 'n toekomstige demokratiese Suid-Afrika geformuleer is (die Breakwater Declaration). By die opvolgkonferensie in 2024 het afgevaardigdes beraadslaag oor die nalatenskap van die Breakwater-verklaring, wat gewerk het en watter uitdagings vir die bereiking van admin-

istratiewe geregtigheid in Suid-Afrika oorbly. Professor Quinot het 'n referaat gelewer, getiteld 'The Re-(sur)vival of the Jockey Club', waarin hy die onafgehandelde werk rondom regsoorsig deur middel van geregtelike hersiening van private mag ondersoek.

On 29 February 2024, Professor Geo Quinot was the keynote speaker at the opening ceremony of the 12th edition of the International Master in Public Procurement Manage-

ment at the University of Rome Tor Vergata, in Rome. The title of his address was 'A shift in the animating feature of public procurement (law) globally'.

Op 29 Februarie 2024 was professor Geo Quinot die hoof-spreker by die openingseremonie van die 12de uitgawe van die International Master in Public Procurement Management

aan die Universiteit van Rome Tor Vergata, in Rome. Die titel van sy toespraak was 'A shift in the animating feature of public procurement (law) globally'.

Prof Geo Quinot (Continued)

On 24 April, Professor Quinot presented a qualifying session at The Honourable Society of the Middle Temple, one of the four Inns of Court in London, along with Professor Laura Coordes of Arizona State University and Dr Eugenio Vaccari of Royal Holloway, University of London. The session focused on local public entities in distress and how different jurisdictions deal with such

scenarios. They presented findings of their ongoing research in the Research Network on Public Authorities and Financial Distress (RPAFD). The RPAFD is a global network, currently consisting of about 65 researchers working on the law of 43 countries. Professor Quinot is one of the principal investigators of the project.



Op 24 April het professor Quinot 'n kwalifiserende sessie aangebied by The Honorable Society of the Middle Temple, een van die vier Inns of Court in Londen, saam met professor Laura Coordes van Arizona State University en dr Eugenio Vaccari van Royal Holloway, Universiteit van Londen. Die sessie het gefokus op plaaslike openbare entiteite in nood en hoe die reg in verskillende jurisdiksies sulke scenario's hanteer. Hulle het bevindinge van hul deurlopende navorsing in die Research Network on Public Authorities and Financial Distress (RPAFD) aangebied. Die RPAFD is 'n wêreldwye netwerk, wat tans bestaan uit ongeveer 65 navorsers wat fokus op die reg van 43 lande. Professor Quinot is een van die hoofondersoekers van die projek.



Dr Eugenio Vaccari, Prof Laura Coordes, and Prof Geo Quinot in Middle Temple Hall

Professor Geo Quinot presented a paper, 'Municipalities in Financial Distress: An Environmental, Social and Governance Critique', at the 5th International and Comparative Law Insolvency Symposium, held from 25 to 27 April 2024 at Royal Holloway, University of London. In his paper, Professor Quinot discussed the legal treatment of municipalities with financial problems in South Africa through an ESG



Prof Quinot at Royal Holloway, University of London.

Professor Geo Quinot het 'n referaat, 'Municipalities in Financial Distress: An Environmental, Social and Governance Critique', by die 5de Internasionale en Regsvergelykende Insolvensiesimposium aangebied wat van 25 tot 27 April 2024 by Royal Holloway, Universiteit van Londen plaasgevind het. Quinot het in sy referaat die regsbehandeling van munisipaliteite met finansiële probleme in Suid-Afrika deur 'n ESG-lens bespreek.

Prof Sope Williams

On 20 December 2023, Professor Williams was a panellist at the 'Integrity Champions Forum', UNODC and the Anti-Corruption Agency, Republic of Uzbekistan. Professor Williams was a speaker at the Research Methodology Workshop, Society of Law Teachers of Southern Africa Conference Sun City Convention Centre, from 15 to 19 January 2024; she presented on the 'Basics of Research: Methods, techniques and tools' and 'Using public procurement as a tool to advance gender equality through gender-responsive procurement'. At the Department of Mercantile Law Research Seminar, on 6 February 2024, Professor Williams presented 'Sexual Corruption

and the Law in South Africa'. Professor Williams presented a paper, entitled 'Legal Research on Sexual Corruption', for the GIZ Transparency, Integrity and Accountability Programme (TIP) at the Future Africa Campus, University of Pretoria, on 19 February 2024.

The International Anti-Corruption Academy (IACA) organised a webinar, with the theme 'SheForChange: Women, Corruption, and Empowerment', to celebrate International Women's Day and celebrate its 13th Anniversary; Professor Williams participated in the webinar as a panellist on 'Gender, Corruption and Public Procurement'. On 21 March 2024, Professor Williams was a speaker and panellist at a workshop,

presented by the Centre for the Study of Economies in Africa, in Abuja, Nigeria, where she presented on 'Public Procurement and Good Governance in Nigeria'. On 7 May 2024, Professor Williams was a speaker at the International Anti-Corruption Academy Regional Alumni Conference for Africa in Nairobi, Kenya; she presented on 'Experiences and Challenges in Curbing Corruption in Public Procurement'.

Aside from participating in conferences and workshops, Professor Williams co-edited the *Routledge Handbook of Public Procurement Corruption* (Routledge, 2024) with Jessica Tillipman.

International Interdisciplinary Security of Land Tenure Conference

Professor Juanita Pienaar and Professor Zsa-Zsa Boggenpoel attended the International Interdisciplinary Security of Land Tenure Conference at the University of the Free State, Bloemfontein from 6 to 8 May 2024. Professor Boggenpoel was one of the research partners and chaired a session. Professor Pienaar presented a paper titled, 'Tenure security in South Africa: back to basics' on 7 May 2024 and

chaired one of the sessions. As an international, interdisciplinary conference, presentations were made by a broad spectrum of delegates, including economists, agriculturalists, land use planners and surveyors, environmental and energy experts and lawyers, with a big African footprint specifically.



Book Launch

The book, *Beyond expropriation without compensation: Law, Land Reform and Redistributive Justice* (Cambridge 2024), was launched at STIAS on 27 May 2024. The book was co-edited by Olaf Zenker, Cherryl Walker, and Zsa-Zsa Boggenpoel and forms part of the Cambridge Studies in Constitutional Law. In addition to co-editing the publication, Professor Boggenpoel also contributed a chapter titled 'Politics or principle? Making sense of the expropriation without compensation debate' (pp 35–54). Professor Juanita Pienaar contributed a chapter titled 'The tale of two women: Is the transformative thrust embodied in the property clause a theory or a lived reality where land reform is concerned?' (pp 95–117).



Labour Law news

Professor Nicola Smit and Judge André van Niekerk (Labour Appeal Court)(managing editors) finalised the sixth edition of *Law@work* (LexisNexis) in time for the title to be available in January 2024. Professor Smit comments, 'It is always a pleasure to contribute to and co-edit this book with Judge Van Niekerk. This year we also involved several new contributors, and it resulted in a fresh and updated edition. As always, we trust that students, practitioners, and academics will find it useful'.

On 15 March a Symposium on Extending Labour Protection was held at STIAS. The event was co-hosted by the SU Faculty of Law, Women in Informal Employment: Globalizing and Organizing (WIEGO) and The Centre for Transformative Regulation of Work (CENTROW)(UWC). The Symposium focused on whether labour law's scope can be extended to include informal self-employed workers. This hybrid event was attended by labour law scholars and practitioners as well as social activists and representatives from civil society, which resulted in robust discus-

sions with national, regional, and international perspectives.

From 3 to 4 April, Professor Nicola Smit and Dr Admark Moyo attended the International Labour and Employment Relations Association (ILERA) 10th Africa Regional Congress in Livingstone, Zambia. Professor Smit and Professor Monray Botha (UJ) considered the professionalisation of the public service sector and the role that labour law can play in achieving this aim, while Dr Moyo presented on the (in)adequacy of transboundary legal and institutional frameworks for combatting the economic exploitation of unaccompanied child migrant workers in Southern Africa. On 9 May, Professor Paul Schoukens (KU Leuven) presented a lecture to LLM (Labour Law) students on the important topics of Atypical Work and (Access to) Social Security and Unemployment Schemes for Self-Employed. The next Labour Law Colloquium, 'One hundred years of labour legislation' will take place from 3–4 October.



Prof Liebenberg participates in two international conferences

On 30 April and 1 May, Professor Sandra Liebenberg participated in a British Academy and Wellcome Trust Conference, hosted by the Human Rights Centre, University of Essex. The theme of this interdisciplinary conference

was, 'The Realisation of Human Rights in Societies Beyond Growth'. Professor Liebenberg co-presented a paper with Professor Aoife Nolan (Professor of International Human Rights Law, University of Nottingham) entitled, 'The Economic, Social and Cultural Rights of Future Generations'. Renowned development economist, Kate Raworth of Oxford University's Environmental Change Institute, and author of *Doughnut Economics – 7 Ways to Think Like a 21st Century Economist*, presented one of the keynote addresses at the conference. Another keynote address was delivered by Olivier De Schutter, UN Special Rapporteur on Extreme Poverty.



