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FACULTY OF LAW

NEWSLETTER

IFACULTHI YOMTHETHO

INCWADANA YEENDABA

FAKULTEIT REGSGELEERDHEID

NUUSBRIEF



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News from the Dean's office

Nuus van die Dekaan se kantoor

Iindaba ezivela kwiofisi yeDini

Message from the Dean

Prof Nicola Smit

This year started on a high note. Not only did we enter an academic cycle without social distancing rules, but we also welcomed law scholars and colleagues from around the world for the Global Scholars Academy in Stellenbosch. You can read more about the Global Scholars Academy in the section regarding Research and Internationalisation. We ended the first month of the year with a Faculty-wide Research Indaba, which focussed both on post graduate teaching and publications.

Our first-year cohort of students joined us at the end of January. It is one of the highlights of our year to welcome these young people. Every student at our Faculty has a unique experience; we aim to make sure that it is a transformative one. At the parent and student welcome, I spoke about an excerpt from the book "A Hat Full of Sky" (Terry Pratchett): "Why do you go away? So that you can come back. So that you can see the place you came from with new eyes and extra colours. And the people there see you differently, too. Coming back to where you started is not the same as never leaving." You may read more about the roll-out of our renewed programme in the section about Teaching and Learning; we remain focussed on legal education that encompasses knowledge, skills, and competencies, including legal ethics, empathy, and fortitude.

The Faculty is excited that we can broaden our expertise in two important areas. This expansion of our academic staff complement and disciplinary reach would not be possible without the support of our alumni. From the second semester, the Chair in Urban Law and Sustainability Governance, funded by the SU Law Faculty Trust, will take effect. Thanks to a generous donation, the Gys Steyn Chair in Financial Regulation Law will be established with effect from 1 January 2024. On behalf of our Faculty, I thank you, our alumni, for your continued support.

You may recall that in our previous newsletter we indicated that the Faculty was undergoing a self-evaluation by a panel of external peers. I am pleased to report that the feedback was overwhelmingly positive and recommendations to further strengthen and improve aspects of our organisation and activities were addressed in an improvement plan that has been adopted by our Faculty Board and approved by the SU Quality Committee.

A milestone that should be mentioned is that 10 April 2023 marked 100 years that the Women Legal

Practitioners Act 7 of 1923 was promulgated, which provided that: *"Women shall be entitled to be admitted to practise and to be enrolled as advocates, attorneys, notaries public or conveyancers in any province of the Union, subject to the same terms and conditions as apply to men, and any law in force in any province of the Union regulating the admission or enrolment of persons as advocates, attorneys, notaries public or conveyancers shall henceforth be interpreted accordingly"*. Today approximately 50 per cent of our academic staff is women while the majority of our students is women.

On a personal note, I am grateful that I could benefit from four months' sabbatical leave and wish to acknowledge and thank my colleagues and vice deans, Juanita Pienaar and Richard Stevens, who stepped in seamlessly to safely steer the ship during my absence.

This newsletter is filled to the brim with stories about our people and programmes. I invite you to read about what is happening in and around the Ou Hoofgebou. It would be lovely to see you at some of our public lectures or events during the rest of the year.

Professor Nicola Smit
Dean



Dean, Professor Nicola Smit.

Dekaansboodschap

Vanjaar het op 'n hoë noot begin. Ons het nie net 'n akademiese siklus betree sonder reëls vir sosiale afstand nie, maar ons het ook regsgeleerdes en kollegas van regoor die wêreld in Stellenbosch verwelkom vir die Global Scholars Academy. U kan meer lees oor die Global Scholars Academy in die afdeling oor Navorsing en Internasionalisering. Ons het die eerste maand van die jaar afgesluit met 'n fakulteitswye Navorsingsindaba, wat beide op nagraadse onderrig en publikasies gefokus het.

Ons eerstejaargroep studente het einde Januarie by ons aangesluit. Dit is een van die hoogtepunte van ons jaar om hierdie jongmense te verwelkom. Elke student aan ons Fakulteit het 'n unieke ervaring; ons poog om seker te maak dat dit 'n transformerende een is. By die ouer- en studente-verwelkoming het ek gepraat oor 'n uittreksel uit die boek "A Hat Full of Sky" (Terry Pratchett): "Hoekom gaan jy weg? Sodat jy kan terugkom. Sodat jy die plek waar jy vandaan kom met nuwe oë en ekstra kleure kan sien. En die mense daar sien jou ook anders. Om terug te kom na waar jy begin het, is nie dieselfde as om nooit weg te gaan nie." U kan meer lees oor die implementering van ons hernieuwe program in die afdeling oor Onderrig en Leer, ons bly gefokus op regsopleiding wat kennis, vaardighede en bevoegdheid insluit, insluitend regsetiek, empatie en vasberadenheid.

Die Fakulteit is opgewonde dat ons ons kundigheid op twee belangrike gebiede kan verbreed. Hierdie uitbreiding van ons akademiese personeel en dissiplinêre reikwydte sou nie moontlik wees sonder die ondersteuning van ons alumni nie. Vanaf die tweede semester tree die Leerstoel in Stedelike Reg en Volhoubaarheidsregeerkunde, befonds deur die US Regsfakulteitstrust, in werking. Danksy 'n ruim skenking sal die Gys Steyn-leerstoel in Finansiële Reguleringsreg met ingang van 1 Januarie 2024 op die been gebring word. Namens ons Fakulteit bedank ek u, ons alumni, vir u volgehoue ondersteuning.

U kan onthou dat ons in ons vorige nuusbrief aangedui het dat die Fakulteit 'n selfevaluering deur 'n paneel eksterne eweknieë ondergaan. Ek is bly om te

rapporteer dat die terugvoer oorweldigend positief was en aanbevelings om aspekte van ons organisasie en aktiwiteite verder te versterk en te verbeter, is aangespreek in 'n verbeteringsplan wat deur ons Fakulteitsraad aanvaar is en deur die US se Kwaliteitskomitee goedgekeur is.

'n Mylpaal wat vermelding verdien, is dat 10 April 2023 100 jaar was wat die Wet op Vroueregspartisyne 7 van 1923 gepromulgeer is wat bepaal het dat: *"Vroue sal geregtig wees om toegelaat te word om te praktiseer en om ingeskryf te word as advokate, prokureurs, notaris se of aktebesorgers in enige provinsie van die Unie, onderhewig aan dieselfde bepalinge en voorwaardes as wat op mans van toepassing is, en enige wet wat van krag is in enige provinsie van die Unie wat die toelating of inskrywing van persone as advokate, prokureurs, notaris se of aktebesorgers reguleer, sal voortaan dienoreenkomstig geïnterpreteer word"*. Vandag is ongeveer 50 persent van ons akademiese personeel vroue, terwyl die meerderheid van ons studente vroue is.

Op 'n persoonlike noot is ek dankbaar dat ek voordeel kon trek uit vier maande sabbatsverlof en wil graag erkenning gee aan my kollegas en vise-dekane, Juanita Pienaar en Richard Stevens, wat soomloos ingetree het om die skip veilig te stuur tydens my afwesigheid.

Hierdie nuusbrief is propvol stories oor ons mense en programme. Ek nooi u uit om te lees oor wat in en om die Ou Hoofgebou gebeur. Dit sal heerlik wees om u gedurende die res van die jaar by van ons openbare lesings of geleenthede te sien.

Professor Nicola Smit
Dekaan

Lo nyaka uqale ngokuncomekayo. Asikhange singene nje kumjikelo wezifundo kuphela ngaphandle kwemithetho yokuma mgama komnye, kodwa samkele izifundiswa noogxa bezomthetho abasuka kwihlabathi liphela kwiGlobal Scholars Academy eStellenbosch. Ungafunda ngakumbi malunga neGlobal Scholars Academy kwicandelo elimalunga noPhando noNabiseleko kuMazwe ngamazwe. Siyiqukumbele inyanga yokuqala enyakeni ngeIndaba yoPhando yeeFakhalthi zonke ejolise ukufundisweni kwabenza izidanga ezilandela ezokuqala nakushicilelo. Iqela lethu labafundi bonyaka wokuqala liye lasijoyina ekupheleni kukaJanuwari. Ukwamkela olu lutsha yenye yezinto ezibalaseleyo kulo nyaka wethu. Wonke umfundi kwiFakhalthi yethu unamava awodwa; sijonge ukuqinisekisa ukuba loo mava ayayenza inguqu. Kulwamkelo lwam lwabazali nabafundi, ndathetha ngesicatshulwa esivela kule ncwadi ithi "A Hat Full of Sky" (Terry Pratchett): "Kutheni uhamba? Khona kuze ubuye. Ukuze ukwazi ukubona indawo obuvela kuyo ngamehlo amatsha kunye nemibala eyongezelelweyo. Kwaye abantu balapho bakubone ngokwahlukileyo, nabo. Ukubuyela apho ubuqale khona akufani naxa ungazange uhambe." Unokufunda ngakumbi malunga nokuqaliswa kwenkqubo yethu ehlaziyiweyo kwicandelo elimalunga nokuFundisa nokuFunda; sihlala sigxile kwimfundo yezomthetho equka ulwazi, izakhono, kunye nobuchule, kubandakanywa neenqobo zokuziphatha zomthetho, uvelwano, kunye nokomelela.

IFakhalthi iyavuya kuba sinokwandisa ubuchule bethu kwiinkalo ezimbini ezibalulekileyo. Oku kwandiswa kwabasebenzi bethu bezemfundo nofezekiseko lwemigaqo bekungenakwenzeka ngaphandle kwenkxaso yabafundi bethu bangaphambili. Ukususela kwisiqingatha sesibini sonyaka, isikhundla sikaSihlalo kuMthetho weMimandla yaseZidolophini noLawulo oluZinzileyo (the Chair in Urban Law and Sustainability Governance), exhaswa ngemali yiTrust yeFakhalti yoMthetho yeYunivesithi yaseStellenbosch (SU Law Faculty Trust), siya kuqalisa ukusebenza. Ngenxa yomnikelo wemali wesisa, ukususela ngomhla woku-1 kuJanuwari wama-2024 kuza kumiselwa isikhundla sikaSihlalo we-Gys Steyn kuMthetho woLawulo lwezeMali (Gys Steyn Chair in Financial Regulation Law). Egameni leFakhalthi yethu, ndiyabulela kuni, bafundi bethu bangaphambili, ngenkxaso yenu eqhubekayo.

Umyalezo ovela kwiDini

Kusenokukhunjulwa ukuba kwincwadana yethu yangaphambili sikubonisile ukuba iFakhalthi yayiphantsi kovavanyo lweqela loontangandini bangaphandle. Ndiyavuyaukunika ingxelo yokuba ingxelo ibincomeka kakhulu kunye neziphakamiso zokuqinisa nokuphucula iinkalo zeziko lethu nezinto ezenziwayo zaye zathathelwa ingqalelo kwisicwangciso sophuculo esamkelwe yiBhodi yeFakhalthi yethu, kwaye yamkelwe yiKomiti yoMgangatho yeYunivesithi yaseStellenbosch. Isiganeko esibalulekileyo ekufuneka sikhankanyiwe sesokuba umhla we-10 kuEpreli wama-2023 uphawule iminyaka eli-100 yokuba kubhengezwe uMthetho waBasebenzi bezoMthetho waseTyhini 7 we-1923 (Women Legal Practitioners Act 7 of 1923) owabonelela ngokuba: *"Abasetyhini baya kuba nelungelo lokwamkelwa ukuba basebenze kwaye babhaliswe njengabameli, amagqwetha, ababhali bamaxwebhu oluntu okanye abahambisi kulo naliphi na iphondo loMdibaniso, ngokuxhomekeke kwimigaqo nemiqathango efanayo njengoko isebenza kumadoda, kunye nawo nawuphi na umthetho osebenzayo kulo naliphi na iphondo loMdibaniso elilawula ukwamkelwa okanye ukubhaliswa kwabantu njengabameli, amagqwetha, ababhali bamaxwebhu karhulumente okanye abahambisi ukusuka ngoku iya kutolikwa ngokufanelekileyo"*. Namhlanje malunga nama-50 epesenti yabasebenzi bethu bezemfundo ngabasetyhini, ngelixa uninzi lwabafundi bethu ingabasetyhini. Ngokolwam uluvo, ndinombulelo kuba ndiye ndaxhamla kwikhefu leenyanga ezine zeyunivesithi zokuba ndiphinde ndifunde kwaye ngexesha ndingekho ndinqwenela ukuvuma kwaye ndibulele oogxa bam kunye noosekela mphathi, UJuanita Pienaar, kunye noRichard Stevens, abangene balawula inqanawa ngokukhuselekileyo ngexesha ndingekho. Le ncwadana yeendaba iyaphuphuma ngamabali amalunga nabantu neenkqubo zethu. Ndiyakumema ukuba ufunde malunga nokwenzekayo eOu Hoofgebou nakwindawo eziyingqongileyo. Kuya kuba mnandi ukukubona kwezinye zeentetho zethu zikawonkewonke okanye kwimisitho ebudeni bonyaka.

UNjingalwazi uNicola Smit

iDi

Message from the acting dean (February and March)

Prof Juanita Pienaar

The academic year kicked off with an exciting event, a one-day symposium "Inequality and Insecurity: contemporary challenges and the quest for justice", on Saturday, 14 January 2023, linked to the Global Academy that took place in collaboration with the Institute for Global Law and Policy – Harvard Law School and the Faculties of Law and Economic Management Sciences, Stellenbosch University, 16-20 January 2023. Various Faculty staff members, including young scholars, were involved in both the Symposium and the Global Academy, either as participants or as Global Faculty members, presenting theoretical streams or acting as writing instructors.

February and March are always very busy months in the academic year, with the arrival and welcoming of new, first year students on the one hand, and the greeting of graduates at the March 2023-ceremony, on the other. The Faculty of Law's welcoming programme, aligned

with the overarching University programme, welcomed, oriented, and exposed the new cohort to what it means to be a law student, at Stellenbosch University, in 2023. Whereas the previous two intakes occurred within the Covid-paradigm, this intake coincided, from the outset, with in person lectures and no social distancing.

While 2023 was the second year of roll-out of the new LLB-programme, it was the first year of the University-wide new Assessment Rules, impacting on all students.

The Law Faculty's graduation ceremony took place on 31 March, with Justice Cameron presiding as Chancellor. We were also fortunate to revive the traditional walk back to the Old Main Building for festivities, following a few years' suspension in the Covid-years. Many happy, relieved, and grateful graduates and their loved ones joined in the walk. At the Old Main Building, Professor Sadulla Karjiker commenced the festivities, with an address on behalf of Faculty staff, followed by Ms Karabo Mogashua, one of our BAcc LLB graduates, who gave an address on behalf of the students.

Apart from welcoming and greeting our students, we have also said farewell to dear, valued staff members, and welcomed new staff members. A special vote of thanks to Ms Carin de la Querra, who has stood in for various departmental secretaries, in an exemplary fashion.



Message from the acting dean (April and May)

Prof Richard Stevens

The first semester of 2023 has drawn to close, and it is an opportune time to reflect and share what we, as a Faculty, have experienced to date.