On 23–24 May, Professor Liebenberg participated in a conference at the Universidad de los Andes, Bogotá, Colombia, co-organised by the Constitutional Court of Colombia and the Office of the UN High Commissioner for Refugees entitled, *Constitutional Justice in Contexts of Conflict: Lessons from Judgment T-025 of 2004 and Reflections on the Future of Internal*

Forced Displacement. The conference marked the 20th anniversary of a landmark judgment of the Constitutional Court of Colombia on the economic, social, and cultural rights of internally displaced persons. Professor Liebenberg's paper was entitled, 'Securing the Rights of Internally Displaced Persons: Perspectives from South Africa'. Her paper focused on the legacies of insecure tenure and unequal land and housing rights due to South Africa's history of forced displacement and dispossession. It also evaluated contemporary legislative, policy, and jurisprudential responses under the 1996 Constitution. Professor Liebenberg was greatly assisted in her research for this paper by LLD candidate in the Chair, Melissa Robertson.



Prof Liebenberg presenting her paper at the Conference in Colombia on forced displacement.

Visiting colleagues from abroad

Prof Jens Scherpe

The internationally renowned family law expert, Professor Jens Scherpe (Aalborg University), visited the Faculty on 11 and 12 March. He conducted a research seminar wherein he discussed the future of parent-child relations and contemplated the challenges and limitations of existing family paradigms. He also had the opportunity to conduct a lecture on 'A Comparative View on the Legal Status of De Facto Relationships', popularly known as cohabitation or life partnerships in South Africa. In that lecture, he identified gaps in the legal regulation of these relationships across multiple jurisdictions and proposed solutions to plug these gaps. At the end of the

presentation, a discussion followed about where South Africa currently fits regarding different models for regulating de facto relationships and what needs to change to ensure the country adapts to emerging trends across the world.

Prof Paul Schoukens

Professor Paul Schoukens (KU Leuven) visited Stellenbosch from 7 to 10 May. Professor Schoukens is the Head of the Department of Labour and Social Security Law at KU Leuven and the *Instituut Gak Chair International and European Social Security Law* at Tilburg University. He is also the Secretary-General of the European Institute of Social Security since 2013. On 8 May, Professor Schoukens presented on National Health Insurance schemes and on 9 May he presented a lecture to LLM (Labour Law) students on atypical work and access to social security, including unemployment and the self-employed. He, furthermore, presented a lecture at the postgraduate community on 10 May 2024, which dealt with recent EU developments in the field of social security law.



Tilburg University



In the Media



Some colleagues appeared in the media, wrote news articles, and provided commentary on various news events.

- **Professor Nicola Smit** wrote an article, 'Workers and the rise of the algorithmic boss', for the Mail&Guardian that was re-released on 1 May. (Read the article here: <https://mg.co.za/thought-leader/opinion/2024-05-01-workers-and-the-rise-of-the-algorithmic-boss/>.)
- In 2023, **Professor Sandra Liebenberg** participated in the UN Voices of Dignity Podcast and was interviewed on interlinkages between human rights and the SDGs. The podcast was recently published: <https://universaldeclarationhumanrights75.podbean.com/>
- In March 2024, **Professor Sope Williams** appeared in a documentary, entitled 'Crisis Responses and Corruption in Vulnerable Sectors: Documentary', produced by the Global Integrity Anti-Corruption Evidence Program. The documentary is available at <https://www.youtube.com/watch?v=cuycaREmrOo><https://www.youtube.com/watch?v=cuycaREmrOo>
- **Professor Anél du Plessis** wrote an article, 'We need a different partnership to protect SA's vulnerable environment', for the Mail&Guardian that was released on 5 June. (Read the article here: <https://mg.co.za/thought-leader/opinion/2024-06-05-sa-needs-a-different-kind-of-partnership-to-protect-sas-vulnerable-environment/>.)

Recognition Erkenning

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

- The **SU Law Clinic** was awarded an SU Social Impact Award, 2024, in the SU Team Award Category.
- **Dr Elsabé van der Sijde**, a research fellow in the Department of Public Law, received a C1 NRF rating.
- The **2024 QS World University Rankings by Subject** was released, and the SU Law ranking remained unchanged in the category 301-350.
- **Dr Marna Lourens** graduated with her LLD at the March 2024 graduation ceremony.



Association of Certified Fraud Examiners (ACFE SA)



The Association of Certified Fraud Examiners (South Africa chapter) (ACFE SA), the Anti-Fraud Risk Investigations and Compliance Academy (AFRICA Training Academy) and the Faculty of Law at Stellenbosch University believe that training and awareness provide a coherent global approach towards combating fraud. The parties recently concluded Memoranda of Understanding to partner in, amongst others, anti-fraud training and awareness in the public and private sector and to promote and foster a culture of accountability amongst students and professionals. The Faculty of Law also houses the ACFE SA – Stellenbosch University Student Chapter. The overarching purpose of the Student Chapter is to provide students

with an educational and social organisation that promotes anti-fraud knowledge and provides students with opportunities to develop education, research, leadership, and networking skills in the field of fraud examination.

The formal signing of the memoranda took place on Friday, 19 April 2024. Academics from the Faculty's Department of Mercantile Law and Criminal Justice Cluster were present, as well as Liam Gillesen (president of the ACFE SA – SU Student Chapter). ACFE SA was represented by Jaco de Jager (CEO), Johan van Dyk and Helen du Toit (Western Cape regional committee). <https://blogs.sun.ac.za/law/association-of-certified-fraud-examiners-acfe-sa/>



Faculty staff Fakuliteit personeel

New Appointments | Nuwe aanstellings

Prof Johann Scholtz

Professor Johann Scholtz joined Stellenbosch University in January 2024. He holds the new Gys Steyn Chair in Financial Regulation Law in the Department of Mercantile Law. The Chair, which will focus on various aspects of financial regulation as a prerequisite for economic stability and growth, is the first of its kind in South Africa. The aim is to provide research, colloquia, and teaching, and to create a knowledge hub around which focused expertise may be co-opted, providing linkages between various fields and entities.

Professor Scholtz is an alumnus of the University of Pretoria where he graduated in 1986 with an LLB *cum laude*, and Cambridge University, where he completed his LLM in 1988. He has

represented clients before various tribunals and regulators as well as the High Court, Supreme Court of Appeal and Constitutional Court. He is the editor and co-author of *Guide to the National Credit Act*. Johann is an executive consultant at Webber Wentzel, where he has served on the management board and various committees. He has also served on the Council of the Law Society of the Northern Provinces (as it then was) and on the Council of the Section on Business Law of the International Bar Association. He acted as a judge in the Gauteng Division of the High Court in the third term of 2023.

Professor Scholtz describes himself as an 'enthusiastic if erratic' golfer and fly fisherman. He is a keen reader of Afrikaans and English literature, enjoys history and collects South African art. His partner, Zanta Hofmeyr, is a concert violinist and teacher.



Prof Johann Scholtz

Ms Zinhle Novazi

Zinhle Novazi will join the Mercantile Law department in July this year, and will be co-lecturing the Law and Technology module. Zinhle's academic journey includes a Bachelor of Social Sciences degree with majors in Political Studies and Law from the University of Cape Town in 2016, followed by an LLB in 2018. She further pursued an LLM in Technology, Media, and Telecommunications from Queen Mary University of London (2022), and a second LLM in Taxation Law from the University of Witwatersrand (2023).

Zinhle Novazi is an admitted attorney of the High Court of South Africa. Before her academic career, she gained experience as a researcher for a global risk management consulting firm. Following her articles of clerk-

ship, she gained expertise in tax law and data privacy, subsequently serving as a Tax and Fiduciary Specialist at a global investment bank.

Passionate about the intersection of law and technology, Zinhle was a Teaching Associate at Queen Mary University of London's Cloud Legal Project, where she assisted in developing content for Massive Open Online Courses (MOOCs). Moreover, she has a keen focus on data privacy and AI, continuously exploring their evol-

ing dynamics and implications.

Zinhle identifies as a hybrid athlete, finding joy in running marathons (full and half), engaging in CrossFit, and rejuvenating with recovery swims. She aspires to eventually conquer an Ironman challenge. An adventurous spirit at heart, she relishes travelling and has explored 21 countries, cherishing Copenhagen, Amsterdam, Oslo and Porto as her top 4 favourite cities. Zinhle delights in enriching her mind through edutainment podcasts, favouring shows like the Huberman Lab, the Rich Roll, and DOAC. Her fervour for entrepreneurship education in South Africa drives her involvement in various entrepreneurial ecosystems, where she actively contributes and learns.



Ms Zinhle Novazi

UZinhle Novazi uza kuba yinxalenye yesebe lezoMthetho woLawulo lwezoRhwebo (Mercantile Law) kweyeKhala kulo nyaka, kwaye uza kube encedisana nomhlohli kwimodyuli yoMthetho nobuChwepheshe. Uhambo lukaZinhle lwezifundo luquka isidanga seNzululwazi zeNtlalo egxile kwiziFundo zezoPolitiko noMthetho kwiYunivesithi yaseKapa ngowama2016, silandelwa yiLLB ngowama2018. Waphinda wafumana isidanga seLLM kwizifundo zebuChwepheshe, ezeNdaba, kunye nezoNxebelwano kwiYunivesithi yaseQueen Mary eLondon (ngowama2022), kunye nesidanga sesibini seLLM kuMthetho weRhafu kwiYunivesithi yaseWitwatersrand (ngowama2023).

UZinhle Novazi ligqwetha elivunyiweyo leNkundla ePhakamileyo yoMzantsi Afrika. Phambi komsebenzi wakhe wezemfundo, wafumana amava njengomphandi kwifemu yobungcali ngeengcebiso zolawulo

lomngcipheko kwiHlabathi/wehlabathi. Ukulandela amanqaku akhe oomabhalana, ufumene ubungcali kumthetho werhafu kunye nobumfihlo bedatha, emva koko wasebenza njengeNgcali yeRhafu kunye noMgcinimafa kwibhanki yotyalomali yehlabathi.