There was no time for cobwebs to form in the Ou Hoofgebou between the close of the 2022 academic year and the commencement of the 2023 academic year. At the start of the year, the Ou Hoofgebou welcomed students and scholars from across the globe for the Global Scholars Academy in conjunction with the Institute for Global Law and Policy Harvard Law School and the Faculty of Economic and Management Sciences. How fortunate we were to welcome so many talented students and faculty from across the globe to Stellenbosch to engage with one another to reflect on global challenges.

Although we were fortunate to have the first normal semester of the academic year since 2019, challenges still abound, which test the agility and ability of us and universities in general. As the Dean, Professor Nicola Smit, mentioned last year, universities are not generally known for their agility and responsiveness. However, the Covid pandemic has shown that where there is the necessary will and teamwork, agility and responsiveness to foreseen and unforeseen challenges can be achieved. Traditionally SU, with the exception of the Faculty of Medicine and Health Sciences that start at the beginning of January, commences the academic year on the first Monday of February. For the third year in a row, we had to wait until the end of January to receive the Matric results. As most programmes have selection and admission requirements, offers to students to study at the Faculty could only be sent out a day or two after the release of the Matric results. Despite these challenges, our support team and, in particular, Mr Shirle Cornelissen, the Faculty Administrator, and Mrs Karin Wiss, the Faculty Manager, ensured that we not only met our enrolment targets but even exceeded them. Should the matric results continue to be released this late annually, as a university, we may need to carefully reflect on the structure

of the academic year, especially the first semester with its many public holidays.

On a more positive note, it has been wonderful to see full lecture halls throughout the first semester for the first time since 2019. We will probably never be able to fully appreciate the value of in-person lectures compared to the online presentations that we had for the better part of 18 months. It would, however, be negligent to simply ignore the value that the online environment can contribute as supplementary tool to in-person lectures.

On a personal note, it has also been a challenging, yet enriching experience to serve as acting dean for two months. One comes to appreciate how Higher Education, for better or for worse, has fundamentally changed over the past 20 years when one finds oneself in a managerial position. However, with a wonderful team in support, the collegial atmosphere that we try to maintain, we can indeed move forward together, "saam vorentoe", "sonke siya phambili".



Research and Internationalisation

Symposium and Global Academy



The gathering of Global Faculty members for the Global Academy (16-20 January 2023) presented a unique opportunity for South African scholars to participate, and be involved, in high-level discussions and conversations. The underlying aim was to identify urgent and burning concerns within the respective disciplines, to explore new ideas, to enhance and to extend existing networks, and to foster future collaborations at the individual and the institutional level; thus, a "traditional conference" approach was avoided. Hence, in round table format, a one-day symposium was arranged within the broad fields of Private Law, Mercantile Law, and Human Rights and Public Law. The paper titled "Inequality: The curse of being on the outside looking in" by Justice Nambitha Dambaza, Supreme Court of Appeal, led the first plenary session, which took place before the break-away round table discussions. It set the scene perfectly for the rest of the day's break-away sessions, aligned with the overarching theme of "Inequality and insecurity: Contemporary challenges and the quest for justice". While the intention was to expose South African scholars to Global Faculty members, it was also a wonderful opportunity to promote interaction among the three sister law Faculties, with several colleagues from the University of Cape Town and the University of the Western Cape actively participating in the Symposium.

The Global Academy took place at STIAS, in Stellenbosch, from 16 to 20 January 2023, with roughly 90 participants, constituting up-and-coming young researchers from all over the world, and about 40 Global Faculty members.

Essentially, the programme invests in the next generation of scholars by placing them in conversation with their global peers, also strengthening their ability to think in new ways about global issues that the world faces. Because it was held in Stellenbosch, South Africa, emphasis was also placed on South African and African concerns, supporting the Africa Agenda of 2063. To that end, the programme was structured to deal with pertinent, current concerns as well. Professor Thuli Madonsela, Director: Centre for Social Justice, presented the opening lecture, entitled "Taking social justice seriously: can serious gaming stop injustice from mugging peace and security?" Two round-table sessions were scheduled, the first conducted by Advocate Tembeka Ngcukaitobi and Advocate Michelle le Roux, on the issue of 'Land reform, the Constitution and Transformation'. The other round table session dealt with 'South Africa wrestling with its human rights obligations under its domestic refugee law', with Prof Fatima Khan, Director of the Refugee Rights Clinic, University of Cape Town, and Professor Sonia Human, Emeritus Professor, Faculty of Law, Stellenbosch University, as the two discussants. Professor Cathi Albertyn, SA Research Chair in Equality, Law and Social Justice, School of Law, University of the Witwatersrand, delivered an excellent address on 'Constitutions and Equality'. A panel discussion, facilitated by Judge Dennis Davis, under the theme 'Pathways to economic development and Justice', concluded the African dimension of the Global Academy programme. The panel members included Professor Ingrid Woolard,

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Dean: Faculty of Economic Management Sciences, Stellenbosch University, and Dr Nthabiseng Moleko, Stellenbosch Business School. The closing session was conducted by Professor David Kennedy, Director of IGLP. Being able to mingle with and have high level interactions

with seasoned researchers and global leaders for a whole week, presented a wonderful opportunity for staff members and students alike, extending Stellenbosch and South African interests. We are hopeful that we can continue this collaboration in 2024 and beyond.



Participants in the seminar

Research Indaba

Given the focus on teaching and learning during Covid, with an emphasis on completing the curricula and assessments successfully, a Research Indaba was held on Monday, 30 January 2023, at Eikenhof, Bottelary, to promote research within the Faculty of Law. After the welcome by the Dean, Professor Nicola Smit, Mrs Karin Wiss introduced the Postgraduate Session, specifically dealing with the structured LLM-programme, including timelines and support structures to promote the completion of research theses in time. We were fortunate to have the new Deputy Vice-Chancellor: Research, Innovation and Postgraduate Studies, Professor Sibusiso Moyo, to share her vision of research for Stellenbosch University. After providing the overarching view, Professor Juanita Pienaar focussed on the Faculty of Law research landscape specifically. The afternoon session consisted of small groups, where pertinent research-related concerns were voiced and workshopped, followed by

an inspiring talk by Professor Cathy Albertyn, from University of the Witwatersrand. Overall, the Research Indaba emphasised that conducting research is part of being an academic and that all staff members have to participate in our research endeavour.



Writing Retreat



Following up on the success of the first writing retreat in September 2022, a writing retreat was held from 19 to 21 May 2023 at Spier. Nine colleagues took up the invitation to spend two days away, focussing on research and writing. Various activities were scheduled in between writing sessions, to get the creative juices flowing, including visiting the wildlife sanctuary and strolling through the beautiful gardens. There was also time for reflecting on their own research, as well as for colleagues to act as sounding boards. Not only is productivity enhanced when all colleagues see each other working and writing, but being together adds additional support and encouragement.



Postgraduate Research Community



A community for all resident postgraduate students and post-doctoral fellows was established in the CL Marais building. The first session took place on 14 April 2023, facilitated by Dr Annemarie Strohwalde. The aims and goals of the community were discussed as well as ideas for the programme to follow. The community will be meeting regularly, in accordance with their needs, as scheduled, in different formats, depending on the kind of session or the topic presented. At the first meeting doctoral candidate, Tanveer Jeewa, presented a work in progress, which led to interesting and insightful discussion and comments. This safe space will promote capacity building, but will also aim to provide support and encouragement to young scholars and academics.

Participants in the program



Internationalisation

The University celebrated 30 years of internationalisation in the week of 12 to 18 March 2023. The Faculty of Law hosted various international guests in the first semester, including Professor Christoph Ann, Professor Marike Oderkerk, and Professor Dr Niels Appermont. A staff exchange programme with the Faculty of Law,

Groningen University, was formalised in April 2023; notwithstanding, the Faculty of Law will be receiving a visit from the first Münster-colleague in September 2023.

Professor Juanita Pienaar

Vice Dean Research and Internationalisation

Teaching and Learning

How refreshing to report on a successful first semester of 2023, unlike the challenges that were faced between 2020 and 2022. Despite the challenges that load shedding have presented, the availability of generators has ensured that our lectures could continue mainly seamlessly at the undergraduate level. How the future unfolds in respect of the provision of electricity, either from the grid or own generation, will have a significant impact on the coffers of the University, which currently diverts unnecessarily from our core activities of teaching and conducting research.

The first semester saw the roll-out of the second year of the renewed LLB. This semester and year are more geared towards the substantive law compared to the first year where the focus is more on the development of critical skills. The new module dealing with legal ethics at second year level is also critical especially in light of the challenges that

artificial intelligence tools, like ChatGPT, are presenting. We, as a Faculty, are cognisant that the use of artificial intelligence tools cannot simply be prohibited. We have reminded our student body, though, that the submission of work that was created, written, or produced by artificial intelligence constitutes academic dishonesty and could lead to severe consequences for the academic and professional careers ahead of them.

The advent of artificial intelligence tools coincides with a more flexible approach to assessments in 2023. Elsewhere, the return to traditional sit-down assessments to assess the ability of students is being advocated. It is probably still

too early for us as a Faculty to determine whether a more flexible and continuous form of assessment will serve our students and their future employers better. Much work will have to be done to monitor whether students do work more regularly throughout the semester or year, or whether this results in a better understanding and application of legal principles and thereby better results. However, much work has gone into the new assessment rules of the Faculty and we will continuously critically reflect on the quality of our assessments.

Professor Richard Stevens

Vice Dean Teaching and Learning

Ukufundisa kunye nokufunda

Ndiziva ndihlaziye kile ngokunika ingxelo ngesiqingatha sokuqala sonyaka sama-2023 esinempumelelo, ngokungafaniyo nemingeni ebekujongenwe nayo phakathi kowama-2020 nowama-2022. Nangona kukho imingeni ethe yabonakaliswa ngucimicimi wombane, ukufumaneka kweejenereyitha kuye kwaqinisekisa ukuba izifundo zethu zingaqhuba, ngakumbi kwinqanaba lesidanga sokuqala. Indlela eliza kwenzeka ngayo ikamva ngokubhekiselele kubonelelo lombane, nokuba ivela kwiintambo zentsimbi ezizisa umbane kummandla obanzi okanye kwisizukulwana sakho, iya kuba nefuthe elibalulekileyo kwingxowa yeYunivesithi, ephambukisa ngokungeyomfuneko ngoku kwimisebenzi yethu engundoqo yokufundisa nokwenza uphando.

Isiqingatha sonyaka sokuqala saqalisa unyaka wesibini weLLB ehlaziyiweyo. Esi siqingatha sonyaka kunye nonyaka zijolise ngakumbi kumthetho obambekayo xa kuthelekiswanonyakawokuqala aphokugxilwe ngakumbi kuphuhliso lwezakhono ezibalulekileyo. Imodyuli entsha ejongene neenqobo zomthetho kwinqanaba lonyaka wesibini nayo ibalulekile ngakumbi xa sijonga imingeni yokuba izixhobo zengqondo enguzenzele, njengeChatGPT, zibonisa. Thina, njengeFakhalathi, siyaqonda ukuba ukusetyenziswa kwezixhobo zengqondo enguzenzele akunakuthintelwa ngokulula. Siye sakhumbuza iqumrhu labafundi bethu, nangona

kunjalo, ukuba ukungeniswa komsebenzi owenziweyo, obhaliweyo, okanye oveliswe ngokusebenzisa ingqondo enguzenzele kuthathwa njengokunganyaniseki ezifundweni kwaye kunokukhokelela kwiziphumo ezibi kwimisebenzi yezemfundo kunye nemisebenzi yobungcali abaseza kuyenza.

Ukufika kwezixhobo zengqondo enguzenzele kuhambelana nendlela yovavanyo elungela iimeko zonke kowama-2023. Kwezinye iindawo, kukhuthazwa ukubuyiswa kokuhlalelwa kovavanyo ukuze kuhlolwe isakhono sabafundi. Kusekutsha kakhulu kuthi njengeFakhalathi ukugqiba ukuba nokuba uhlobo oluguquguqukayo noluqhubekayo lovavanyo luya kunceda abafundi bethu kunye nabaqeshi babo bexesha elizayo ngcono. Mninzi umsebenzi ekufuneka wenziwe wokujonga ukuba ngaba abafundi basebenza ngokuzikhandla kwisiqingatha sonyaka okanye kunyaka, okanye ingaba oku kukhokelela ekuqondweni okungcono nasekusetyenzisweni kwemigaqo yomthetho kuze ngaloo ndlela kube neziphumo ezingcono. Nangona kunjalo, umsebenzi omninzi uye kwimithetho emitsha yovavanyo yeFakhalathi, kwaye siya kuhlala siwuqwalasela ngeliso elibukhali umgangatho wovavanyo wethu.

UNjingalwazi uRichard Stevens

USekela-Dini wokuFundisa nokuFunda

African Procurement Law Unit (APLU)

Research Chairs and Units Navorsingsleerstoele en Eenhede

Reforming Public Procurement in South Africa



The African Procurement Law Unit (APLU), which is housed at the Stellenbosch University (SU) Law Faculty, initiated a national conversation on public procurement reform in South Africa during a two-day gathering in Johannesburg from 27 to 28 February 2023.

The initiative is a response to the call of the Zondo Commission of Inquiry into State Capture which noted that "any serious attempt to address the problems which beset public procurement must go well beyond state capture ... the process of reform requires a coherent and comprehensive plan of action which needs to bring the public and private sectors together in a joint initiative to restore proper standards and discipline within the procurement system."

The event drew over 120 delegates from the South African public procurement/supply chain management community to discuss all aspects of public procurement with the aim of framing a vision for the future of public procurement in South Africa. Delegates came from all levels of government, including key national

departments such as Treasury; Justice and Constitutional Development; Public Works and Infrastructure; Trade, Industry and Competition and Defence as well as from public bodies such as the NRF; Public Service Commission; SARS; Competition Commission and SANRAL. Suppliers to the government as well as supplier organisations such as Consulting Engineers South Africa and the Steel and Engineering Industries Federation of Southern Africa were present. Participating NGOs included Corruption Watch; the Legal Resources Centre; Amabhungane; Open Ownership, OUTA and the Public Service Accountability Monitor as well as some of South Africa's leading procurement academics and lawyers.

The topics discussed ranged from the forthcoming public procurement legislation for South Africa, how best to deal with the restriction of poor performing and corrupt suppliers to government, the liability of public officials for procurement failures, the need for the state to buy local goods in order to

support local industrial development, how to accelerate transformation via public procurement practices, increased use of technology to improve efficiencies in procurement and to reduce abuse and how best to deal with challenges to tender awards.

Prof Geo Quinot, APLU director and professor of law at SU, noted in his opening remarks that "public procurement is the backbone of service delivery in our country, of making real the aspirations of our constitution, of driving economic development. By coming together, all of us can strengthen that backbone to the benefit of everyone who live in our country."

The issues raised during the plenary engagements were categorised under five themes and discussed in more detail by smaller working groups. The themes are institutional arrangements; procurement integrity; targeted procurement; procedures and efficiency; and dispute resolution. The South African public procurement

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community intends to contribute to the ongoing reforms of the public procurement system and following the two-day workshop, the national conversation continues by way of workstreams where delegates will continue to explore the themes raised in the working groups. For each theme, an issue paper will be collaboratively developed to set out inter alia the nature of the issue, its role in the procurement system, possible ways in which it could be regulated, suggested operating procedures and standard documents, and the skills required to manage the issue. The issue papers will include case studies, from South Africa and beyond, on how the issue has been successfully addressed. These issue papers will be discussed at further gatherings, including another national workshop in June. The outcomes can feed into the public consultation processes that will accompany new procurement legislation, and the crafting of regulations and other implementation instruments under

a new procurement statute, once passed. Generally, the initiative aims to assist all stakeholders in improving procurement practice – from the regulators tasked with designing and overseeing the procurement system; to the leadership of organs of state in using procurement as a strategic tool; to procurement officials in their daily acquisition functions; to businesses wanting to supply goods and services to the state.

The South African procurement community believes that by bringing together the experiences of officials awarding tenders, of enterprises selling to the state, of regulators monitoring the spending of public money, of NGOs focussing on the impact of procurement on civil society and of academics researching and training on all aspects of public procurement, the South African society can collaboratively construct a fit-for-purpose procurement system that can deliver best value for money.



Anton Mostert Chair of Intellectual Property Law

Intellectual Property Short Course 2023

The Anton Mostert Chair of Intellectual Property Law hosted its annual Intellectual Property Short Course from 17 to 19 May 2023 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.

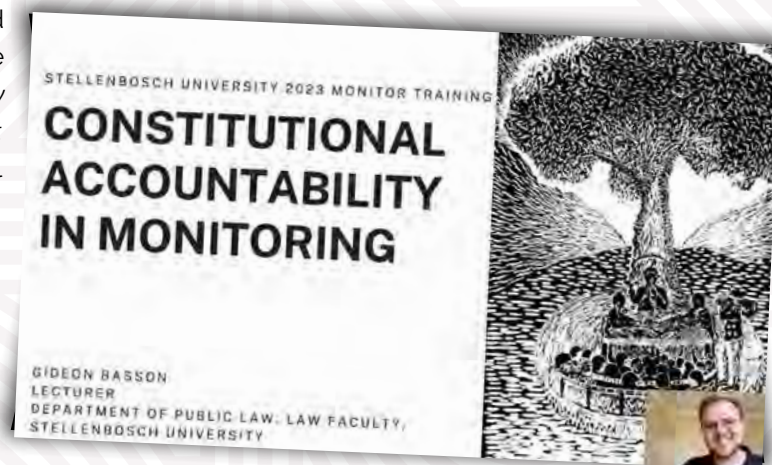
In addition to Professor Sadulla Karjiker, Professor Philip Sutherland and Ms Gretchen Jansen, the presenters included practitioners from notable IP firms, such as, Adams & Adams, Spoor & Fischer and Von Seidels IP, providing participants valuable insights from practice. Annette van Tonder was, of course, ever present, not only ensuring that the administration and presentation of the Short Course ran smoothly, but also that all the attendees and presenters were warmly welcomed and had a pleasant experience. 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. In fact, many of the attendees expressed a strong interest in applying for the postgraduate diploma in IP law offered by the Department of Mercantile Law.



HF Oppenheimer Chair in Human Rights Law

Monitor Welcoming Development Programme on Human Rights Accountability

Gideon Basson, lecturer and researcher at the HF Oppenheimer Chair in Human Rights Law and Department of Public Law, presented a virtual lecture on 28 January for the 2023 Stellenbosch University Welcoming Monitor Training and Development Programme. Gideon focussed on a constitutional and human rights accountability lens for monitoring practice in light of the prevailing issues in student communities identified by Retired Justice of the Constitutional Court, Sisi Khampepe, in her report of the *Commission of Inquiry into Allegations of Racism at Stellenbosch University 2022*. The lecture was followed by in-person engagements with the 2023 monitors on accountability mechanisms in identifying and reporting on intersectional vulnerabilities and disadvantages many newcomers face at Stellenbosch University during welcoming and beyond.



Above: Gideon Basson delivering his virtual lecture to the 2023 Stellenbosch University Welcoming monitor cohort.

Dr Tlaleng Mofokeng Delivers 17th Annual Human Rights Lecture



The 17th Annual Human Rights Lecture, hosted by the HF Oppenheimer Chair in Human Rights Law, Professor Sandra Liebenberg and the Acting Dean of the Law Faculty, Professor Juanita Pienaar, took place on Wednesday, 22 March, at the Faculty of Law. This

Above from left: Acting Dean of the Faculty of Law, Prof Juanita Pienaar; Deputy Vice-Chancellor Learning and Teaching, Prof Deresh Ramjugernath; 17th Annual Human Rights Lecture speaker, Dr Tlaleng Mofokeng and HF Oppenheimer Chair in Human Rights Law incumbent, Prof Sandra Liebenberg.



Advocate Letlhogonolo Mokgoroane and Dr Tlaleng Mofokeng with the HF Oppenheimer Chair in Human Rights Law.



Dr Tlaleng Mofokeng with Stellenbosch University LLB students.

This year's lecture was presented by Dr Tlaleng Mofokeng, the UN Special Rapporteur on the Right to the Highest Attainable Standard of Physical and Mental Health, on the topic of *Who Believes Black Women? Applying the Right to Health Framework to Undo Epistemic Injustice*.

In her address, Dr Mofokeng focussed on epistemic injustice against Black women, which she defined as "when someone's knowledge or experience is not taken seriously or considered credible on the basis of an analysis of power and associated stereotypes". She highlighted various instances of such injustice drawn from her experience as a former Commissioner with the Commission for Gender Equality and as UN Special Rapporteur on the Right to Health.

Her lecture was a vivid demonstration of how structural inequalities create entrenched patterns of vulnerabilities and disadvantages. Dr Mofokeng pointed out in her lecture: "...

people are not inherently vulnerable, but that these vulnerabilities are rather brought by the obstacles they face in the social, economic, and political contexts in which they live."

During a lively question and answer session, Dr Mofokeng emphasised that recognising the human rights of LGBTQIA+ persons does not detract from anyone's human rights. Instead, it ensures that the rights of everyone, in their full diversity, are recognised and affirmed. In thanking Dr Mofokeng for her lecture, Professor Liebenberg said that her lecture was a powerful illustration of the structural barriers faced by black women in achieving the full and effective equality promised by the Constitution.

For some coverage in media outlets, see:

- Tamsin Metelerkamp, "Black women continue to battle epistemic injustice, but it can change: UN special rapporteur" Daily Maverick, 23 March 2023: <https://www.dailymaverick.co.za/article/2023-03-23-black-women-continue-to-battle-epistemic-injustice/>
- Daniel Roodt, "Sex testing discriminates against Black women athletes" Matie Media, 27 March 2023: <https://www.matiemedia.org/sex-testing-discriminates-against-black-women-athletes/>



Dr Tlaleng Mofokeng, delivering the 17th Annual Human Rights Lecture.

Maastricht University Expert Seminar: Principles and Guidelines on the Human Rights of Future Generations

Professor Sandra Liebenberg participated in an Expert Seminar hosted by Maastricht University Centre for Human Rights on 31 January to 3 February 2023. This Seminar deliberated upon and adopted the *Maastricht Principles on the Human Rights of Future Generations*. As previously reported, Professor Liebenberg chaired the Drafting Group that prepared the draft Principles.

Subsequently, the Principles have been widely endorsed by a range of eminent international law experts, current and former UN and regional human rights mandate-holders. The Drafting Group is currently in the process of preparing a legal commentary on the Principles, which will be published in due course in a prestigious international law journal.



Prof Liebenberg with the Drafting Group of the Maastricht Future Generations Project.



Participants in the Expert Seminar at Maastricht University in February 2023.

Prof Liebenberg and Dr Donald Present at the Day of General Discussion of the UN Committee on Economic, Social, and Cultural Rights

Professor Liebenberg and her former doctoral student, Dr Megan Donald,* gave plenary addresses at the UN Committee's Day of General Discussion on a General Comment on Sustainable Development and the International Covenant on Economic, Social, and Cultural Rights held in Geneva on 24 February 2023. Dr Donald presented on key themes emerging from the extensive regional and thematic consultations on the General Comment. Professor Liebenberg delivered a virtual presentation on the implications of sustainable development for key doctrines of the Covenant with

a focus on the concepts of minimum core obligations, progressive realisation, and inequality. She presented on the same panel as Professor Johan Rockström, President of the Potsdam Institute for Climate Impact Research and member of the Club of Rome. Professor Liebenberg also moderated a panel discussion on the links between sustainable development, labour standards, and poverty.

*Dr Megan Donald's doctoral dissertation entitled: *Greening the Covenant: Integrating Environmental Considerations in State Obligations under Article 2(1) of the Covenant* can be accessed here: <http://hdl.handle.net/10019.1/109983>.

Prof Liebenberg presents at Seminar on Socio-Economic Rights moderated by Justice Majiedt of the Constitutional Court

On 24 April, Professor Liebenberg and Professor David Bilchitz delivered lectures at the University of the Western Cape at a seminar entitled, *Exploring the Substantive Content of Socio-Economic Rights: Should the Constitutional Court Change Tack?* The Seminar was hosted by the Dullah Omar Institute and the Faculty of Law at the University of the Western Cape. The event was moderated by Justice Steven Majiedt of the Constitutional Court, and Honorary Professor at the UWC Law Faculty. Professor Liebenberg's lecture was entitled: "South Africa's Socio-Economic Rights Jurisprudence: Time for a Change of Direction?" The address by Professor Bilchitz was entitled, "From Dreams to Socio-Economic Rights: The Imperative for a Shift in the Constitutional Court". The event was very well-attended by an in-person

and virtual audience. The Live Stream of the event can be accessed here: [YouTube](#).



Prof Liebenberg presenting at the UWC Seminar.



(from left): Prof Ebenezer Durojaye, Head of the Socio-Economic Rights Project at the Dullah Omar Institute, UWC; Prof Jacques De Ville, Dean of the Faculty of Law, UWC; Justice Steven Majiedt, Constitutional Court of South Africa; Prof David Bilchitz, Director of the SA Institute for Advanced Constitutional, Public, Human Rights and International Law, UJ; and Prof Sandra Liebenberg, HF Oppenheimer Chair in Human Rights Law, University of Stellenbosch.

Research Visit: Advocate Letlhogonolo Mokgoroane

Adv Letlhogonolo Mokgoroane visited the HF Oppenheimer Chair in Human Rights Law for a research stay from 22 March to 24 March 2023. Letlhogonolo is an advocate at the Johannesburg Bar and a constitutional and human rights litigator. Having graduated from the Stellenbosch University Law Faculty in 2013, they have gone on to, amongst other, work at Bowmans Gilfillian Inc, clerked at the Constitutional Court, studied at the University of California and worked with the UN Special Rapporteur on Racism, Racial Discrimination, Xenophobia and other Related Intolerance.

During their research visit to the Faculty, Letlhogonolo, along with Dr Nomfundo Ramalekana from UCT, presented a guest lecture for the 2023 Constitutional Law 312 class entitled "Queering Affirmative Action Law". Letlhogonolo also presented at a critical engagement session entitled: "Human Rights Advancement through a Legal Lens with a Focus on LGBTQ+ Rights". The engagement was organised by the Juridical Society's Transformation Officer, Gugulethu Mudzinginanwa, and facilitated by Abongile Quthu from the SRC. The event was well-attended by students within the Faculty and students

from the broader campus community. The event allowed students to engage with Letlhogonolo in a relaxed and intimate setting, and the conversation ranged from discussions regarding the role of the law in combatting discrimination, to Letlhogonolo and other attendees sharing their personal experiences. Finally, Letlhogonolo was also a guest on Siyakhula Live, where they reflected on the constitutional protection of queer rights with host Katlego Letlonkane on MFM Radio.

Advocate Letlhogonolo Mokgoroane and Dr Nomfundo Ramalekana presenting their guest lecture for the 2023 Constitutional Law 312 class.



Internship at the Legal Resources Centre

Claire Rankin, an LLM student under the supervision of Professor Liebenberg, was selected to work as an intern in the Land Department at the Legal Resources Centre (LRC) for January and part of February at the beginning of 2023. During her time at the LRC, she assisted with ongoing cases and advocacy campaigns. The experience allowed her to engage with the practical side of human rights, and see how the law can be leveraged for positive societal change. In light of her LLM research on the State's budgetary obligations in the context of socio-economic rights, she was subsequently invited to participate in a discussion on a report the LRC is developing on the State's socio-economic budgetary obligations in practice.



Claire Rankin

Prof Bilchitz Lunchtime Seminar: Fundamental Rights and the Legal Obligations of Business

The HF Oppenheimer Chair in Human Rights Law, and the Department of Mercantile Law hosted Professor David Bilchitz for a lunchtime seminar on 26 April 2023 to discuss his recent book *Fundamental Rights and the Legal Obligations of Business*. In his book, Professor Bilchitz engages with the relatively neglected question of how to determine the substantive content of corporate obligations with respect to fundamental rights in law. Drawing on existing legal models, he systematises and develops a multi-factoral approach, which involves recognising that no one principle or factor alone can determine corporate obligations.

In his seminar, Professor Bilchitz outlined the central tenets of the multi-factoral approach he develops in the book and the complexities involved in determining the content of positive and negative corporate obligations in law. After his address, Professor Liebenberg facilitated an engaging debate between Professor Bilchitz and staff and students from the Faculty. In thanking Professor Bilchitz for the seminar, Acting Dean, Professor Richard Stevens, commended Professor Bilchitz for bringing different disciplines of law together in a sophisticated framework that will allow for the development and legal reform of the human rights obligations of companies.



Prof Bilchitz during the seminar on his recent book.



(from left): Acting Dean, Prof Richard Stevens, Prof David Bilchitz, Prof Sandy Liebenberg and Prof Phillip Sutherland.

Centre for Social Justice

The Centre for Social Justice (CSJ) has been hard at work to promote social justice scholarship and consciousness, public policy design skills and collaboration, in academia and society, to accelerate social justice reform.



Engaging with European Union Ambassadors and political councillors



Above: Meeting with the Swedish Ambassador to South Africa, Håkan Juholt and the Swedish Social democratic party delegation, headed by former Minister, Ms. Lena Hallengren, Chief Whip of the Social democratic party of Sweden.

Above right: On 17 March a productive meeting took place between the Director of the CSJ, Prof Thuli Madonsela and Prof Neil Turok, the founder of AIMS and the Inaugural Higgs Chair at the University of Edinburgh.



Left: On 28 March 2023, a delegation from the CSJ at Stellenbosch University, visited Swartland Local Municipality, our partners in the SCOPRA Pilot Study. This study entails collecting disaggregated data to assist the municipality in identifying areas of intervention for its Integrated Development Plan (IDP) and show baseline data on the impact of COVID-19 on municipal communities. The municipality then led the delegation to visit Goedgedacht, one of the NGOs they work with to support the surrounding communities.



Above: Another notable engagement was meeting with colleagues from the School of Data Science and Computational Learning in the CSJ's quest for leveraging

data science for people and social justice conscious policy and law reform.

EVENTS • EVENTS • EVENTS

On 21 February, Justice Albie Sachs delivered the keynote at the 4th Annual Social Justice Lecture, presented by the CSJ in partnership with Cluver Markotter Attorneys

in Stellenbosch. The theme was *Social Justice and the Constitution... Is this the country we were fighting for?* Watch on [YouTube](#)





Short Courses

The Chair is presenting its second short course for 2023 on Administrative Law for State Functionaries on 27 – 29 June 2023. Co-presenters include Prof Thuli Madonsela, Prof Sope Williams-Elegbe and Prof Geo Quinot. Over a period of three (3) days, the course presents participants

with an opportunity to understand administrative-law considerations that courts expect them and their principals to comply with and help them gain administrative-law insights from court jurisprudence.