Ethanda ubudlelwane phakathi kwezomthetho nobuchwepheshe, uZinhle wayenguTitshala oNcedisayo eQueen Mary University yaseLondon kwiCloud Legal Project, apho waye wancedisa ekuphuhliseni umxholo weMassive Open Online Courses (iMOOCs). Ngaphezu koko, ugxile kakhulu kubumfihlo bedatha kunye neAI, ephonononga ukutshintshwa kwazo gqolo kunye neziphumo ezinazo.

UZinhle uzibona njengembaleki em-

bolombini, efumana uvuyo ekubalekeni umdyarho weembaleki (ephelleleyo kunye nesisiqingatha), ukwazibandakanya neCrossFit, kwaye azihlaziye ngokuqubha njengendlela yokululama. Umnqweno wakhe kukuzibona ngeligeni engenela umngene welronman kwaye aphumelele. Izinto ezisentliziyni yakhe athanda ukuzenza, uyakonwabela ukuhamba kwaye uye wahambela amazwe angama21, exabisa iCopenhagen, iAmsterdam, iOslo kunye nePorto njengezixeko zakhe ezi4 azithandayo. UZinhle uyakuvuyela ukutyebisa ingqondo yakhe ngeepodcast zezemfundo, ethanda iinkqubo ezifana neHuberman Lab, iRich Roll, kunye neDOAC. Ukukhuthala kwakhe kwimfundo yezoshishino eMzantsi Afrika kumqhubela ekuzibandakanyeni kwakhe kwiinkqubo ezahlukeneyo zoshishino ngezendalo, apho athi afake isandla kwaye afunde khona.

Ms Christine Strauss

Christine Strauss will join the Mercantile Law department in July 2024 where she will be involved in the field of Law and Technology, International Trade Law and service courses. She completed a Bachelor of Science in Human Life Sciences, an Honors in Human Genetics, and an LLB at Stellenbosch University. Before moving to academia, she worked as a Trade-mark practitioner at Adams & Adams specialising in intellectual property. In 2023, she completed her LLM in Law, Science and Technology at Stanford University (USA) as a FirstRand Laurie Dippenaar Scholar.

Given her background in science, Christine is passionate about the interdisciplinary field of law, science and technology. She has a key interest in new technologies and their impact on our society and the role that the law has to play in regulating them. During her LLM at Stanford University,

Christine took several legal courses as well as courses in other faculties where she learned about the legal, ethical and social implications of emerging technologies and new scientific innovations. Her courses spanned various fields such as the internet and social media platforms, genetic and reproductive technologies, neuroscientific innovations, artificial intelligence, and blockchain technologies.

As a legal researcher and law lecturer, Christine envisions herself making substantial contributions to legal research in South Africa, thereby influencing legal practice and societal dynamics. Moreover, she hopes to positively impact future law students, shaping their perspectives, practices, and engagements with the law. Christine is currently reading for an LLD in the field of artificial intelligence, intellectual property, and reproductive technologies.

Returning to Stellenbosch as an alumna, Christine is enjoying both the familiar and new experiences that the town has to offer. In her free time, she enjoys spending time outdoors (running, cycling, and hiking) and is always up for an adventure.

We trust that our new colleagues will enjoy an enriching, collegial, and productive career at Stellenbosch University

Ms Christine Strauss

Farewell Afskeidsgroet

Prof Annika Rudman

Professor Annika Rudman has been a long-standing and greatly valued colleague in the Department of Public Law. She resigned from her post early in 2024 to take up a prestigious Chair in Gender Studies at Karlstad University, Sweden.

Appointed to the Faculty in January 2009, she taught the undergraduate modules in International Law and was also a prolific postgraduate supervisor. She also served as Head of Department of Public Law from 2016 to 2018.

Early on, Annika established herself as an expert on the African Human Rights system, focusing on issues of women's rights, rights of sexual minorities, gendered rights, Feminist Legal Theory, African Feminism and Queer Theory in Africa. She authored a monograph, several articles, book chapters, and several edited works on topics related to human rights in Africa.

At a conference organised by Annika in partnership with the Raoul Wallenberg Institute at Stellenbosch University in November 2023, a Commentary on The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ('The Maputo Protocol') edited by Professor Rudman, Trésor Makunya and Celestine Nyamu Musembi was launched. The Commentary is published by the Pretoria University Law Press ('PULP'). This is the first systematic commentary on all aspects of the Maputo Protocol, which also traces the legal, political, and economic foundation and justifications of the Protocol and its provisions. It analyses the normative standards developed and institutional efforts made by the African Commission, the African Court and AU states to improve the protection of women's rights in Africa. This magisterial work will undoubtedly

be an invaluable resource to members of the judiciary in Africa, researchers, post-graduate students, government institutions, and civil society organisations involved in advocacy and litigation on gender and human rights in Africa.

Professor Rudman serves on the editorial and advisory boards of several distinguished national and international law journals. She was the first receiver of the International Association of Law Schools ('IALS') visiting professor scholarship to St John's University, New York in 2015.

Professor
Rud-

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man has a keen interest in curriculum reform and innovative teaching and learning methodologies. In 2013, she received the Infosys Faculty Innovative Curriculum Awards presented by the IALS. She was also involved in Faculty curriculum reform initiatives for the LLB degree and was a charismatic and caring lecturer to many undergraduate students.

Every year, Professor Rudman coached the Law Faculty's moot team participating in the African Human Rights Moot Competition, coaching the winning teams of this prestigious competition in 2016 and 2022, and a runner-up team in 2013. In 2021 (during the Covid-19 pandemic), she organised this competition at the Stellenbosch Faculty of Law when it was renamed, the 'Christof Heyns African Human Rights Moot Court Competition' in honour of the renowned human rights lawyer and founder of the Competition who passed away early in 2021.

During her period at Stellenbosch University, Professor Rudman supervised 12 research LLM students, and 8 LLD students to the successful completion of their degrees. From 2019 to 2021, she hosted Dr Elvis Fokala as a post-doctoral fellow in the Department of Public Law. Dr Fokala went on to be appointed as Manager of the Children's Rights Unit at the Centre for Human Rights, University of Pretoria, and also serves as President of the African Network of Constitutional Lawyers (ANCL). Professor Rudman was a dedicated and inspirational supervisor and mentor to these post-graduate students and emerging scholars.

The following quotes from a former doctoral student and current LLM student of Professor Rudman capture what she gave and meant to her postgraduate students:

Professor Rudman will be sorely missed as a staff member in the Department...

'Professor Rudman was an incredible supervisor to me. Even before formally becoming my supervisor, she was guiding and advising me very encouragingly. She patiently nurtured my development and always maintained open communication with me. I could seek advice at any point and could ask any question with no judgement. Professor Rudman taught me an immense amount; not only academically but she also taught me through example what it means to be genuine, compassionate and very conscious about positively contributing to the development of others. Words cannot express the gratitude I feel to Prof Rudman for walking alongside me on such a significant journey. Her future students are privileged to work under her guidance.'

(Dr Anisa Mahmoudi, Post-Doctoral Fellow, H.F. Oppenheimer Chair in Human Rights Law)

'Despite teaching at an undergraduate level and supervising other LLM and LLD students, I always felt like my supervision was a priority for Professor Rudman. The feedback I received was always comprehensive, well-structured, and timely. Even when I did not believe in myself, she consistently reminded me that she believed in me. I am incredibly lucky to be supervised by Professor Rudman and as she begins this new season in her career, I hope that she knows how much she has contributed to my

burgeoning academic career and I wish her all the best!'

(Ms Lerato Melato, LLM Candidate and Junior Lecturer)

Professor Rudman will be sorely missed as a staff member in the Department. However, we will retain our association as she has been appointed Extraordinary Professor in the Department. We wish her well in this next season of her career and we are confident that she will continue to flourish and make an important contribution to gender justice.

Sandy Liebenberg, H.F. Oppenheimer Chair in Human Rights Law

Meet the Dean's Office (Part 1) Ontmoet die Dekanskantoor (Deel 1)

'I started my career at a local law firm as a conveyancing secretary and managed bonds for all the major banks. I was recruited by Stellenbosch University in 2005 and worked in the Debtor's department; thereafter I transferred to the Faculty of Law, as departmental secretary. Two years later, I was appointed as the PA to the Dean, Faculty of Law. I obtained the following diplomas and certificates: Bookkeeping for Beginners (UCT), Events Management (UCT), and Financial Accounting Technician, Level 4 (SAICA).

I am responsible for the day-to-day running of the Dean's Office. I also assist with student bursaries and records, recruitment, all Law events (inaugurals, seminars, conferences and social functions), the Faculty Trust, oral examinations, and Alumni events. I am also responsible for all administrative and financial duties for our student societies (Judicial Society, Moot Court, Student Court, BLASC)

I love sports, but especially rugby and Formula 1'



Yolandi Filander

'I hold an LLB degree and I am an admitted attorney, conveyancer, notary, and sworn translator. After spending several years in legal practice, I joined Stellenbosch University at the end of 2009.

As Faculty Manager I am responsible for or assist with a variety of functions, including but not limited to faculty budgeting, aspects of human resource management, building projects, strategic initiatives within the Faculty, enrolment planning (including recruitment and selection of students), timetabling, student exchange programmes, the structured LLM programmes and ad hoc matters as they arise. Furthermore, I am involved in the wider campus administrative processes and serve on various committees. Nature is my happy place. I enjoy hiking and try to complete at least one multi-day trail each year.'



Karin Wiss

'I completed both my LLB and LLD (in collective labour law) at Stellenbosch University, and also a National Certificate N3 (Vocational) in Viti-culture.

My current role is that of Legal Education and Student Coordinator. My core responsibilities surround various legal education projects within the Faculty, including developing co-curricular offerings, as well as developing (and providing) various overarching student support initiatives for our students.

I have a ridiculously large (quirky-) sock collection, that is ever-changing.'



Bradley Greenhalgh

'I hold a BMus, BHons in Psychology, and a Postgraduate Certificate in Education. I am working towards obtaining my Master's degree in Higher Education with a specific focus on teaching, learning, and assessment in the four-year undergraduate LLB degree.'

My responsibilities in the Faculty include support and advice regarding teaching, learning and assessment and ways in which technology can be used to improve student success. I especially enjoy developing web-based teaching, learning and assessment resources as well as learning design. Further responsibilities include general IT support.

I am the proud servant of an eighteen-month-old German Shorthaired Pointer, Mila, who demands early morning runs and long hikes in the mountains surrounding Stellenbosch.'



**Alma
Coertzen**

'I completed a BAcc degree (CA (SA)) at the University of Pretoria. I completed my clerkship at Ernst and Young in Gauteng.'

I am broadly responsible for the finances of the Faculty, asset and facility management, and support the research committee.

I play the violin for the Stellenbosch City Orchestra and I am qualified as a makeup artist.'



Marilize Hanekom

'I hold a BA in Languages and BA (Hons) in Applied Language Studies from the University of Pretoria, and a BAppSocSci (Psychology and Counselling) from the South African College of Applied Psychology (SACAP).'

I head the Faculty's writing strategy. Therefore, I coordinate the Faculty's Writing Consultants and assist students and colleagues with writing-related queries. I am also responsible for the Newsletter and Faculty webpage.

I am a bibliophile but I enjoy a good quiz night, where I can put my random knowledge of mythology and medical biographies to good use.'



Desiré Maré

Students Studente

Welcoming Programme

The Faculty's First Year Welcoming Programme kicked off on 30 January, with the first-year law cohort and their parents and guardians joining the Dean in the Endler Hall of the Conservatory, to formally commence the 2024 programme.

Wednesday, 31 January, the first full day of the Welcoming, saw our students gather in one of their first-year law venues, across from the Old Main Building. After a welcome by the Vice Dean: Teaching and Learning, Professor Richard Stevens, various discussions were held that unpacked the privilege of being able to further one's studies as a university student in South Africa, premised around the opportunity for the first-year students to meet and socialise with their peers. This was followed by the introduction of a legal scenario that involved various elements of law, ranging from the law of delict and legal ethics to environmental law and class action suits. The students were then divided into smaller groups to disperse into mini-lectures

held in the Old Main Building and Krotoa, where they engaged with staff of the Faculty of Law, who presented the various sub-topics of the overarching scenario. From here, the collective group made their way towards the annual First-Year Law Student Welcoming luncheon, sponsored by Werksmans Attorneys, in the Simonsberg Residence (which is large enough to accommodate the approximate 260 students in attendance). After lunch the students were reformed into new groups at their table groups, the lunchtime discussions continued and students discussed with one another what was learnt in the various mini-lectures. Following the luncheon, the students returned for the traditional Old Main Building 'balcony photo', before participating in a debate on the respective morning and lunchtime sessions. The day concluded with a discussion about the Faculty's graduate attributes, and a reflection on what they hoped to achieve during their law studies.

The remainder of the Programme spread over the fol-

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lowing days, saw information sessions that included the anticipated differences between school and university, what the academic calendar of the year ahead will look like, the weekday of the 'ideal law student', consequences of misbehaviour as a student (and the possible impact of this on future career options), ethical requirements to be admitted as a legal practitioner, and the various support services that are available on campus, which also included programme-specific information sessions, targeting the various law programme articulations. In addition, the Faculty Manager, Mrs Karin Wiss, and the Legal Education and Student Coordinator, Dr Bradley Greenhalgh, presented a series of academic preparation sessions under the title 'Thriving in Law'. These sessions provided more detailed information regarding the academic system (and

how to navigate it), the responsibilities of the students (and their lecturers), the re-alignment of academic expectations, and who the key personnel are within the Faculty and University.

In the final week before the start of classes, our law students were introduced to the various student societies within the Faculty (including the SLSJ (Students for Law & Social Justice), the Moot Society, and the BLAsc SU (Black Lawyers Association, Stellenbosch Chapter), as well as the Faculty's student representative body, the Juridical Society (JV/S)). On 7 February, the students met their respective first-year law lecturers before Professor Bradley Slade, Head of the Public Law Department, wished them well with the start of their academic year.



Faculty of Law Pledge Ceremony 2024

Approximately 270 first-year law students, from the class of 2024, gathered in the Quad of the Old Main Building on 1 March to participate in the annual Faculty of Law Pledge Ceremony. This year saw the ceremony being held on the third Friday of classes to serve as the culmination of the annual Welcoming programme.

The event followed a guest lecture in one of the first-year law modules by Justice Leona Theron of the Constitutional Court, who was then the honorary guest at the Pledge Ceremony. Proceedings commenced with a word of welcome by the Dean, Professor Nicola Smit, who addressed the first years based on the relation-

ship that now exists between the Faculty and its students, and how it is underpinned by the notion of a 'fit and proper person' — based on principles of integrity, respect, honesty, and fairness. The Dean urged the law students to be reflective in all that they do, in terms of what they think, the values they embrace and how they act, to thereby make a positive difference to South African society, before formally confirming their induction as Maties law students.

Ms Nina Hugo, the chair of the Faculty's student representative body, the Juridical Society (JV/S), then addressed the students on the importance of making the most of the

privilege to be studying at a tertiary institution, and embodying the underlying values of Stellenbosch University, namely excellence, compassion, equity, respect, and accountability. Along with tips on navigating the first-year experience (making friends and support networks, and taking their case law seriously), Ms Hugo spoke to how challenging things will be at times, but to remember what motivated each of them to enrol in law, as a means to navigate the ebb and flow of their legal studies.

Thereafter, Mr Thalalolwazi Msutu, lecturer in the Department of Mercantile Law, alumnus and a former chairperson of the JV/S, unpacked core

aspects of what it means to study law, including the motivation underpinning the individual choice made to enrol in their respective programmes, the sense of community associated with being an SU Law student (of how a law degree is a communal degree, that shouldn't be taken on completely alone), the responsibility associated with the use of the law as a tool, and to enjoy their time as students. He also emphasised how 2024 is an election year, and how many of our law students would now be able to cast their first votes and see democracy in action — and start to understand the role that the law plays within South Africa's various institutions and mechanisms — as custodians of that democracy.

In conclusion to the ceremony, Dr Bradley Greenhalgh recited from the Pledge, wherein the Preamble of the Constitution of South Africa is quoted. Thereafter, the first-year cohort formed a procession to hand over their signed pledge documents to Professor Juanita Pienaar (Vice Dean: Research and Internationalisation) and Mr Msutu, and in return re-

ceived a copy of the Faculty's Code of Conduct from the Dean and Ms Ray De Villiers (lecturer in the Department of Private Law), along with a personalised Faculty of Law copy of the Constitution from Justice Theron. Light refreshments were provided before the group dispersed to reflect on a wonderful experience shared by the first-year class of 2024.



Entrepreneur Bootcamp 2024

The SU LaunchLab hosted the Faculty's first 'Entrepreneurship Bootcamp' for law students over two days of the term recess on 4 and 5 April 2024. Sponsored by the Faculty, senior law students were invited to attend the workshop, where various skills associated with entrepreneurship and launching of business ideas were canvassed and engaged in. The students, who were divided into groups, engaged with Brandon Pascal, the Deputy Director: Spinout Companies and Funds, of InnovUS (LaunchLab) — along with guest presentations by the likes of SU alums Renier Kriel (startup specialist of TheOpen-Letter.io) and Kamano Mochoele (COO of Phynti). The sessions took the form of interactive dis-



cussions, set against the conceptualisation and design of individual startup business ideas, by the law students within their respective groups. These ideas were worked on during the workshop, before culminating in a final 'product pitch' by each of the groups. The bootcamp saw networking opportunities between the participants, and exposure to fundamental entrepreneurial thinking and planning through hands-on learning, along with the opportunity to sharpen their public-speaking and communication skills. Given the success of the bootcamp, going forward, the plan is to make this an annual feature of the co-curriculum space within the Faculty.

Gradeplegtigheid

Die volgende **grade en diplomas** is tydens die **gradeplegtigheid** van **27 Maart 2024** toegeken:



Die Fakulteit is baie trots op al die studente wat gegradueer het en wens hulle alle sukses toe.

Doctoral Qualifications

BARNES, Johndré (*Public Law*)

'Inconvenient identities': The recognition of a non-binary gender in view of the constitutional values of human dignity, equality and freedom

The study examines the question whether the constitutional rights to human dignity, equality, and freedom require the legal recognition of a non-binary gender in South Africa. Based on a Queer Theoretical analysis, it argues for a radically inclusive interpretation of those rights which demands the recognition of non-binary identities.

Supervisor: Prof H Botha

CONRADIE, Riana (*Mercantile Law*)

A comparative legal analysis of the accommodation of neurodiversity in the workplace: Towards a universal right to reasonable accommodation

This study investigates neurodiversity and the employment law principles that may be used to protect and promote neurodiversity in the workplace. Ultimately, the use of discrimination law, specifically the concept of reasonable accommodation, is identified and explored as the primary mechanism to best protect and promote neurodiversity in the workplace.