PROJECTS



Translating the lessons we have learned from the Covid-19 era into the work of PhD studies and social justice considerations at South Africa, Sweden University Forum (SASUF), a collaboration project between 40 universities, aimed at strengthening collaboration between the countries within research and education, in pursuit of the UN SDGs.

On Thursday 13 April 2023, the CSJ hosted their first annual Social Justice Café. Facilitated by Prof Thuli Madonsela, director of the CSJ, the discussion highlighted the impact of date rape on university campuses. Last year the Minister of Higher Education and Training, Dr Blade Nzimande, released shocking statistics showing that ten percent of all reported rape cases in South Africa come from institutions of higher learning. Date rape, also known as acquaintance rape,

is one of the most common forms of sexual assault. The keynote address was delivered by Qaqamba Mdaka, Case Coordinator at Stellenbosch University's Equality Unit. Other panellists included Clio Sass, primaria of Nemesia residence, Charl Davids, director of the Centre for Student Counselling and Development at SU, Dr Jill Ryan, Coordinator of Gender Non-violence at SU's Equality Unit and Monica du Toit, head of Monica Residence at SU.

Below: The second Social Justice Café took place on 17 May to discuss the topic: "Student Life and Transcending Fragility".



Above: Look out for the upcoming Fourth Annual International Conference on Social Justice and fifth Annual Social Justice Summit in October.

The CSJ and Maties Sport partnered in raising funds for #Action4Inclusion Campaign, continuing its efforts to ensure that no student is left behind due to their financial circumstances.

The annual Social Justice Walk, a collaboration with Visit Stellenbosch, took place on 16 June. The Social Justice Walk has become an annual pilgrimage for bridge building and fundraising opportunities for the #Action4Inclusion Campaign. For further information contact mlourens@sun.ac.za.



Parliamentary Submissions

With social justice central (as evident from the preamble of the Constitution of the Republic of South Africa), our submissions to parliament seek to ensure that the Bills introduced in Parliament are conscious of social justice issues. In 2023 the CSJ has already made submissions on the Decriminalisation of Sex work Bill, the Expropriation

Bill and the Hate Speech Bill. In general, the submission process is initiated by summarising the changes in tabular format, highlighting sections that have been added, changed, or deleted. Subsequently, a roundtable of experts convenes to discuss the changes, after which the submissions are drafted and submitted to parliament.

New members

As we say goodbye to Sarah Sydenham, we welcome new LLM student researchers to the social justice team, Melissa Robertson and Sanele Sibisi. We also welcome Dr Fungisai Gcumeni, our new post-doctoral fellow, who have a profound interest in matters related to African jurisprudence, legal pluralism and sexual violence. Her interest in these research themes stems from a desire for the attainment of gender justice for women victims of sexual violations in situations of internal conflict, as she aspires to see the propagation of African law and philosophy in the modern legal theory on conflict resolution.

Visit us at <https://socialjustice.sun.ac.za/>



South African Research Chair in Property Law (SARCPL)

Reflecting on the South African Research Chair in Property Law's contribution from 2008-2022

The South African Research Chair in Property Law (SARCPL) has over the last 15 years been instrumental in shifting the theoretical foundations of Property law in light of the Constitution, in line with its proposed research plan as indicated when the Chair was conceptualised. This was done both in terms of the research outputs in the group by working out what a new theoretical foundation to Property law should look like, but also by developing a new cohort of legal thinkers that can be integrated into domestic and international networks. These two aspects were essentially the main purposes of the Chair since its inception. In this regard, the relevance of the Chair's work cannot be underestimated, and the members of the Chair continue to play a pivotal role in both domestic and international networks, at various institutions globally.

In terms of research outputs, a number of key conclusions can be drawn from the work done in the Chair between 2008 and 2022. The research results show quite strongly that the proper place of Property law in the constitutional democracy can only be determined, and developed, in view of a systemic constitutional approach that takes its cue from the core status of the Constitution. One of the most significant set of research contributions from the SARCPL centres on the idea of a single-system-of-law principle, which essentially drives the idea of a new theoretical foundation in Property law driven and inspired by the Constitution. The implications of the single-system-of-law for the place and function of property law in the legal system, and more particularly for the new theoretical foundation for Property law, are foundational to the research of the SARCPL. More work remains to be done in this area, even after the Chair closes.

A number of research outputs from the Research Chair already have expounded upon the implications of these principles for the sphere of application of section 25 of the Constitution, proposing a number of novel, and sometimes even startling, conclusions about the place of Property law in the constitutional era. The research outputs, also from alumni of the Chair, especially in accredited law journals and books, are visible and marked. It is clear that the Chair has made a noteworthy contribution in this regard.

The initial Research Chair proposal was fundamentally based upon the hypothesis that there is a serious shortage of highly skilled Property Law Scholars who can drive the



The late Prof André van der Walt and Prof Zsa-Zsa Boggenpoel

necessary transformation of this area of the law. The Chair therefore set out to train, over a relatively short period of time, a cohort of highly skilled and well networked young scholars who could take over the work and drive it in future. This implied that these young scholars should be highly skilled in this subject-matter, have access to and/or develop a domestic and international network, be encouraged and indeed ready to start publishing and taking the initiative in conceptualising and driving the required reforms and development.

In terms of developing a new cohort of legal thinkers that can be integrated into domestic and international networks, the impact of the Chair has been noteworthy. In its efforts to realise this goal, the Research Chair functioned on several fronts. In the first place, the emphasis was on the writing of dissertations and theses by its associated postgraduate students. Besides equipping students with the basic skills related to research and writing, the Chair was also focussed on creating spaces for networking and building strong collaborations.

In the last 15 years, the Chair has produced significant results in post-graduate studies, with 22 LLD and 15 LLM degrees completed. At present, the number of SARCPL alumni at Law Faculties at South African universities stands at approximately nineteen – and the number is steadily increasing. Other noteworthy positions include alumni appointed as attorneys, advocates, senior associates, researchers, legal advisors in government departments and the director of the Centre for Constitutional Rights (CFCR). Although the vast majority of the Chair's alumni are in Higher Education, the Chair's influence stretches beyond the academic setting to state departments and legal practice, which should be welcomed.

Faculty of Law Fakulteit Regsgeleerdheid

Lectures • Conferences • Seminars • Book Launches

Mercantile Law research seminar and service course information session

The Department of Mercantile Law hosted its first research seminar for the year on Tuesday, 7 February 2023 at Devon Valley Hotel. In addition to our research seminar, a service course module information session was held in the afternoon. We enjoyed informative and topical presentations, beautiful views, and excellent food. Ms Riana Conradie presented a paper on "Neurodiversity in the workplace: Reasonable accommodation and flexible working arrangements". Professor Karin Calitz's paper dealt with "The plight of South African whistleblowers", while Mr Thalalolwazi Msutu discussed 'From Massmart to Mediclinic (with a drive thru Burger

Mercantile Law 193), Mr Thalalolwazi Msutu (responsible for Mercantile Law 292), Ms Gretchen Adams (responsible for Mercantile Law 285/253), Ms Katherine Butler (responsible for Legal aspects of International Transactions 314) as well as Professor Sadulla Karjiker (responsible for IP for SET 314 / 341). Colleagues provided an overview of the current content of each module, the effect of the Faculty of Economic and Management Science's assessment rule changes on the presentation of modules, as well as an overview of the effect that the SAICA Competency Framework 2025 will have on certain modules.



Devon Valley Hotel

King): The development of the public interest standard in merger regulation and the effect of the Constitutional Court judgement in Competition Commission of South Africa v Mediclinic Southern Africa (Pty) Limited and Another CCT 31/ 20'. Professor David Butler concluded the research seminar session with a paper titled "The enforcing of International Arbitration Awards under the International Arbitration Act 15 of 2017 – some remaining challenges".

After lunch we engaged in a service course module information session. The Department listened to presentations from Ms Riana Conradie (responsible for

Ms Mmakosha Mthelebofu says that "This was indeed a fruitful day and an excellent way to start the year. We thank our speakers and module coordinators for their presentations. A special word of thanks to Professor Calitz who initiated and has organised the research seminars for several years.

The best way to describe Tuesday, 7 February 2023 would be through the following quote:

"Life is like a camera, focus on what's important, Capture the good times, Develop the negatives, and if things don't work out, take another shot." Unknown.

Department of Mercantile Law 2nd research seminar

The Department of Mercantile Law hosted its second, and final, research seminar for the year on Tuesday, 23 May 2023, at La Pineta restaurant. Standard items to consider and to be included for the hosting of the seminars in the department are a venue with beautiful views to enjoy the day with colleagues, good food (and dessert, please, do not forget the dessert!), and thought-provoking presentations from colleagues. If these are not included in the planning and execution phase of the seminars, it cannot be described as a successful mercantile law research seminar.

Colleagues were provided with presentations from Ms Gretchen Adams, Dr Siphethile Phiri, Dr Michèle Olivier, and Professor Phillip Sutherland. Ms Adams presented a paper titled "School governing bodies in South Africa: A review of their policy making powers". Dr Phiri presented a paper titled "The inclusion of the constitutional principle of advancement of human rights and freedoms in the instruments which influence the South African

Corporate Law". Dr Olivier presented a paper titled "The constitutional foundations of an emergent African Union law". Professor Sutherland presented a paper titled "Map to nowhere: the case of Atlas Park Holdings (Pty) Ltd v Tailifts SA (Pty) Ltd 2022 (5) SA 127 (GJ)".

Ms Mmakosha Mthelebofu says that "One could probably describe the last research seminar for the department in 2023 as conversational, engaging, and a wonderful opportunity to listen to the research being undertaken by colleagues. We often don't see the behind the scenes work that goes into the preparation by colleagues, but you can rest assured that once the lights go on, colleagues not only show up, but they also show off."

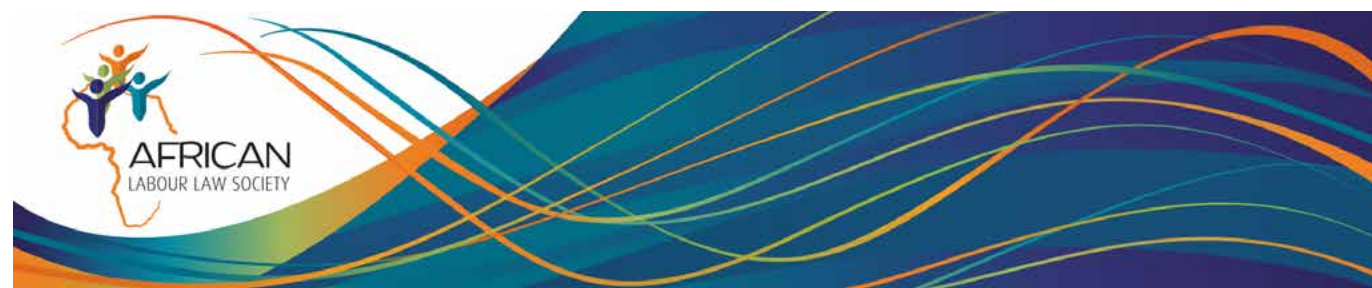
Jay Shetty said the following about knowledge,

"Knowledge is power, and it can help you overcome any fear of the unexpected. When you learn, you gain more awareness through the process, and you know what pitfalls to look for as you get ready to transition to the next level."

African Labour Law Society (ALLS) Conference

The African Labour Law Society (ALLS) hosted its 5th conference in Mauritius on 29 and 30 March 2023. The mission of the ALLS is to strengthen the discipline of labour law and social security in Africa. The theme of the conference was African labour law in a rapidly changing tech era and a record number of delegates from 26 countries attended the 5th conference. Dr Cecile de Villiers represented the Faculty at the conference, speaking on the increased use of digital arbitration in the

public basic education sector in South Africa. A particular highlight was the reunion of Dr de Villiers and Dr Hanifa Massawe who met one another at the 2023 Global Scholars Academy offered by the Institute for Global Law and Policy at Harvard Law School, in collaboration with the Faculty of Law and EMS. Dr de Villiers and Dr Massawe, an alumna of the Faculty and currently a lecturer at Mzumbe University, Tanzania both attended the conference in Mauritius.



Book Launch of Law, Justice and Transformation

Boekbekendstelling van Law, Justice and Transformation

On 20 April, the Faculty of Law hosted a book launch for the first volume of the Faculty of Law's new books series *Perspectives on Law from South Africa and Beyond: Future, Present and Past* under the editorship of Prof Geo Quinot and Prof Nicola Smit. The first volume, edited by Prof Zsa-Zsa Boggenpoel, is entitled *Law, Justice and Transformation*. The series is published by LexisNexis.

The guest speaker at the launch was Justice Mbuyiseli Madlanga of the South African Constitutional Court. In his remarks, Justice Madlanga emphasised the importance of legal scholarship in critically engaging with the law and continuously asking whether legal rules and legal process are advancing the pursuit of constitutional transformation in South Africa. He noted that much work remains to be done to shift South African law and legal process, including courts, to fully embrace the transformative vision of our Constitution for South Africa. He welcomed the first edition of the series, and noted that it makes an important contribution to our ongoing transformation journey. He encouraged everyone, but especially law researchers and law students, to continue on this path, noting that there are many within the judiciary that place a high premium on scholarly work as adding much value to their own work as judges.

Die Fakulteit Regsgeleerdheid het op 20 April 'n boekbekendstelling aangebied vir die eerste volume van die Fakulteit Regsgeleerdheid se nuwe boekereeks *Perspectives on Law from South Africa and Beyond: Future, Present and Past* onder redakteurskap van prof Geo Quinot en prof Nicola Smit. Die eerste bundel, onder redaksie van prof Zsa-Zsa Boggenpoel, is getiteld *Law, Justice and*



Transformation. Die reeks word uitgegee deur LexisNexis.

Die gasspreker by die bekendstelling was regter Mbuyiseli Madlanga van die Suid-Afrikaanse Konstitusionele Hof. Regter Madlanga het in sy opmerkings die belangrikheid van regs wetenskap beklemtoon om krities met die reg om te gaan en voortdurend te vra of regsreëls en regsproses die strewende na grondwetlike transformasie in Suid-Afrika bevorder. Hy het opgemerk dat baie werk nog gedoen moet word om die Suid-Afrikaanse reg en regsproses, insluitend howe, te verskuif om die transformerende visie van ons Grondwet vir Suid-Afrika ten volle te omhels. Hy het die eerste uitgawe van die reeks verwelkom en opgemerk dat dit 'n belangrike bydrae tot ons voortdurende transformasie maak. Hy het almal, maar veral regsnavorsers en regstudente, aangemoedig om op hierdie pad voort te gaan, en merk op dat daar baie binne die regbank is wat 'n hoë premie plaas op regsnavorsing wat baie waarde toevoeg tot hul eie werk as regters.



Read more about *Law, Justice and Transformation* [here](#). | Lees hier meer oor *Law, Justice and Transformation*.

Postgraduate Diploma in Tax Law Lectures

Mr Peter Solomon SC recently presented two insightful and stimulating lectures to students in the Postgraduate Diploma in Tax Law (PGDT) programme. Mr. Solomon's lectures dealt with the topic of tax avoidance, with a special emphasis on the leading South African case law on this topic. Mr. Solomon appeared as counsel in many of these cases, including *CIR v Conhage (Pty) Ltd* 1999 (4) SA 1149 (SCA), *C: SARS v Bosch* 2015 (2) SA 174 (SCA) and *Sasol Oil Proprietary Limited v C: SARS* [2019] 1 All SA 106 (SCA).

Mr Solomon is an alumnus of this faculty, having graduated with a BA LLB in 1973. He recounted some of his fond memories of attending classes in the Old Main Building and of being taught by, amongst others, Professor Andreas van Wyk and Professor Gerhard Lubbe.

The Department of Mercantile Law offers the PGDT



as a part-time, lectured, residential postgraduate two-year programme. It is presented by Ms. Silke de Lange, Dr Enelia Jansen van Rensburg and Dr Izelle du Plessis and selected ad hoc guest lecturers. The curriculum covers a wide variety of topics in tax law. For more information on the PGDT please click [here](#).

Recognition | Erkenning

Teaching, Learning, and Assessment 2022-awards

The Teaching, Learning and Assessment 2022-awards took place on Thursday, 2 March. Congratulations to Dr Debbie Horsten and Ms Rukshana Parker, who received certificates, and Vice-Dean: Teaching and Learning, Professor Richard Stevens, who completed two short courses on Teaching and Learning and Assessment respectively.

Zsa-Zsa Boggenpoel

It is with great pleasure that the Faculty of Law congratulates Professor Zsa-Zsa Boggenpoel with her NRF C1 rating. We are very proud of this peer recognition of Professor Boggenpoel.



Nicola Smit

The Dean, Professor Nicola Smit, was elected to the Board of Governors of the International Association of Law Schools (IALS). Read more about the IALS, an association of more than 250 law schools from over 60 countries at [International Association of Law Schools – IALS \(ialsnet.org\)](https://www.ialsnet.org/).



Sope Williams

Professor Williams wrote the following report, which was published in February:

- Report on Public Procurement and Women's Economic Empowerment in East Africa: Challenges and Opportunities prepared for International Development Research Centre, Canada, February 2023 <https://idl-bnc-idrc.dspacedirect.org/handle/10625/61768>

Professor Williams participated as panellist at:

- "Policy Dialogue: Public Procurement as an Instrument for Gender Equality" hosted by the Department of Women, Youth and Persons with Disabilities, African Pride Irene Country Lodge, Centurion, Gauteng, 23 March 2023.

- "Integrity in procurement", in Public Procurement Reform in South Africa Workshop, African Procurement Law Unit, Premier Hotel, Johannesburg; 27-28 February 2023.
- "Gender-Responsive Procurement: Lessons Learned and Best Practices", UN Women and International Development Research Centre, Canada, (online) 9 February 2023.



Staff Abroad

Ms Gretchen Jansen recently completed a research fellowship at the Westphalian Wilhelms University in Muenster, Germany. The WWU Fellowship for International Visiting Scholars is awarded to academics of all disciplines with a focus on fostering international relationships and broadening networks. During her stay, Ms Jansen conducted research for her doctoral thesis at the Institute for Information, Telecommunications and Media Law (ITM), headed by Professor Thomas Hoeren, who visited the Faculty in 2021. During her stay, Ms Jansen was able to meet with industry experts and various academics specializing in aspects of her research, which focusses on the remuneration of musicians, such as representatives from Universal Music Germany and the Bundesverband Musikindustrie, as well as professors from Freie University in Berlin and Queen Mary University in London.

Ms Jansen presented two lectures during her stay, the first on aspects of her doctoral research, and the second a general introduction to South African copyright law. She also moderated a discussion on artificial intelligence with participants from the WWU and the Tashkent State University. Ms Jansen also continued to work on the



Ms Gretchen Jansen

Art Law Clinic project, which is a collaborative effort between students from the Faculty along with students at the ITM to establish an art law clinic in Stellenbosch. During her stay, Ms Jansen coordinated the finalization of a student-written art law handbook which is expected to be published soon.

Mixed Jurisdiction Jurists World Congress

Two members of the Law Faculty participated in the Fifth World Congress of the World Society of Mixed Jurisdiction Jurists, held from 14 to 16 June 2023 at the University of Malta. The congress theme was "Mixity in Private law and/or Public law".

Jacques du Plessis presented a paper on "Private law, public law and the state" and also chaired the session on "From mixity to hybridization: complex mixes in private

law". Delano van der Linde presented a paper on "The complex hybridity of South African criminal law" at the session on "mixity in public law".

The World Society of Mixed Jurisdiction Jurists focusses on legal systems that have been significantly influenced by different legal traditions, resulting in complex mixed, hybrid or pluralist relationships. At the congress, Jacques was re-elected as a Vice-President.



left to right, Dr Delano van der Linde, Prof Christa Rautenbach (North-West University), Prof Jacques du Plessis, and Prof Vernon Palmer (Tulane University, and President of the WSMJJ).

Visiting Academics from Abroad

Prof Dr Niels Appermont visits the Faculty of Law

Professor Dr Niels Appermont visited our faculty from 20 March until 13 April 2023 as the holder of the exchange chair of the Tijdschrift voor Privaatrecht. He was hosted by Dr Izelle du Plessis and the Department of Mercantile Law. Professor Appermont is Professor of Economic Law at the Faculty of Law of Hasselt University and a member of the Law, Tax and Business Unit of the research group for Government and Law. He holds various expert appointments, for example, with the Royal Belgian Football Association and the Fonds Wetenschappelijk Onderzoek – Vlaanderen (FWO) and has provided expert advice for the Belgian Cabinet of the Minister of Finance, the European Parliament and the Belgian Federal Parliament.

In addition to presenting two research seminars during his visit, one to the Department of Mercantile Law and the other to the Department of Private Law, Professor Appermont delivered an excellent academic lecture with the title "Verdeeldheid in vertrouwen – De civielrechtelijke en fiscaalrechtelijke opstelling ten aanzien van trusts en fiducies". The lecture may be accessed on YouTube at this link: <https://youtu.be/NYM3CPBICn8>. Although the lecture was delivered in Dutch, it was interpreted into English for attendees, by the SU's Interpretation Services. Professor Appermont's lecture was of the highest quality and underscored the importance of comparative research for novel developments in law. In his lecture, Professor Appermont referred to the work of the late Professor Marius de Waal, who was internationally recognised as one of the leaders in comparative trust law. It was Professor De Waal that first attracted Professor Appermont to our Faculty in 2018. The lecture was hosted by the Acting Dean, Professor Richard Stevens, and attended by, inter alia, the Vice Dean: Research, Professor Juanita Pienaar, staff members, students, and leading tax practitioners.

Professor Appermont's visit coincided with that of King Philippe and Queen Mathilde of the Belgians to South Africa. Indeed, Professor Appermont was part of the shadow academic delegation accompanying the royal couple. The purpose of the royal visit was to strengthen bilateral relations. Professor Appermont attended several events that formed part of the royal tour, including a reception at the Belgian Residence in Cape Town. At this reception, Queen Mathilde expressed her pleasure

about the outstanding co-operation already existing between the law faculties of Hasselt and Stellenbosch University and voiced the hope that the royal visit would serve to strengthen these ties. Considering the many stimulating conversations between Professor Appermont and the Faculty members during his visit, it seems as though Queen Mathilde's wish will be granted. A number of academic visits and further collaboration between Professor Appermont's research group and the Department of Mercantile Law are already on the horizon.



Professor Dr Niels Appermont

Prof Christoph Ann (*Technische Universität München*) reflects on time spent at the Faculty

"Holding the German speaking world's oldest and biggest chair for Patents and Trade Secrets (a subsection of Intellectual Property) at one of Germany's best universities, I was privileged to stay and work at Stellenbosch Law from 2 February to 8 March 2023. Apart from having been a regular guest since 2018, from having studied Afrikaans enough for an Afrikaans-only dinner, and from having been a STIAS Research Fellow in 2021, why is the Stellenbosch University's Faculty of Law so attractive to me?

First and foremost, two of my own law professors strongly recommended for me to go to South Africa and expose myself to legal thought there: my foreign student advisor at Duke University School of Law, Prof. Lawrence Baxter, whose significant book "Administrative Law" many older South Africans will remember, and Prof. Reinhard Zimmermann, formerly at UCT and until his recent retirement director of Hamburg's influential Max-Planck-Institute for Comparative and International Private Law,



Prof Christoph Ann in front of the Ou Hoofgebou.

formerly and perhaps still South Africa's most influential academic in Vergelykende Privaatreg, who made me pursue an academic career.

Then, there is the level at which legal science is conducted and law is being taught at Stellenbosch University's Faculty of Law. I have had the privilege to teach law in many countries (Germany, the U.S., Australia, Japan, France, Hungary), but firstly none of these jurisdictions is hybrid in the sense that it reconciles elements of a common law and a civil law jurisdiction (in the U.S., the civil law element is limited to the state of Louisiana, and in Canada I've never worked) and thus can produce graduates able to master legal practice in both systems as quickly as good Stellenbosch Law Graduates can – just look at their success elsewhere, in London, Amsterdam, Melbourne, or Hamburg for that matter). Secondly, in none of said jurisdictions research on legal doctrine is conducted as deeply as in Stellenbosch. Call me German (which I am...), but I appreciate that, and it most likely is the reason why over the years so many Stellenbosch Law professors have taught or have spent time in Germany.

Last but not least, Stellenbosch is in South Africa, and, as Professor Sadulla Karjiker once put it in one of our discussions, South Africa is never boring. No, I am not going to talk about load shedding here, but rather about the many challenges and crossroads that the country will be facing in the not-so-distant future, starting with the general elections in a year from now. Thinking of those challenges makes me realise, how strong an impression South Africa has had on me and how fond I am of its people. Up to the point of sending our youngest to a boarding school in the Western Cape for one year, where he got a taste of what the rainbow nation could be that Desmond Tutu envisioned for post-apartheid South Africa.

What shall I say? I cannot wait to be back!"

Prof Marieke Oderkerk

Professor Marieke Oderkerk led a research discussion seminar on Thursday 16 March on "The Private international law aspects of the Milieudefensie v. Royal Dutch Shell climate (CO² reduction) case."

This judgment was given by the Hague District Court on May 26th, 2021, and has already – also internationally

– been much discussed from various perspectives. However not much has been said regarding the private international law aspects. The decision can be found here <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:RBDHA:2021:5339> (in English).

News from the Law Librarians

LLB first-year library orientation

– by Pieter du Plessis and Sanda Nyoka

Introducing 1st year law students to the heart of the profession – the library.

On the 7th of February 2023 the new intake of law students visited the US Library for a brief orientation of the Law section. The orientation session included:

- A Tour of the library building
- Meeting their law librarians
- Brief introduction to print and online legal sources.
- A display of printed resources including:
 - o Law Faculty authored books
 - o Old authorities
 - o Original 1918 Stellenbosch University statute

The main objective of this orientation session was to create awareness among the students of the library's services and sources. This was crucial, because this new batch of legal students began their journey towards becoming legal practitioners the following week.

One of their initial tasks was to visit the library and search for prescribed case law. The law section of the library was a hive of activity as the students were eager to complete the task.

As law librarians, it was our job to guide these budding lawyers to the shelves where law reports were kept and briefly explain how to locate a case. With this knowledge, the students set off to find their assigned cases, and it was

a heart-warming sight to see their faces light up with a sense of accomplishment as they located the prescribed cases.

What was even more inspiring was the camaraderie that the students displayed towards one another. They were eager to help each other succeed, explaining the basics of finding cases and locating law reports to their peers. It was clear that these students not only had a thirst for knowledge but also a genuine desire to support one another.

As law librarians, we couldn't be prouder to witness such a display of teamwork and collaboration amongst our students. We are confident that this spirit of cooperation will continue to flourish and will serve these students well in their future legal careers.

We wish them all the best in their journey towards becoming legal practitioners and look forward to seeing their continued growth and success.

Law Librarians, Pieter du Plessis and Sanda Nyoka, with first-year students



New Appointments | Ukuqesha Okutsha

Prof Anél du Plessis

Professor Anél du Plessis is joining Stellenbosch University from July 2023. She holds the new Chair in Urban Law and Sustainability Governance in the Department of Mercantile Law. As a start, she will be responsible for the LLB final year elective module in Environmental Law and the LLM module in Sustainability Law.

Prior to this appointment, she was based in Potchefstroom as Professor of Law and the first incumbent of the NRF South African Research Chair in Cities, Law and Environmental Sustainability (SARCHI CLES) in the Faculty of Law, North-West University (2018-2023). Her scholarship is devoted to critical socio-legal interrogation of urban governance and local government and its intersection with environmental, climate change, and constitutional law in South Africa and beyond. In 2022 the SARCHI CLES Chair was awarded the NWU Institutional Community Engagement Award 2021/ 2022 for "Engaged Research". One of her great passions is academic mentoring and postgraduate supervision. To date, she served as the supervisor and promotor of 40 LLM and 22 PhD/LLD students.

She is an established researcher with a significant number of international and national scholarly publications. She is the editor of "Environmental Law and Local Government in South Africa" (1st and 2nd edition, Juta, 2015 & 2021). In 2019, she co-edited "The Globalisation of Urban Governance: Legal Perspectives on Sustainable Development Goal 11" (Routledge, 2019) with Prof. Dr Helmut Aust from the Freie Universität, Berlin, and in 2021, "Teaching and Learning in Environmental Law" (Edward Elgar, 2021) with Professor Dr Amanda Kennedy et al. She is the co-editor of the "International Handbook of Cities and Climate Change Law" (Edward Elgar, forthcoming 2024). Professor du Plessis is a rated researcher of the National Research Foundation of South Africa.

Professor du Plessis is one of two South Africans who recently established the African chapter of the Association of Urban Legal Scholars (AULS – Africa). She is also the Co-Rapporteur of the International Law Association Study Group on the Role of Cities in International Law

and a Scientific Advisory Board Member of the Finnish Academy's "Transformative Cities" project (2023-2025).

Professor du Plessis is married to Marius Cronje, who she met in Stellenbosch in 2015, and they have 3-year old twin boys, Georg and Christoff.

We trust that Professor du Plessis will enjoy an enriching, collegial, and productive career at Stellenbosch University.



Ms Sibulele Buthelezi-Vala UNksz Sibulele Buthelezi-Vala

Ms Sibulele Buthelezi-Vala joined the Department of Public Law as Senior Secretary at the beginning of December 2022 from the Medical School in Tygerberg, Stellenbosch University. Our new colleague is from the Eastern Cape and completed a BTech in Office Management and Technology at the Cape Peninsula University of Technology. She is an extrovert and a team player; she notes that, "I am the mother of three – two boys and a girl, my rose amongst the thorns. I love the outdoors and making others laugh."

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

UNksz Sibulele Buthelezi-Vala uzibandakanye neSebe lezoMthetho woLunto njengoNobhala oMkhulu ekuqaleni kukaDisemba wama-2022 esuka kwiSikolo sezoNyango eTygerberg, kwiYunivesithi yaseStellenbosch. Ugxa wethu omtsha uphuma eMpuma Koloni kwaye ugqibe iBTech kuLawulo lweOfisi nobuChwepheshe kwiYunivesithi yezobuGcisa iCape Peninsula. Ungumntu odlamkileyo nosebenzisana nabantu; uphawula ukuba, 'Ndingumama wabantwana abathathu - amakhwenkwe amabini

nentombazana, intyatyambo yam phakathi kwameva. Ndiyakuthanda ukuba phandle nokwenza abanye woLunto.'