Supervisor: Prof CJ Garbers

FOX, Bryony Elizabeth (*Private Law*)

Not just hot air: Soft law and the protection of climate change- induced displaced children's needs and rights

The study examined to what extent soft law instruments protect the needs and rights of children displaced by climate change who cross international borders. Using a children's rights-based approach, it highlights inadequate protection during displacement, specifically in finding durable solutions for them and calls for innovative, climate-responsive solutions.

Supervisor: Prof CS Human

LOURENS, Marna (*Private Law*)

Towards Transformative Justice for Un-Coerced Adult Female Sex Workers in South Africa: An Approach that Speaks to the Multi-Layered and Multi-Faceted Realities of Women in South Africa

The study examines the extent to which the existing legal approach to un-coerced adult sex work in South Africa is aligned with its constitutional dispensation. Based on an intersectional theoretical analysis, it argues for an approach that captures the interlocking constraints implicit in sex workers' lives and contributes to transformative justice for them.

Supervisor: Prof CS Human

Co-Supervisor: Dr A Coetzee

Student Awards

First-Year Achievement Awards

The SU First Year Achievement Awards recognises top-performing first-year students within each faculty. At the same time, the award aims to recognise lecturers who had a positive influence on the academic experience of first-year students. (These students are asked to nominate one lecturer, who they consider to have had a positive influence on their academic experience during their first year.) The top performing first-year law student in 2023

was Mr Gregory (Greg) van Selm who nominated Professor Bradley Slade as his inspirational lecturer. Congratulations Mr van Selm!

(We are also pleased that one of the top performers in the Faculty of Economic and Management Sciences nominated another law lecturer, Ms Lerato Melato, as an inspirational lecturer.)



Ms Lerato Melato (right)

Prof Bradley Slade and Mr Gregory van Selm

2023 Top Academic Achiever Prize Announcement 2023 Top Akademiese Presteerder- Prys Aankondiging

The alumni of the Faculty annually fund various bursaries for financially needy and academically deserving students. However, until 2020, exceptional academic achievement has never been recognised specifically. In 2020, the Law Faculty Trust first introduced a prize (amounting to R200 000, which approximately covers the tuition cost of a legal qualification) to an academic top achiever.*

Following the 2023 academic year, we can now announce the fourth recipient of this award: **Roald Furstenberg**. Roald Furstenberg obtained his LLB (cum laude) from Stellenbosch University. He is busy completing his articles of clerkship at Themis & Hayes Incorporated. Congratulations, Roald!

* [All LLB programmes, i.e. LLB (four years), LLB (three years), LLB (two years) and BAccLLB, qualify. Students are considered for the prize when all the requirements for graduation are met, and all compulsory law subjects (weighted average), as set out in the last two years of the LLB (four years) program, are taken into account (with the exception of Law of Civil Procedure as it falls in the final year of the BCom and BA (Law) programmes). Furthermore, the programme must be completed in the minimum period.]

Die alumni van die Fakulteit befonds jaarliks verskeie beurse vir finansiële behoeftige en akademiese waardige studente. Alhoewel, tot 2020 is uitsonderlike akademiese prestasie nooit spesifiek erken nie. In 2020 het die Regsfakulteitstrust vir die eerste keer 'n prys (ten bedae van R200 000, wat ongeveer die onderrigkoste van 'n regskwalifikasie dek) bekendgestel wat aan 'n akademiese toppresterder gegee word.*

Na die 2023 akademiese jaar kan ons nou die vierde ontvanger van hierdie toekenning aankondig: **Roald Furstenberg**. Roald Furstenberg het sy LLB (cum laude) aan die Universiteit Stellenbosch verwerf. Hy is besig om sy klerkskap by Themis & Hayes Incorporated te voltooi. Baie geluk, Roald!

* [Alle LLB-programme, dit wil sê LLB (vier jaar), LLB (drie jaar), LLB (twee jaar) en BRekLLB, kwalifiseer. Studente word vir die prys oorweeg wanneer hulle aan al die vereistes vir graduering voldoen en alle verpligte regsvalke (met geweegde gemiddelde), soos uiteengesit in die laaste twee jaar van die LLB (vier jaar)-program, word in ag geneem (met die uitsondering van Siviele Prosesreg omdat dit in die finale jaar van die BCom en BA (Regte)-programme plaasvind). Verder moet die program in die minimum tydperk voltooi word.]

We sent Roald some questions, compiled by current law students, to hear more about his experience at the Faculty:

As jy 'n alternatiewe studie- en beroepsrigting moes kies, wat sou dit wees?

Die enigste alternatief waaraan ek kan dink en wat ek ernstig sou oorweeg, is film- en filmverwante studierigtings. Ek het tot matriek Drama as vak geneem en die uitvoerende kunste het my nog altyd geïnteresseer. Alhoewel, as ek hierdie roete sou volg, sou dit waarskynlik eerder in die rol van direkteur wees as om self op te tree. Ek glo ek het 'n kreatiewe verstand en sou goed geskik wees vir so 'n soort rol.

If the Stellenbosch Law Faculty were to be wine, which wine would it be?

I do not really drink wine but if I were to wager a guess, it would be cabernet sauvignon. This wine improves over time, much like how the Faculty of Law helps to turn eager, but inexperienced law students into responsible legal practitioners.

Wat is jou gunsteling studieplek op, of buite, kampus?

Aangesien ek sukkel om in openbare plekke te studeer, is ek geneig om in meer private areas te studeer. Verreweg die gemaklikste plek was my ouerhuis, waarheen ek dikwels

oor naweke sou gaan. Ek het dikwels beter gestudeer met die wete dat my ondersteuningstelsel, waarop ek gedurende my studie baie staatgemaak het, net 'n entjie weg was.

What is your fondest memory of studying at Stellenbosch University?

It is difficult to narrow it down to one memory, I have many moments on which I look back fondly. After class chats with friends, going for drinks after tests, Varsity Cup, and often simply the ride to and from classes on my long-board. These may be small and simple on their own, but ultimately, they are what I think of when I look back on my life as a student.

Hoekom het jy die Stellenbosch Fakulteit Regsgeleerdheid gekies?

Dit was tot 'n groot mate op tradisie gebaseer, aangesien my broers en susters Stellenbosch bygewoon het. Stellenbosch Universiteit se Fakulteit Regsgeleerdheid is boonop 'n internasionaal erkende instelling wat hoë aansien geniet en uitstekende regspraktisyns oor alle regsvelde oplewer.

Who was your favourite lecturer, and why?

It is impossible for me to choose a single person, as I had many lecturers over the years that made my experience pleasant. Some I can mention off the top of my head include Professor Philip Sutherland, Professor Richard Stevens, Dr Tina Kotze, Dr Mary Nel, Dr Franziska Myburgh, and Professor Cornie van der Merwe. These lecturers stood out to me as they were always more than willing to answer questions, and demonstrated passion for their fields of study, which helped me become more invested in their subject.

Luister jy na musiek wanneer jy studeer? Indien wel, wie is jou gunsteling kunstenaar, of wat is jou gunsteling genre, om na te luister terwyl jy studeer?

My metode van studeer behels gewoonlik dat ek die werk aktief aan myself voordra om konsepte te verduidelik. Dus, as ek wel na musiek luister, sal dit saggies in die agtergrond speel. Ek het nie na spesifieke genres of kunstenaars geluister terwyl ek studeer het nie, ek het bloot my normale speellyste gespeel. Dit bestaan uit 'n verskeidenheid genres, insluitend alternatiewe rock, metal, hip-hop en R&B.

What was your most enjoyable module and why?

This is a difficult question, as I enjoy many subjects. Yet, one that stands out to me is Criminal Law 171. I had this module in my first year (which I believe the new LLB programme has now changed). I found it quite challenging, likely because it is a complicated field of law, and I was

confronted with it in my first year, where my knowledge of the law was minimal. Yet, it was this challenge that kept me engaged with the module. The lecturer, Dr Mary Nel, is passionate about the module, and her expressive lecturing style furthered my interest in the subject. While I have no plans to enter criminal law practice, from an academic perspective, this module was the most enjoyable.

Watse lewenslesse het jy geleer wat jy in jou toekomstige regsloopbaan kan gebruik?

Ek dink aanpasbaarheid is 'n belangrike aspek van die regspraktik sowel as die lewe self. Die pandemie het my geleer dat die lewe oornag kan verander. Dit het ons gedwing om aan te pas. Hierdie eienskap is goed geskik vir 'n regspraktisyn, aangesien regte 'n lewende en veranderlike vakgebied is. Regspraktisyns moet met die tye kan verander.

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

My approach to large volumes of work, which was often the case during my LLB degree, is simply proper planning. Properly prioritising when what had to be finished, and allocating my available time as efficiently as possible, was my key to successfully navigating the LLB programme. This is often harder said than done, and the scheduling did not always play out as I wanted it to, but it was the difference between drowning in work completely and keeping one nostril above the water. So, if I could advise a fellow law student, it is to break the workload down into smaller, digestible pieces through proper planning and time allocation, and to do so well in advance of test dates and assignment due dates.

As jy vir jou jonger self raad kon gee, wat sou dit wees?