Siyamamkela uSibulele kwiFakhalthi, ngakumbi kwiSebe lezoMthetho loLuntu.



Ms Tamryn Davids

Ms Tamryn Davids joined the Department of Private Law as Senior Secretary at the beginning of May 2023 from the School of Accountancy. Tamryn is from Stellenbosch, but still enjoys exploring what the winelands have to offer. Tamryn notes that she finds the challenges of the exam period exciting.

We welcome Tamryn to the Faculty and, in particular, the Department of Private Law.



OU HOOFGEBOU

Farewell | Afskeidsgroet

Mrs Shazneen Arnolds

Shazneen Arnolds' departure left a huge gap in the Department of Private Law. Everyone at the Faculty, and especially in the Private Law Department got to know Shazneen as a conscientious, diligent, kind yet firm person who took great pride in her work, which she completed to perfection. Shazneen assisted the department to function optimally, like a well-oiled machine, by ensuring everyone in the department knew what she expected of them, by when and why. This ensured that course frameworks, test and exam papers, marks and, very importantly, individual creative outputs of staff in the department were verified and then uploaded onto the central University system timeously. At the beginning of the academic year Shazneen provided everyone with their class timetable, exam timetable, and dates for the terms ahead – all things considered, we were spoilt in the Department. When the new assessment system required lecturers to upload their own assessments, most of the colleagues in the department were nervous and reluctant to do this for fear of making a mistake, but Shazneen rose to the occasion. Shazneen took it upon herself to upload all the assessments for the 2021 and 2022 assessment cycle.

The last couple of years, Shazneen also played an active role in the orientation of the student assistants in the department. This was done to further enhance the optimal functioning of the department and to familiarise the assistants with the processes in place in the department.



From the above, it is clear that Shazneen will be missed dearly in the Faculty and especially in the department. Yet we all commend her for her reasons for leaving, that is to be more flexible with her time and to be more present for her two beautiful children without the demands of having to juggle a demanding full-time career with that of an equally if not more important one, namely motherhood. Therefore, as a Faculty and department, we wish Shazneen well in all her future endeavours.



Students | Studente

Faculty of Law Welcoming

This year saw the return to the extended Welcoming Programme of pre-COVID design, with the first-year law cohort and their parents and guardians joining the Dean, Professor Nicola Smit, in the Endler Hall of the Conservatory, to formally commence the programme on the evening of Tuesday, 31 January 2023.

The first full day of the Welcoming, namely Wednesday, 1 February 2023, saw our students gather in one of their first-year law venues, across from the Old Main Building. After a welcome by the Acting-Dean, Professor Juanita Pienaar, various discussions were held that addressed preparation for the commencement of the academic year, premised on the opportunity for the new first-years to meet and socialise with their respective peers, to thereby initiate the significant benefits to be had in a communal approach to the first year of tertiary studies. In the late morning, our students were introduced to a legal scenario, and then divided into smaller groups in different venues surrounding and within the Faculty, where staff members interacted with the individual groups on specific fields of the law from the scenario presented to them. These mini lectures included such diverse topics as the law of delict and defamation, discrimination and equality, criminal procedure, as well as legal and financial ethics.

Hereafter, the first-year group departed for a sponsored luncheon in the Simonsberg Residence (which is large enough to accommodate the approximate 260 students in attendance), where they were divided into different groups for a lunchtime discussion on what each had learned in their individual mini lectures. Following the luncheon, the students returned for the annual Old Main Building "balcony photo", before participating in a panel discussion with our lecturers on the legal scenario.

The remainder of the Programme, from Thursday to Wednesday, saw information sessions that included the anticipated differences between school and university, what the academic calendar of the year ahead would 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), requirements to be admitted as a legal practitioner, and the nature of the various support services that are available on campus. These discussions were facilitated by the law student representative body (the Juridical Society (JV/S)) and selected Faculty staff, and included law programme specific information sessions on Friday, 3 February 2023.

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In addition, a series of academic preparation sessions under the title "Thriving in Law", involving the Faculty's Programme Manager, Mrs Karin Wiss, and the Legal Education and Student Coordinator, Dr Bradley Greenhalgh. These sessions provided more detailed information regarding the academic system (and how to navigate it), the responsibilities of the students (and their lecturers), re-alignment of academic expectations, who key personnel are – along with support structures – and how to engage with them, and how to approach their academic endeavours to ensure that the first-years can best reach their full potential in the first year of tertiary education.

Over and above the in-contact sessions arranged through the Faculty, the first-years of 2023 again had access to the central "onboarding" module on the SU learning management system, SUNLearn – where a wealth of University and Law Faculty information was shared with

our prospective students. Further to the above, the Telegram group that had been operating since November 2022, was used in communicating in real-time with the law students, in terms of assisting with any specific questions they might have had regarding the Welcoming period, or in terms of what to expect upon their arrival.

Lastly, the various student societies had an opportunity to meet with our students and explain what their societies involve – and how the first years could take part in the planned events. In addition, sign-up and information tables were made available to the various societies, which included the SLSJ (Students for Law & Social Justice), the Moot Society, the USDV (SU Debating Society), and the BLAsc SU (Black Lawyers Association Student Chapter). This took place on Monday 6 February, where law students could engage with the various committees and also enjoy a complimentary waffle and cup of coffee, care of one of our law firm sponsors.

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could entail. In quoting Barack Obama's thoughts on the meaning of the law, Professor Pienaar emphasised how the Preamble installation in front of the Old Main Building similarly represents the embodiment of South Africa's memory, as a record of the law's "long-running conversation" of "a nation arguing with its conscience". That whilst our country's history serves to guide us, so too can our country's potential serve as inspiration for our current law students and future graduates, and the role they are to fulfil. This was set against the backdrop of Stellenbosch University's values, namely excellence, compassion, accountability, respect, and equity – and the importance of living those values daily, as opposed to merely acknowledging their existence. In concluding, our students were urged to not only do what is required

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, the responsibility associated with the use of the law as a tool, to enjoy their time as students, and, finally, how studying law serves as a key to unlocking so many future opportunities.

The final word in the Ceremony saw our alum and current Chancellor of SU, Justice Edwin Cameron, follow-up his earlier afternoon guest lecture in Legal Skills 114. Justice Cameron addressed our students on one of the metaphors of law put forward by HLA Hart, of how the



law can be used to heal or harm. In unpacking the threats facing the use of law in South Africa, Justice Cameron emphasised the importance of securing social justice through our Constitution, and how in signing the Faculty's Pledge our students are committing to personal and professional integrity – this set against the needs of the broader South African legal community. In concluding, our law students were reminded of how they are to acquire agency through their studies, of how the law can serve as a powerful weapon to be used for the greater good, in thereby becoming an agent for social betterment.

Finally, Dr Bradley Greenhalgh recited the first clause of the Pledge, wherein the Preamble of the Constitution of South Africa is quoted, in conclusion to the ceremony. Hereafter, the first-year cohort handed over their signed Pledge document to Professor Pienaar and Mr Msutu, and in return they received their copy of the Faculty's Code of Conduct, and a personalised Law Faculty copy of the Constitution from Justice Cameron. Light refreshments were served, before the group dispersed to reflect on a wonderful experience shared by the first-year class of 2023.

Pledge Ceremony

Friday, 17 February 2023 saw approximately 290 first-year law students from the class of 2023 gather in the Quad of the Old Main Building to participate in the annual Faculty of Law Pledge Ceremony. The ceremony was held on the first Friday of classes, and served as the culmination of the annual Welcoming programme.

The event commenced with a word of welcome by the Acting-Dean, and Vice-Dean: Research and Internationalisation, Professor Juanita Pienaar, who spoke to the new beginning that our law students were about to embark on in their studies, and what that journey



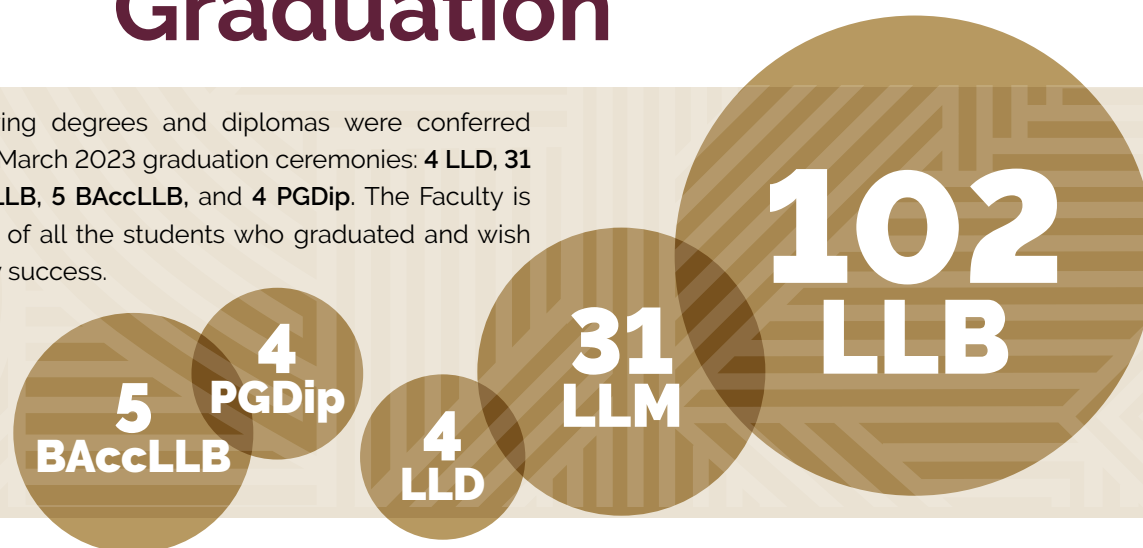
of them to be successful law students, but to also make new friends, forge new networks, expand their horizons, to get involved outside of their comfort zones, and to become interested in broader community issues and needs, locally and nationally.

Mr Ernst Pieterse, chair of the Faculty's student representative body (the JV/S) then welcomed our law students, and reiterated the implications of formally becoming a law student at Stellenbosch – and how the road ahead would not only see learning about the law, but learning about oneself as a person. Further, how this would see greater independence, learning to balance one's time, and discovering what inspires oneself as a student and individual, which will guide our students through the ups and downs of university life.

Following the JV/S, Mr Thalalolwazi Msutu, a lecturer in the Department of Mercantile Law, enquired of our students why they chose law. In addressing their responses, Mr Msutu unpacked core aspects of what it means to study

Graduation

The following degrees and diplomas were conferred during the March 2023 graduation ceremonies: **4 LLD, 31 LLM, 102 LLB, 5 BAccLLB, and 4 PGDip**. The Faculty is very proud of all the students who graduated and wish them every success.



Doctoral Qualifications

Congratulations to **Juletha-Marié Dercksen, Wilhelmina Germishuys-Burchell, Gisèle Chloé Lavita, and Richard**

Michael Shay for graduating with their doctoral degrees. Read more about their research below.

Juletha-Marié Dercksen (Mercantile Law)

The interface between competition and intellectual property law: Finding common ground and resolving the tensions between these areas of law from a South African perspective

Competition law and intellectual property law both incentivise innovation. However, they aim to achieve this in different ways. This, at times, creates tension between the two areas of law. This study attempts to determine where the tension lies and how it can be resolved in a manner that encourages innovation. For this purpose, it considers how competition law should deal with the licensing of intellectual property, Standard Essential Patents, pay-for-delay agreements and no-challenge clauses. Ultimately, it shows how guidelines and different forms of exemption can be utilised to create certainty and consistency in the application of the areas of law.

Supervisor: Prof PJ Sutherland

Wilhelmina Germishuys-Burchell (Mercantile Law)

The legal regulation of trade union recognition in South Africa in historical and comparative context

This study evaluates the regulation of trade union recognition by the Labour Relations Act, 1995, in different workplace contexts, notably collective bargaining and retrenchment. Through an analysis of legal developments since the adoption of the 1995 Act, and by placing that analysis in a pre-1995 and comparative context, the study convincingly shows the growing disconnect between current legislation, its interpretation by the courts, and workplace reality – especially in the case of minority special-interest groups of employees in the workplace and in the case of multilocal employers. A range of proposals for legislative reform are made.

Supervisor: Prof CJ Garbers

Co-supervisor: Prof KB Calitz

Gisèle Chloé Lavita (Public Law)

The regulation of Airbnb: A property law perspective

Currently, Airbnb is not regulated by national legislation in South Africa. This study determines the implications of Airbnb for relevant South African stakeholders, namely (a) hosts, (b) guests, (c) neighbours, (d) the tourism industry, (e) the hospitality industry, and (f) the South African government. The intention is to determine the impact of Airbnb on these stakeholders' rights, obligations and remedies. The study proposes national legislation to regulate short-term rental operations. It makes novel recommendations for how such a regulatory framework should look like by drawing on insights from the regulation of Airbnb in London and Germany.

Supervisor: Prof ZT Boggenpoel

Richard Michael Shay (Public Law)

Constitutionalising copyright: A principled normative theory for transformative copyright adjudication

This study proposes Ronald Dworkin's theory of legal interpretation as a viable model for the judicial transformation of copyright law through the reinterpretation of statutory provisions. It develops a principled, normative approach to interpretation that empowers courts to construe copyright law in line with the Bill of Rights. Drawing on the work of Robert Merges, the study develops four mid-level principles tailored to the South African context that can mediate between copyright law and the foundational normative commitments enshrined in the Constitution.

Supervisor: Prof H Botha

Mother and daughter both graduate with LLM degrees

Mother and daughter, Vanya and Anya-Larissa, both graduated with their LLM degrees on 31 March. Vanya (55), a magistrate in Cape Town, enrolled for her LLM with her eldest daughter, Anya-Larissa, and decided to complete the degree in one year. (Read more [here](#).)

Gisèle Chloé Lavita graduates with LLD and becomes one of SU's youngest LLD graduates

At only 25 years, Gisèle Chloé Lavita graduated with an LLD from the Faculty of Law. Her degree focusses on research she did for her Master's in 2020; however, given the quality and scope of her work, the external reviewers recommended an upgrade to an LLD. (Read more [here](#).)



Dr Stephan van der Merwe

In December 2022, Dr Stephan van der Merwe graduated with his Doctor of Laws formally bestowed upon him. A wonderful achievement and one of which we are very proud. Congratulations, Stephan! Visit the following link to read the article on his work on the SU website: <https://www.sun.ac.za/english/Lists/news/DispForm.aspx?ID=9632&fbclid=IwAR2--oQglxMu39EMWdMkgth7Lbv14L1KheKtdCDtSbmpEHcetpCsDhr12xc>



Student Awards

Law Trust Award | Regstrust Prys

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 2022 academic year, we can now announce the third recipient of this award: Emma Dachs. Emma Dachs obtained her BA (Law) (cum laude), BCom (Hons) (Economics) (cum laude) and her LLB (cum laude) from Stellenbosch University. She is busy completing her articles of clerkship at ENSafrica. Congratulations, Emma!

* [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) programs). 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 onderrigskoste van 'n regs kwalifikasie dek) bekendgestel wat aan 'n akademiese toppresterder gegee word.**

Na die 2022 akademiese jaar kan ons nou die derde ontvanger van hierdie toekenning aankondig: Emma Dachs. Emma Dachs het haar BA (Regte) (cum laude), BCom (Hons) (Ekonomie) (cum laude) en haar LLB (cum laude) aan die Universiteit Stellenbosch verwerf. Sy is

besig om haar klerkskap by ENSafrica te voltooi. Baie geluk, Emma!

** [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 regs vakke (met geweege 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 Emma questions, compiled by current law students, to hear more about her experience at the Faculty:

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

'n Redakteur vir Inside Guide.

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

Bohos is so intimately connected to my experience of being a Stellenbosch law student, and so I would have to say "Bohos box wine". It was the first pub I visited as a student, and, from then on, it was the place where my friends and I would always end up on a night away from the books.

3. Wat is jou gunsteling studieplek op, of buite, kampus?
Beslis Häzz! Ek het amper elke dag daarheen gegaan gedurende my ses jaar van studie aan die Universiteit Stellenbosch.

4. What is your fondest memory of studying at Stellenbosch University?

The Stellenbosch streets are filled with so many happy memories, and so it's impossible for me to choose just one as my fondest. Stellenbosch University and all the people I met while studying there have a very special place in my heart.

5. Hoekom het jy die Stellenbosch Fakulteit Regsgeleerdheid gekies?

Ek het die Universiteit Stellenbosch (met sy Regsfakulteit) gekies op grond van sy reputasie as een van die voorste tersiêre instellings in SA sowel as vir die studentedorp-ervaring.

6. Who was your favourite lecturer, and why?

Professor Wessels. He is a brilliant legal mind, and he couples this with humility, honesty, and genuine kindness. Professor Wessels' passion for the Law of Delict is infectious. He is an impressive lecturer with an ability to explain concepts clearly and concisely. He thoughtfully considers complex issues and provides gentle reminders that we're talking about the reasonable person (not man). His empathy, advice, and words of encouragement helped me during my studies, and he has influenced how I write and think about law.

7. Hoe het jy die hibriede stelsel van in-persoon en aanlyn klasse gevind?

Ek kon in 2020 terugkeer kampus toe omdat ek op daardie stadium besig was om my Honneurs in Ekonomie te voltooi. Ons is ook toegelaat om die meeste klasse in persoon by te woon tydens my nagraadse LLB van 2021 tot 2022. Ek was dus bevoorreg genoeg om byna al my klasse in persoon by te woon, en dus het ek nie regtig die hibriede klasstelsel ervaar nie.

8. What was your most enjoyable module and why?

Company Law. The interesting content (after you get over the shock regarding its volume!) as well as Professor Sutherland and Professor Stevens' vast knowledge and their interest in explaining how the theory translates into practice made this module my favourite one. Professor Sutherland and Professor Stevens were always prepared to debate and engage on complicated issues in the law, and they encouraged us to form our own ideas on issues and motivate our answers in response to complex factual scenarios. As a notable aside, Professor Sutherland and Professor Stevens need to be recognised for their ability to make their students laugh even in the most stressful of times.

9. Het die pandemie jou enige lewenslesse geleer wat jy in jou toekomstige regsloopbaan kan gebruik?

Dit het my geleer hoe om verandering en onvoorspelbare situasies te hanteer. Ons het baie oomblikke van onsekerheid ervaar soos oorskakelings van in persoon-na aanlyn-eksamens en laaste-minuut veranderinge aan ons eksamenskedules (wat daartoe gelei het

dat ek een opstel vanaf 'n lughawe in die paar minute tussen vlugte ingedien het ... want wie kan 'n verlengde sperdatum versmaai!).

10. What advice would you give a fellow law student who is struggling to manage the workload?

Be strategic! Plan your time well and look at the module's credits and the assessment's weight in order to understand how much time to spend on it. Pay attention in lectures: this helps you to understand and be more familiar with the content (which will make it quicker to learn when test/exam season arrives). The lecturer will also guide you as to what information is important, especially when it comes to reading case law. It's also helpful to break the work down into smaller, more manageable chunks (like specific topics

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in a module) so that it gives you a sense of progress as you work through the content during study times. At the end of the day, as Professor Wessels says, "do your best, and that will be more than sufficient!"

11. Wat is jou benadering tot groot volumes werk?

Ek het dieselfde benadering gebruik as hierbo uiteengesit. Ek het ook gevind dat die gebruik van 'n witbord – waarna my kamermaat graag verwys het as "ons derde kamermaat" in ons klein Harmonie-kamertjie – en Quizlet het regtig gehelp.

12. Do you believe it is important to have a studying/social life balance?

Definitely! Part of being strategic is understanding when to relax and have fun and when to dial it up and put your head in the books. Discovering how to create and maintain that balance is the most important skill you need to develop as a student. Academics are important but, when I look back on my time at Stellenbosch, it's the people I met and the times we had together that I think of first.

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

Ek het 'n sterk ondersteuningstelsel, wat 100% bygedra het. Akademiese werk kan lonend wees, maar dit veroorsaak ook stress. Veral in daardie moeilike tye weet ek nie waar ek sou wees sonder my gesin en die res van my ondersteuningstelsel om op te steun en vir my raad te gee nie. Dit is iets baie spesiaal (en waarvoor ek ontsettend dankbaar voel) om omring te wees deur mense wat vir jou lief is en wat trots is op jou – ongeag watter punte jy kry.

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

The other field I love is economics. I think being interested in other disciplines is important since different fields can provide valuable insights that help us to understand our legal framework better. For example, in my dissertation on the relationship between piercing the corporate veil and delictual liability, I relied heavily on Economic arguments to understand whether courts should impose liability on a holding company.

Outside of academics, I especially love running, coffee outings, sea swims, and reading. I think these other interests are important because, simply put, they enrich your life and make you happier.

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

Regstudies help jou om soveel vaardighede te ontwikkel, maar miskien is die nuttigste om goed te kan luister/lees en dan mooi te dink voordat jy jou argumente artikuleer.

16. What are your plans for the future?

I am currently doing articles at ENSafrica.

17. Watter raad wens jy dat jy as eerstejaarstudent gegee is?

Geen woorde van advies kan jou regtig voorberei vir universiteit nie. Jy neem geloofspronge: jy besluit om regte te studeer voordat jy eers verstaan wat "gemene reg" is; jy besluit om in 'n dorp te woon wat jy nog nooit besoek het nie en jy besluit om in 'n koshuis te bly wat jy nog nooit gesien het nie (wat gevul is met volkome vreemdelinge). Baie gou, deur baie beproewing en foute en 'n bietjie geluk, ontwikkel jy 'n liefde vir regte studeer; daardie dorp word jou tweede tuiste en daardie vreemdelinge word jou beste vriende (selfs familie). En so, al wat ek vir myself sou sê is om die proses te vertrou en daardie geloofspronge te neem.

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

YouTube!

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

Ek sal vir myself sê om te onthou om elke oomblik te geniet, want (so cliché as wat dit klink) gaan dit so vinnig verby, en binnekort is jy kilometers ver van Stellies af, terwyl jy terugdink aan daardie universiteitstye.

20. MyBrew or DCM coffee?

I think here I need to confess to being a bit of a coffee snob and say neither. Any law student (and lecturer) will, I'm sure, tell you that the only correct answer is Häzz.



First-Year Awards

The first semester saw the celebration of the achievements of our top performing first-year students across the institution. The top performing first year student also nominates the lecturer that had the greatest impact on their success. As we have programmes that also include modules from the Faculty of Economic and Management Sciences, and the Faculty of Arts and Social Sciences, the student can nominate any lecturer and not necessarily a law lecturer. It was therefore a special evening to celebrate the success of Elsa-Marié

Van der Watt as the top performing first-year student and her nominated lecturer, Dr Debbie Horsten, her lecturer for Law of Persons. It is also reassuring that the university recognises excellence in teaching, over all years, but especially in the first year of study. Ultimately, the teaching component goes hand in hand with the research remit of academic staff. The balance, recognition, and reward for both these components are critical and can only be to the benefit of the Faculty and students.

Student court 2022/23

In the pursuit of justice, fairness, equality, and equity in the student community, an independent, impartial body should exist to hold students, student leaders, and communities accountable. This is what the Student Court aims to do. Established in 1980, the Student Court is recognised by the Student Constitution as the independent and impartial judicial branch of student

governance at Stellenbosch University.

During the 2023 term, the justices of the Student Court set out to build on the excellent work of their predecessors and improve the visibility of the Court. Easy access to the Court is vital for the maintenance and strengthening of the rule of law, the separation of powers, and the values enshrined in the Constitution of the Republic of South



Africa, 1996. Therefore, central to the vision and mission of the Court for 2023 is the phrase, "Justice must not only be done but must also be seen to be done."

From this vantage point, it is easy to understand why the Court has embarked on changing its perception to integrate better into the student community. In this regard, it has dedicated portfolios to media and public relations, as well as the improvement of constitutional understanding on campus.

Recently, the Court revised its Rules of Procedure to bring it in line with the new version of the Student Constitution, make it more robust, and emphasise public participation in the judicial process. It has become involved in welcoming newcomers and is planning an event where constitutionalism workshops will be presented to high school students as part of a community outreach programme. Furthermore, the Court hosted the inaugural ACT (Accountability, Constitutionalism, and Transformation) Student Leadership Summit. Students from various leadership structures attended this event to consider the theoretical importance and practical

implementation of accountability, constitutionalism, and transformation. The Summit was well received by the panellists, keynote speaker, and delegates.

Yet, the main role of the Court remains the adjudication of disputes. The decision was made to continue involving student legal representatives through the website. This ensures that all students can be represented competently when they bring a case, entirely free of charge. Judgments are published on the website and media summaries are shared on Instagram for members of the student community to engage with the work the Court is doing. In addition, the Court has developed templates to ensure that its communication, internal papers, and judgments are uniform and foster the goal of greater visibility.

By reducing the barriers to achieving justice and making it more visible, the Court plays an integral role in supporting democracy, the rule of law, and the separation of powers within the student community. The Court aims to inspire students to internalise constitutional values in themselves and participate in the democratic project.



Juridical Society Juridiese Vereeniging (JV/S)

Law Week

Ané Theron (Events Manager) reports that Law Week 2023 was truly an unforgettable week! Not only was it the first Law Week without any type of Covid restrictions since 2019, but the number of attendees was also record-breaking. It was also the first time, in Law Week history that an event took place on each day. The week commenced with an energetic quiz night, followed by a competitive day of football sponsored

by Clyde & Co. Mid-week, the students partied like Roman gods and goddess in full toga attire. The week closed with a collaborative event with the Moot Society sponsored by AJM Tax and a cocktail evening specifically for postgraduate law students, sponsored by Webber Wentzel.

The JV/S did not anticipate, yet were pleasantly surprised by, the amazing turnout for the entire week. Each event had an attendance of over 100 people. The enthusiasm and sense of community of Law Students through the whole week was astonishing.

On 11 May 2023, the most prestigious event the JV/S is in charge of facilitating, namely the annual Law Dance, took place. It was the biggest Law Dance in history with a grand number of 500 attendees. The dance was held in the heart of Stellenbosch at the Town Hall. The hall was decorated in line with the Modern Bohemian Desert theme and was sponsored by Werksmans Attorneys. Students were welcomed and danced the night away. Ané states, on behalf of the JV/S, that they

Law Dance

are extremely grateful to each Law Student who took the time to party, laugh, and engage. She continues, "We thank our sponsors, Clyde & Co, AIM Tax and Webber Wentzel, for their assistance in making the week a great success. It was a privilege hosting and managing the event as part of the JV/S 22/23 term."



Semester Exchange Programme 2023

Internationalisation is a key priority of the Faculty and therefore we are excited to have placed 12 students at various partner universities (the most popular exchange partner universities again being in the Netherlands). These students will complete several advanced law

modules at the partner institutions during their final semester in either the LLB or LLM programme. We look forward to reading about our students' experiences in the next edition of this newsletter.

Social Impact Sosiale Impak

US Regskliniek SU Law Clinic

Will consultations

On 9 March 2023, the Clinic attended a will consultation for a bedridden patient at a local hospice to assist her with a last will and testament. Having a will is vital, and some patients can no longer attend to this at a practitioner's office. The Clinic hereby invites local hospices, old age homes, and palliative care institutions to contact the office should a patient(s) in a similar position be identified. Requests can be made via email to jparks@sun.ac.za.



Anti-bullying workshop

On 22 February 2023, the clinic conducted its first interactive anti-bullying workshop for more than 270 pupils at a local high school. The workshop was conducted by one of the attorneys, Ms. Josie Parks, with the assistance of the candidate legal practitioners, Ms Stephanie O' Reilly and Ms Itumeleng Mashego. The aim of the workshop is to educate learners on the harmful effects of bullying, to motivate positive self-reflection, and to view their peers in a more sensitive light. The Clinic's facilitators also provided important information on the sharing of personal information on social media.

Great work Josie Parks and the family law department!

The Law Clinic's client, an unmarried father, approached the Clinic for assistance with his application for care and contact with his minor child. The client was denied access by the minor child's mother. The Clinic assisted the client to obtain an order granting him regular reasonable access to the minor child. To extend his gratitude, the client brought the minor child to the Clinic to introduce her to the practitioners who played a role in their reunion. The Clinic is honoured to have been part of their journey.

"Fit and proper" requirements for legal practice in South Africa

Candidate legal practitioner, Abulele Mkhize, led a session at the Clinic during which she presented on the content of the "fit and proper" requirements for legal practice in South Africa.



Lunch sessions



On 21 February 2023, Odwa Nweba led a brown bag lunch session at the Clinic during which he gave the Clinic's practitioners a refresher course on various aspects related to court procedure.

Dr Stephan van der Merwe's doctoral research

The Law Clinic's Dr Stephan van der Merwe has been in the news recently discussing his doctoral research, which is largely based on the Clinic's work in the field of emolument attachment orders. He was interviewed on Radio 786 on 1 February and on RSG on 2 February 2023. On Tuesday, 7 February he was interviewed by Pretoria FM and later the same evening also on YouFM.



Strategic vision: 2023-2027

In February, the Clinic's management team formulated the Clinic's strategic vision 2023-2027 and updated the Clinic's organisational plan.



Workshop on integrity and ethics education

On 15 December 2022, the Clinic's Dr Stephan van der Merwe attended and presented at the United Nations Office on Drugs and Crime (UNODC) international workshop for university lecturers on integrity and ethics education. This workshop was held at the Stellenbosch

University Faculty of Law to coincide with the GAJE/ IJCLE/SAULCA Conference 2022. The Clinic was visited by Project Associate, Alex Petkov. They are in discussions to expand collaboration with the UN on shared objectives.



The Global Alliance for Justice Education Conference

The Global Alliance for Justice Education / International Journal for Clinical Legal Education / South African University Law Clinic Association Conference was hosted jointly by the Stellenbosch University Faculty of Law and Law Clinic. According to all reports, the conference, which ran from 11 to 15 December 2022, was a resounding success. It was attended by approximately 200 international jurists and presented many opportunities for enjoyable and intellectually stimulating engagement on matters concerning social justice education. The Clinic's staff appreciated the opportunity to network with our international colleagues and friends, and look forward to continued collaborations in the future.