Ek sou vir "hom" sê om op te hou om so hard op homself te wees. Ek was deur die jare te hard op myself – ek het myself nie tyd gegun om te leer nie en het dikwels mislukings baie persoonlik opgeneem. Alhoewel dit goed is om jouself te druk om sukses te behaal, is daar 'n punt waar dit tot ongesonde gedrag kan lei. Ek sou vir myself sê dat foute normaal is en dat dit die enigste manier is hoe ons regtig leer.

Do you believe it is important to have a study-social life balance?

I am a strong advocate for maintaining a balance between studying and social life. While hard work and discipline are essential when it comes to studying, failing to maintain this balance may often have a corrosive effect on your ability to work effectively. I have had personal experiences where I

failed to maintain this balance, prioritizing my work above everything else. This led to situations where I felt 'burnt out', hampering my ability to work properly. As such, I don't think you can be a successful student without this balance, working too much can actively be bad for you and can cause more harm than it does good.

Het jy 'n familie-/vriende-ondersteuningstelsel gehad tydens jou studies, en hoe het dit tot jou sukses bygedra?

Beslis. Familie en vriende was noodsaaklik vir my om sukses te behaal. Ek is veral dankbaar vir my ouers – ek dink nie ek sou wees waar ek vandag is sonder hulle en hul ondersteuning nie. Universiteit is spanningsvol en dikwels het 'n mens bloot emosionele ondersteuning of raad nodig.

What are your interests outside of law and is it important to have such interests?

Some interests I have include music, film, activities like hiking, canoeing, longboarding and playing video/board games. It was important for me to have interests that are not in any way associated with law. Studying law is not supposed to mean that the law is the only thing you can be interested in, it is healthy to pursue other interests to take a 'break'.

Wat is die waardevolste vaardigheid/eienskap/kennis wat jy uit jou regstudie geneem het?

Ek het baie dinge uit my studietyd geleer, maar die nuttigste eienskappe wat ek geleer het, is tydsbestuur en die vermoë om groot volumes werk in 'n kort tydperk te leer.

What advice do you wish you had been given as a first-year student?

The one thing I remember very prominently about the first year was how much work there was compared to high school. It was a very sudden, dramatic shift, and I often became frustrated with how much I struggled with managing the large volumes of work. My advice to a first-year student is that they should realise that university is vastly different to high school. Be patient with yourself and realise that over time, you will learn how to master the art of navigating your way through the troubled waters of university. Yet, one should also realise that university is a unique phase of one's life and that you should not become so stuck in the work that you forget to experience and enjoy it to the fullest.

Wat is jou planne vir die toekoms?

Tans is my planne bloot om my klerkskap te voltooi en soveel as wat ek kan in die volgende

twee jaar te leer. Ek wil in die verre toekoms my eie firma open, en in die baie verre toekoms, dalk 'n pos as dosent by die Fakulteit Regsgeleerdheid opneem.

What is your favourite Social Media App to use as procrastination from studying?

Mainly Tik Tok, I have no idea how much time I spent on it, but it was a very effective procrastination tool.

MyBrew of DCM koffie?

Ek het nie te gereeld koffie by MyBrew of DCM gekoop nie, aangesien ek my eie tuisgemaakte koffie verkies het. Maar as ek soms 'n koffie wou kry terwyl ek op kampus was, het ek MyBrew verkies.



Mr Roald Furstenberg

Chancellor's Medal 2023

The Faculty would like to congratulate Mr Hugo Uys, an LLB candidate and BA Hons (Philosophy) student, who was awarded the Chancellor's Medal during the Stellenbosch University December 2023 graduation week.

Mr Uys obtained his LLB (cum laude) from Stellenbosch University in 2021. Since 2022, he was enrolled at the Faculty of Law for an LLM (by research). He has also been a student at the Faculty of Arts and Social Sciences since 2018. After completing two years of undergraduate philosophy as an elective module for his four-year undergraduate LLB, he undertook to complete an additional under-

graduate major in philosophy by registering for additional, non-degree modules in philosophy in 2020 and 2022.

Mr Uys obtained permission from the Senate for simultaneous registration for the LLM in the Law Faculty and the BA Hons (Philosophy) in the Faculty of Arts and Social Sciences, in 2023. Mr Uys since obtained his BA Hons in Philosophy cum laude, with a final degree aggregate of 90%. He plans on submitting his doctoral thesis in 2024.

(Adapted from Corporate Communications and Marketing, read the full article here: <https://www.sun.ac.za/english/Lists/news/DispForm.aspx?ID=10391>)



Moot Court

Public Interest Law Moot Court Competition 2023/24

Miss Carolyn Laker, Mr Bryce Crockart, and Miss Elsa-Marié van der Watt participated, as a team, in the fourth annual Public Interest Law Moot Court Competition 2023/24, hosted by the Wits Centre for Applied Legal Studies and the Student Litigation Society. The Competition, which commenced in November and consisted of multiple rounds, presents law students with a factual scenario that allows them to demonstrate their skills as jurists.

The Faculty's team concluded its efforts and satisfied with their performance. As a team, the members are proud of their



Christof Heyns African Human Rights Moot Court Competition

The upcoming Christof Heyns African Human Rights Moot Court Competition, scheduled for 22 – 27 July 2024 will see two students represent Stellenbosch University's Law Faculty in this prestigious competition. Ms Ailly Nuuyoma and Ms Gugulethu Mudzingiranwa will travel to Kigali, Rwanda in July accompanied by their coach, Dr Anisa Mahmoudi. The team is tasked with addressing a multifaceted and complex hypothetical scenario touching on several human rights issues. They will argue their case for both the applicant and respondent through written pleadings and before benches of law lecturers and human rights experts, mirroring the process of arguing before the actual African Court on Human and Peoples' Rights. This is an incredible opportunity for the students to enhance their mooting skills, develop their capacities to argue before judges and engage with other students across the continent. We wish the team all the best of luck on this adventure and hope that the experience is an enriching one, regardless of the outcome.



AJM Tax Moot Court

The Faculty and the Moot Society hosted the second AJM Tax Moot Court Competition on Saturday, 4 May 2024. Nine teams participated in the preliminary round in a tough legal battle as the representatives for the taxpayer and SARS respectively. The final round was judged by Dr Albertus Marais and Megan Landers from AJM, advocates Peter Solomon (SC) and Pieter-Schalk Bothma and Profes-

sor Peter Surtees. The Faculty is very proud of all the participants and very grateful to AJM for sponsoring the event. The Faculty is also indebted to the prestige judges for their invaluable time and guidance to our students.

Congratulations to the winning team: Jani Knoetze and Andre Smit (acting as counsel for the appellant, the taxpayer).



Juridical Society | Juridiese Vereeniging (JV/S)

Welcoming Week

Each year, before the commencement of the first semester in February, the Faculty hosts a two-week Welcoming period for bright-eyed first years. The intention is to integrate them into the culture and mindset of the Faculty and University so that they may truly feel comfortable to call themselves law students at Stellenbosch University.



Law Week

The JV/S organised a week of fun-filled activities to allow the students to bond with each other. The activities included a quiz night, a costume party, an introduction to the Moot Court (in collaboration with the Moot Society), a toga party, and a postgraduate cocktail evening.



Career Fair

The annual Law Career Fair was an amazing opportunity to engage with partners and representatives from more than 30 of the most esteemed law firms in South Africa. This was a day full of learning, exposure and engagement between our law students and experienced professionals and practitioners.



Final-Year Graduation Evening 2023



The JV/S hosted a final-year graduation evening, on behalf of all the law students, to say goodbye to the final-year students, and to wish them well with their future endeavours.



Political Indaba

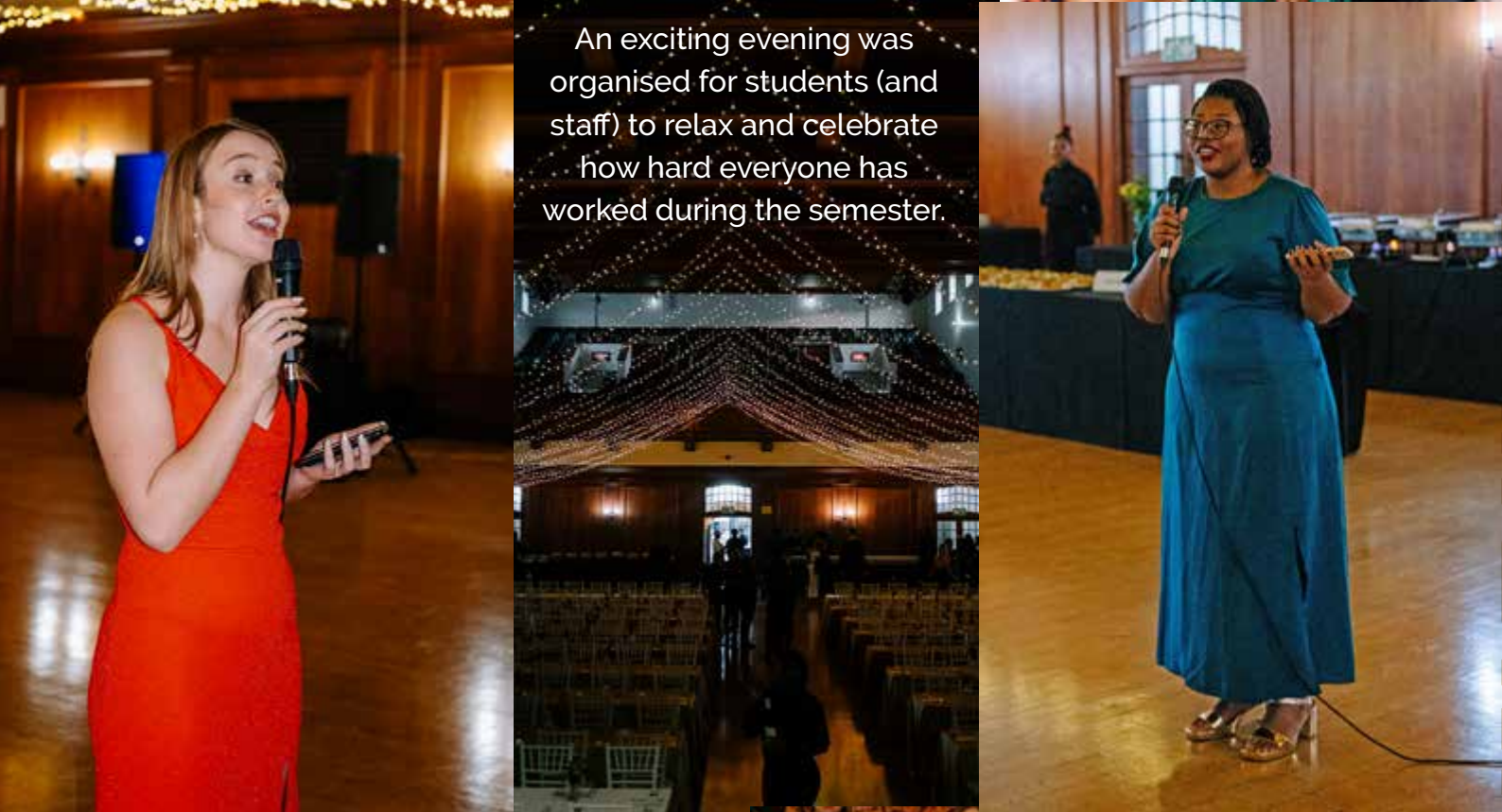
The Political Indaba Debate under the student enrichment, took place on the evening of 26 April 2024. The event aimed to get students excited about voting on 29 May 2024, increase their knowledge of political party policy and further make politicians more approachable to the youth, as a form of direct public participation. Members of Parliament, the Provincial Legislature, and Municipal Councillors attended the event. The event was a major success as Old Main Building lecture room 1023 was filled to the brim and intense and fruitful engagements took place well into the night.



Law Dance 2024



Social Impact
Sosiale Impak



An exciting evening was organised for students (and staff) to relax and celebrate how hard everyone has worked during the semester.





US Regskliniek SU Law Clinic

06 December 2023 Visit from the National Consumer Commission

The SU Law Clinic is thrilled to share the recent visit from the Head of the National Consumer Commission's Complaints and Investigations Division, Ms Prudence Moilwa, and her team to the Clinic. It was a great privilege to have them visit the Clinic.

During their visit, the Clinic's pending consumer law class action against the Lifestyle Direct group of companies and other issues were discussed. The discussion was insightful, showcasing the dedication and commitment of the National Consumer Commission to protecting consumer rights.

Ms Prudence Moilwa and her staff provided valuable insights into the case, sharing their expertise and knowledge in consumer law. Their visit not

only strengthened the Clinic's resolve to pursue justice for consumers but also highlighted the importance of collaboration between organisations and regulatory bodies.

The meeting served as a platform for robust discussions on the challenges faced by consumers and the steps being taken to address them. It was an excellent opportunity for the Clinic to learn and explore potential avenues for cooperation.

The Clinic would like to express its gratitude to Ms Prudence Moilwa and her team for taking the time to visit the Clinic and engage in meaningful discussions. Their contribution has undoubtedly enriched the Clinic's understanding of consumer rights

and the legal landscape surrounding them.

As the Clinic continues to advocate for consumer protection and fight for justice, it is inspired by the support and encouragement it receives from esteemed organisations like the National Consumer Commission. Together, a fair and transparent marketplace for all can be achieved.

Stay tuned for further updates on the Clinic's consumer law class action against the Lifestyle Direct group of companies. The Clinic remains committed to keeping interested parties informed of its progress and the impact of their efforts.



20 March 2024 Successful training session on debt, credit, and consumer rights

The Clinic is delighted to share the success of its recent training session on the Debt, Credit, and Consumer Rights manual. In collaboration with The Black Sash Trust and the National Financial Ombud Scheme South Africa, the Clinic conducted this session in Mbombela, Mpumalanga.

The Clinic is thrilled to report that the training was a resounding success, with 30 participants in attendance. Among the attendees were paralegals, community leaders, and community advice officers from various regions across Mpumalanga. Their active participation and enthusiasm made this training a truly valuable learning experience for all.

The Clinic would like to extend its heartfelt gratitude to all those who participated and contributed to the success of

this session. The ongoing support and dedication to empowering communities and promoting consumer rights are commendable.

The Clinic believes that knowledge is power, and through initiatives like this training session, it strives to equip individuals with the necessary tools to navigate the complex world of debt, credit, and consumer rights.

The Clinic will continue its efforts to educate and empower communities across South Africa and is grateful for the support on this important journey.

The Clinic would like to thank The Black Sash Trust and the National Financial Ombud Scheme South Africa for their unwavering support.



07 March 2024 Visit from Prof Riette du Plessis from the University of the Witwatersrand

On the 6th of March 2024, the Clinic had the privilege of hosting Professor Riette du Plessis from the University of the Witwatersrand at the Clinic. Professor Du Plessis is an esteemed expert in Clinical Legal Education and graciously shared her knowledge and insights with the Clinic.

The day was filled with enriching exchanges and learning opportunities as the Clinic's facilities were explored, and in-depth curriculum discussions engaged with. Professor Du Plessis's expertise provided the Clinic with invaluable guidance as it prepares for the upcoming year when Practical Legal Training becomes a compulsory module for all final-year law students.

The Clinic is immensely grateful to Professor Du Plessis for her visit and the knowledge she imparted. Her presence has not only inspired the Clinic but also reinforced its dedication to continuously improving its programmes. The Clinic is excited to implement her insights as it strives

to better serve the community and educate the legal professionals of tomorrow.



21 February 2024 The Clinic's senior attorney was featured in a News24 article

The Clinic is delighted to share some recent news! The Clinic's senior attorney, Dr Stephan van der Merwe, was featured in a News24 article discussing his opinion on the Intercap vs South African Police Service court order. This article highlights the importance of state organs' compliance with court orders and the consequences when they fail to do so.

The full article is available on News24's website; although, please note that it may be behind a paywall. Here is the link to access the article: [\[News24 Article\]](#)

The Clinic is honoured to have its work and opinions recognised by reputable media houses. This recognition not only brings awareness to important issues but also amplifies the Clinic's voice in advocating for justice and fairness.



Memorial

Herdenking

Legal Writing Development short course

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

Sign up for this course if you want to improve general writing skills in an academic environment and develop an effective and concise writing style in a legal context.

The next offering starts in August 2024.

Click on the date to apply.

Ms Bristin Liebold (LLB student)

The Faculty is deeply saddened by the passing of Ms Bristin Liebold (a 2nd year LLB student) during the first term of 2024. We extend our sincere condolences to her fam-

ily and friends. We know that the life of the departed is placed in the memory of the living (Cicero).

Prof André Rabie

Professor André Rabie is op 2 April 2024 op 84-jarige ouderdom in Durbanville oorlede.

Marinus André Rabie was 'n Pretorianer van geboorte (1940) en het sy regsopleiding aan die Universiteit van Pretoria ontvang. Hy is in 1964 as dosent in die Regsfakulteit van die Universiteit van Suid-Afrika aangestel, waar hy later in Strafredreg begin spesialiseer het. Hy het ook sy doktorsgraad by UNISA onder leiding van Professor SA Strauss in 1969 behaal. In 1971 word hy tot professor bevorder.

Toe die Universiteit Stellenbosch se Regsfakulteit in die 1970's navelejare met slegs vyf dosente sy personeelkorps begin uitbrei het, is André in 1976 hier aangestel. Hy was ook deel van 'n modernisering van die leerplan deurdat hy, benewens Strafredreg, verantwoordelik gemaak is vir die onderrig van Administratiedreg wat tot op daardie stadium geïgnoreer is. Dit was sy verantwoordelikhede tot met sy aftrede aan die einde van 2000.

Hy was 'n produktiewe navorser wat pionierswerk gedoen het ten opsigte van Omgewingsreg, 'n destyds opkomende nuwe vakgebied, nie net in Suid-Afrika nie, maar ook internasionaal. Hy laat 'n lang lys van publikasies na, veral die baanbrekende *South African Environmental Legislation* uit 1976 (nou *Fuggle & Rabie's Environmental Management in South Africa* se derde uitgawe (2018)). Hy het ook 'n uitgebreide internasionale akademiese netwerk opgebou, beginnende in 1965 met 'n navorsingsverblyf in Switserland en daarna in Freiburg in Duitsland as 'n stipendiaat van die Alexander von Humboldt Stiftung. Dit is oor die daaropvolgende jare opgevolg deur navorsingstydperke in Michigan

in die VSA, in Australië en in Nieu-Zeeland. Sy status as een van die voorste kenners van die regsreëls rakende die natuurlike omgewing is geïnspireer deur sy diepe liefde vir die buitelewe wat hy veral uitgeleef het op 'n stuk berggrond naby Calitzdorp, 'n strandhuis by Bettiesbaai en as 'nywerige bergklimmer.

André was nie entoesiasies oor sy formele onderrigpligte nie en nog minder oor enige administratiewe verantwoordelikhede, maar hy was 'n lojale lid van die Regsfakulteit se personeel en 'n groot ondersteuner van nuuskierige en ywerige nagraadse studente.

Hy was ook 'n veelsydige kultuurmens met 'n groot liefde vir veral musiek. Hy het graag ligte musiek op 'n klavier gespeel en kon homself help op 'n melodika, 'n trekklavier, 'n orrel, 'n konsertina en 'n trompet. Op 'n stadium was hy die leier van 'n komiese Boeremusiekorkes. Vir Stellenbosch het hy 'n groot liefde ontwikkel en hy was aktief betrokke by die bewaring van die dorp se erfenis. Hy was ook 'n diep godsdienstige mens.

André en sy vrou Ingrid (gebore Gaum) het drie dogters in die lewe gebring. Ongelukkig is Ingrid in 2011 oorlede, waarna hy in 'n tweede huwelik met Elsa Lückhoff getree het. Sy en sy dogters oorleef hom.

Professor Andreas van Wyk

Leon Boshoff (LLB 1962)

Louis Leon Boshoff (colloquially known as Leon) received his BA degree with legal subjects from the Stellenbosch Law Faculty at the end of 1960 and his postgraduate LLB in December 1962. From 1965 to 1972, he practised at the Bar in Cape Town.

In 1972, he left for London, one of the first alumni of the Faculty to do so. There, he first became an associate at the well-known solicitors firm Clifford Chance, where he became a partner in 1975. He specialised in commercial law

in general, and in the field of insurance, in particular. In later years he acted as an arbitrator in many arbitrations. He was an active member of the International Bar Association.

Leon lived for many years in Tunbridge Wells outside London, where he passed away at the age of 83 on 5 December 2023. He is survived by his wife Aggy, a son, two daughters and five grandchildren.

Professor Andreas van Wyk

Koos Coetzee (BA LLB 1969)

Koos Coetzee was, in die ou taal, so 6 voet elf duim lank. Derhalwe Langkoos. Hy het soms vertel dat hy egter die naam gekry het omdat hy in die geskiedenis van die Regsfakulteit die student was wat die langste tydperk in die Engels Spes klas deurgebring het (6 jaar). Feit is, hy en die Engelse taal was vreemde bedmaats. Die verbasing was groot toe hy na LLB as staatsadvokaat by die PG in Grahamstad 'n pos aanvaar het. Daar het sy jarelange vriendskap met Eric Leach (later Appèlregter), wat toe lid van die plaaslike Balie was, begin. Eric het hom oorreed om ook lid van die Balie te word en het hulle etlike jare saam daar gepraktiseer. Koos het ten koste van homself vertel hoe hy vir 'n jong man opgetree het wat vir gewone aanranding tot 6 maande direkte tronkstraf gevonnis is. Koos betoog toe op appèl dat die vonnis "should be reduced to capital punishment". Gelukkig was die regter taamlik doof en het die vonnis van tronkstraf vervang met een van "corporal

punishment", naamlik 'n aantal houe met 'n ligte rottang (uiteraard voor ons huidige Grondwet). Eric vertel dat Koos een dag by sy kamers ingestap het met die aankondiging: "Leach, my Engels is op en ek moet nou gaan". Hy het daad by die woord gevoeg, die Oos-Kaap verlaat, sy leerklerkskap gedoen en op Vredendal as prokureur begin praktiseer. Hy was vir baie jare daar 'n bekende en bekwame prokureur, asook 'n gewilde en gesiene man in die gemeenskap, selfs as burgermeester. Sy afsterwe het 'n leemte gelaat wat nie maklik weer gevul kan word nie. Ons as sy vriende sal hom altyd onthou vir sy groot bydrae om die ondermaanse 'n beter plek te maak en vir die ware "mensch" wat hy was.

Burton Fourie SC

(afgetrede regter van die Kaapse bank en voormalige waarnemende regter in die HHA)

Justice Laurie Ackermann (BA LLB 1957)

It is with great sadness that I heard the news of Laurie's passing while attending a conference on constitutional justice in Bogotá, Colombia.

Laurie has had an enduring relationship with Stellenbosch University and its Law Faculty. He obtained his BA degree (*cum laude*) from Stellenbosch University. After obtaining his BA honours in jurisprudence as a Rhodes Scholar at Oxford University in 1954, he returned to Stellenbosch University to complete his LLB. With the first glimmerings of the transition to constitutional democracy in the late 1980s, Laurie was instrumental in establishing the H. F. Oppenheimer Chair in Human Rights Law in the Stellenbosch University Law Faculty. At the time, he was a sitting judge on the old Transvaal Provincial Division of the Supreme Court. The establishment of the Chair was a visionary move, enabling the Law Faculty to contribute to human rights research, teaching and advocacy in the lead-up to, and after, the transition to constitutional democracy in 1994. In 1987, Laurie was invited to become the first incumbent of the H. F. Oppenheimer Chair in Human Rights Law. Then State President, P.W. Botha refused Laurie permission to retire from the Bench. He proceeded to resign from the bench to take up the Chair, forfeiting his pension and other judicial benefits. He occupied the Chair until the end of 1992 when he resumed his judicial career. During his period as Chair, he established human rights law as a field of research and teaching, as well as a focal point for constitutional law public impact initiatives within the Law Faculty. He was a visiting scholar at the Columbia University Law School in New York and the Max Planck Institute for Comparative Public Law in Heidelberg. He also served as a judge on the Lesotho Court of Appeal and on the post-independence Namibian Supreme Court. During this period, he was also actively involved in research and deliberations on a future constitutional dispensation in South Africa. For example, in 1989, Laurie was part of a group of constitutional lawyers who participated in discussions with the then ANC-in-exile on a future South African

Constitution.

In 1994, he was appointed by President Mandela to the first Constitutional Court of South Africa, retiring in 2004. During his period on the Court (headed by the late former Chief Justice Arthur Chaskalson), Laurie made a seminal contribution to laying the foundations of South Africa's post-apartheid constitutional jurisprudence.

For present purposes, I will highlight two significant jurisprudential contributions. The first is a judgment co-authored with Justice Richard Goldstone in *Carmichele v Minister of Safety and Security* [2001] ZACC 22. This judgment held that the Constitution establishes an 'objective normative value system' which requires all law, including the common law, to be interpreted and developed to be consonant with this value system. The judgment in *Carmichele* catalysed the development of South Africa's law of delict to provide a remedy to survivors of gender-based violence where State authorities had failed in their duty to protect women's rights to be free from all forms of violence. This values-based judicial reasoning also exemplified an approach to constitutional interpretation which was in stark contrast to the formalism and legal positivism which characterised the apartheid legal culture.

The second strand of Laurie's jurisprudence I will highlight concerns the development of South Africa's equality jurisprudence. In a landmark judgment penned by Justice Ackermann in 1998, *National Coalition for Gay and Lesbian Equality v Minister of Justice* [1998] ZACC 15, the Court declared various statutory offences and the common law offence of sodomy as it pertained to sexual conduct between consenting adult men unconstitutional. The Court held that these laws infringed the rights to equality and non-discrimination on the grounds of sexual orientation as well as the right to privacy in the Bill of Rights. In this judgment, Ackermann J placed the value of human dignity at the centre of South Africa's equality jurisprudence, holding that the criminalisation of the sexual expression of gay

men represented a profound impairment of their dignity, personhood and identity.

Eleven months later, in *National Coalition for Gay and Lesbian Equality v Minister of Home Affairs* [1999] ZACC 17, the Court declared unconstitutional a provision in immigration legislation that denied the benefits it afforded married couples to gay and lesbian couples in permanent same-sex life partnerships. In his judgment for a unanimous Court, Justice Ackermann held that the provision conveyed the message that gays and lesbians lacked the inherent humanity to have their family lives respected or protected and constituted a serious invasion of their dignity. As such it constituted unfair discrimination on the intersecting and overlapping grounds of sexual orientation and marital status.

These judgments were fundamental to the evolution of South Africa's jurisprudence gradually extending equal rights to gay and lesbian relationships. They were also foundational to the broader equality jurisprudence of the Constitutional Court, and illustrate the centrality of human dignity as a value to Justice Ackermann's jurisprudence.

After he retired from the Court in 2004, Laurie founded the South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC) at the University of Johannesburg. In 2012, he authored the monograph *Human Dignity: Lodestar for Equality in South Africa* published by Juta & Co. In this significant work, he developed the philosophical and normative implications of hu-

man dignity as a central value in equality jurisprudence. He also illustrated the practical applications of human dignity to various areas of law, particularly the horizontal application of the Bill of Rights to private actors.

Laurie was awarded an honorary doctorate by SU in recognition of his monumental achievements as a judge, scholar, and contributor to constitutional democracy in South Africa. He was also elected an Honorary Fellow of Worcester College, Oxford University. He remained until his death an Extraordinary Professor in our Department of Public Law.

On a personal level, Laurie was a generous friend and mentor to me when I became the third incumbent of the H.F. Oppenheimer Chair in Human Rights Law in 2004. He was an enthusiastic supporter of the Annual Human Rights Lecture series which I initiated and organised. He also participated actively in seminars and other events organised by the Department of Public Law and the Faculty.

Laurie's towering intellect, his passion for constitutional democracy, his razor-sharp wit, and his wicked sense of humour will be sorely missed by all of us in the Faculty of Law. We extend our deepest condolences to his beloved wife, Denise, as well as his children and grandchildren.

Professor Sandra Liebenberg



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Contact us

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Telephone: 00-27-21 808 4853

Visit us

Ou Hoofgebou/Old Main Building
Cnr of Victoria & Ryneveld Street
Stellenbosch