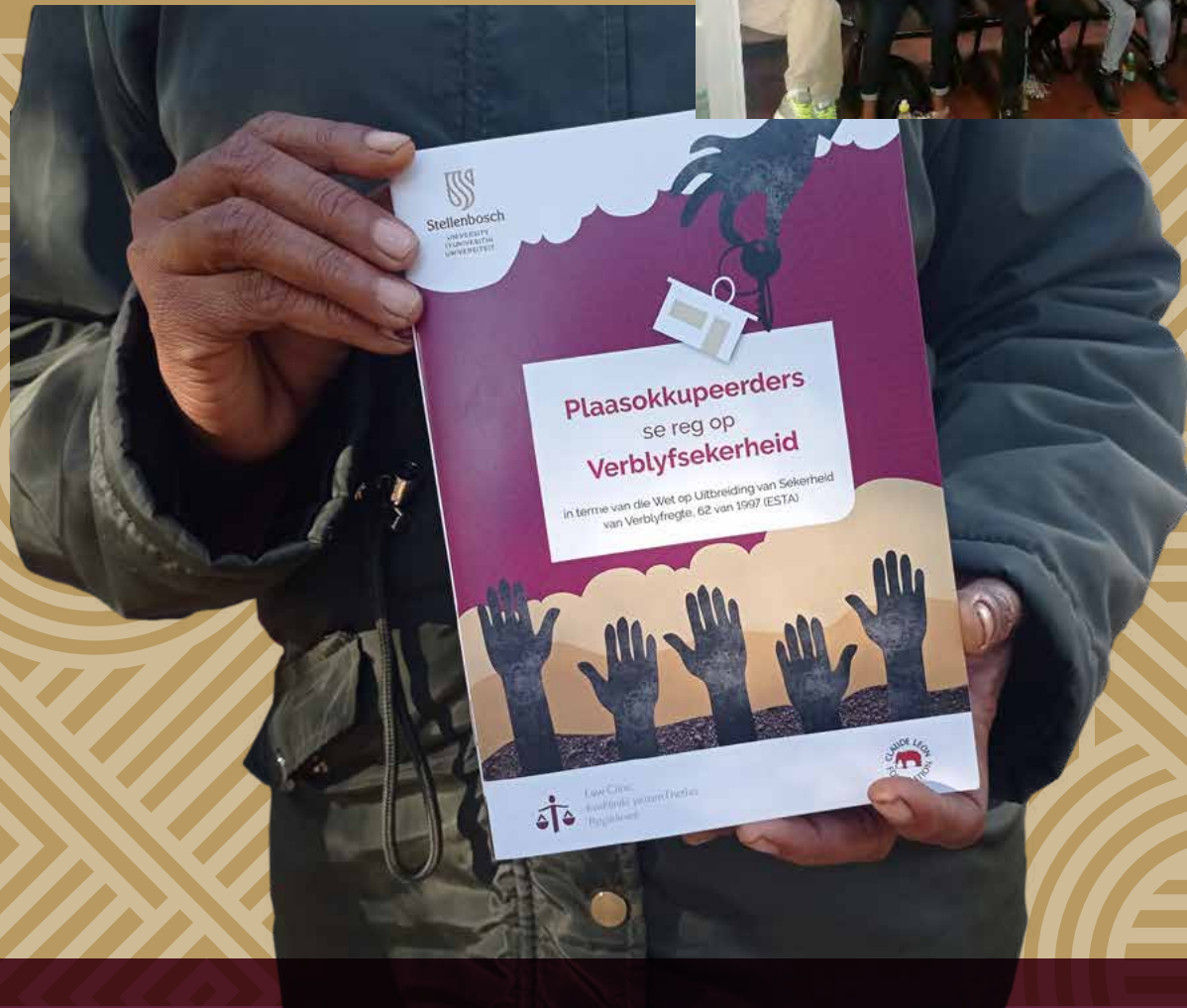
MOU with the National Credit Regulator



In December 2022, the Law Clinic concluded an MOU with the National Credit Regulator. Various areas of cooperation were identified, such as research and information sharing; development of the South African credit regulatory framework and consumer protection policy and legislation; as well as advocacy and outreach initiatives. A promising relationship beckons!

Workshop on farm occupier's rights

In November 2022, the Law Clinic conducted a workshop on farm occupiers' right to security of tenure for local community members. The workshop was conducted by attorney Nikita Stander and was arranged with the assistance of Priscilla Khoeaene. Candidate Attorneys, Abulele Mkhize and Tsavo Raath, also assisted with the workshop.



Presentation on the Mineral Sands Constitutional Court judgment

Towards the end of last year (November 2022), Candidate attorney, Itumeleng Mashego, presented to colleagues on the recent Mineral Sands

Constitutional Court judgment and the relevance of SLAPP suits within the local landscape following this judgment.

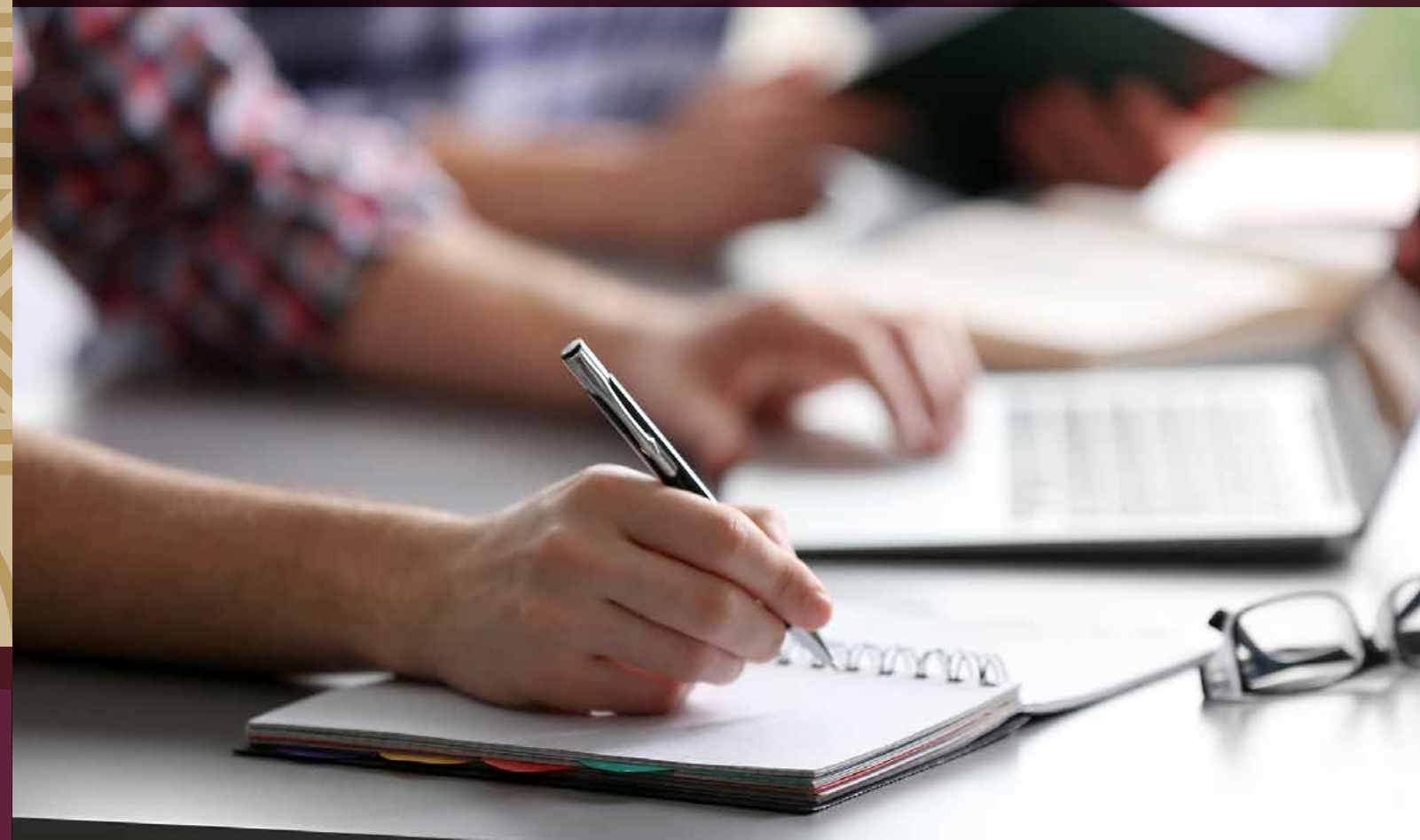
Legal Writing Development short course

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 on 1 September 2023. Please click on the date to apply or email Ms Maré (dmare@sun.ac.za) for more information.



Alumni



Vestiging van die *Gys Steyn-leerstoel in Finansiële Reguleringsreg*

Verskeie faktore kan die doeltreffende funksionering van die finansiële stelsel beïnvloed en dit kwesbaar laat vir onstabiliteit en manipulasie. Dit kan weer beleggersvertroue beïnvloed en gewetenlose of kriminele aktiwiteite laat gedy. Daarom is 'n gesonde beheerstelsel noodsaaklik vir ekonomiese stabiliteit en groei en om die veerkragtigheid van die finansiële stelsel in krisistye te verseker. Afgesien van die beheerfunksie, speel regulering ook 'n rol in die fasilitering van geleenthede, aktiwiteite, integrasie en koördinering regoor die sektor.

Dit is teen hierdie agtergrond dat die Fakulteit Regsgeleerdheid aan die Universiteit Stellenbosch (US) verheug is om te kan aankondig dat 'n beduidende skenking die vestiging van die Gys Steyn-leerstoel in

Finansiële Reguleringsreg – die eerste van sy soort in Suid-Afrika – moontlik gemaak het.

Steyn is 'n voormalige voorsitter van die US Raad en besturende direkteur van Remgro se wyn en drankfiliale. Hy het in 1956 sy LLB-graad aan die US verwerf.

"Ons is baie dank aan mnr Gys Steyn verskuldig vir sy skenking van R25 miljoen via 'n familietrust aan die Regsfakulteitstrust om die leerstoel in Finansiële Reguleringsreg te kan vestig," sê prof Wim de Villiers, Rektor en Visekanselier. "Dit ondersteun die Universiteit Stellenbosch in sy visie om die voorste navorsingsintensiewe universiteit in Afrika te word. Ons instelling se aantal navorsingsleerstoele het die afgelope dekade aansienlik toegeneem om ons

navorsingskapasiteit uit te brei. Hierdie beduidende bydrae van mnr Steyn stel die Fakulteit Regsgeleerdheid in staat om sy begrip van die komplekse aard van finansiële regulerende stelsels veral in tye van ekonomiese onstuimigheid uit te brei."

Agtergrond

"Ons wil deur hierdie inisiatief 'n konstruktiewe bydrae tot die versterking van die finansiële sektor en die regulering daarvan in Suid-Afrika lewer," sê prof Nicola Smit, Dekaan van die Fakulteit Regsgeleerdheid.

Die US Regsfakulteitstrust* en alumni van die Fakulteit Regsgeleerdheid speel 'n belangrike rol in uitnemendheid in die Fakulteit te bevorder, soos blyk uit hierdie nuwe leerstoel wat kort op die hakke van hulle betrokkenheid by en borgskap van die leerstoel in Sosiale Geregtheid en Stedelike Reg en Volhoubaarheidsregeerkunde volg.

Mnr Chris Otto, voorsitter van die US se Regsfakulteitstrust, sê 'n "doeltreffende finansiële stelsel is van die uiterste belang om stabiele en volhoubare ekonomiese groei te verseker en as sodanig moet finansiële instellings en strukture wat binne die finansiële stelsel werk, geregleer word om te verseker dat dit goed bestuur word. Die Suid-Afrikaanse finansiële stelsel word voortdurend aan risiko's blootgestel wat uit 'n verskeidenheid plaaslike en internasionale bronne kan voortspruit. Boonop is dit 'n oop en gekoppelde finansiële stelsel, waar probleme of mislukkinge binne een instelling verreikende gevolge vir die hele stelsel kan hê. Daarom is omsigtige finansiële bestuur met behulp van behoorlike regulerende instrumente noodsaaklik."

Fakulteit Regsgeleerdheid

"Die US se Fakulteit Regsgeleerdheid het 'n lang en trotse tradisie van uitnemendheid in die opleiding van regspraktisyns, regsgeleerdes en denkleiers wat daartoe verbind is om demokrasie en die samelewing in Suid-Afrika en die res van die wêreld te handhaaf en te versterk," sê Smit. Voorts, "Terwyl ons 101 jaar van regsopleiding vier, strewe ons deurgaans daarna om 'n leier op die gebied van regsopleiding en -navorsing te wees terwyl ons die samelewing aan die hand van ons deelname aan ons vakgebiede positief beïnvloed."

Smit vervolg dat "Ons glo dus ons is ideaal geposisioneer om deur die vestiging van 'n navorsingsleerstoel 'n waardevolle bydrae tot vakkundigheid – en daardeur tot die praktiese inwerkingstelling van finansiële reguleringsmaatreëls – in Suid-Afrika en die res van die wêreld te kan lewer."

Die aktiwiteite van die leerstoel sal vakkundigheid op die gebied van finansiële regulering ondersteun, versterk en verbeter ten einde navorsingsuitsette en nagraadse studente van 'n hoë gehalte te lewer.

Fokusgebiede

Die leerstoel sal op die teorie, doel en beginsels van regulering in algemene en spesifiek finansiële reguleringsreg fokus, verduidelik Smit: "Dit sal onder meer aspekte soos die ekonomie van die finansiële sektor, reguleringsmodelle, regulering van verskillende risiko's in die finansiële sektor asook streeks- en internasionale finansiële reguleringsreg insluit.

Een van die vernaamste uitdagings is die reuse-omvang van die gebied van finansiële regulering, aangesien dit verskeie interverwante gebiede het. Dit is byna onmoontlik dat een mens oor al die kundigheid kan beskik en as die voorste gesag op die volle spektrum van interverwante vakgebiede beskou kan word. Die Fakulteit se visie is egter dat 'n leerstoel in Finansiële Reguleringsreg dit vir 'n senior deskundige moontlik sal maak om 'n naaf te skep vanwaar meer gefokusde kundiges (akademies en professioneel) op die verskillende gebiede van finansiële regulering gekoöpteer kan word.

Volgens Smit sal die leerstoel ook die aard en regulering van tegnologie wat in finansiële markte gebruik word (die sogenaamde "fintech") ondersoek ten einde die doelmatige en doeltreffende gebruik van hierdie tegnologieë deur regulering te bevorder en om vas te stel hoe hierdie tegnologieë tradisionele finansiële dienste en die regulering daarvan ontwig.

Aldus Smit sal onderwerpe soos die regulering van digitale finansiële produkte en digitale geld (ingesluit kriptogeldeenhede), die voorkoming van die misbruik van die finansiële stelsel, vergelykende aspekte van finansiële regulering regoor jurisdiksies en die internasionale konteks van finansiële regulering vanuit 'n Suid-Afrikaanse perspektief ook binne die sfeer van die leerstoel val.

Die Fakulteit sal nou met die werwingsproses begin en die nuwe leerstoel sal ter geleentheid formeel bekendgestel word.

* Die Regsfakulteitstrust, wat in 2013 in die lewe geroep is, ondersteun verskeie projekte wat die volgende insluit maar nie daartoe beperk is nie: beurse vir nagraadse studente wat vir LLM- (navorsing) en LLD-grade inskryf. Die Trust ondersteun ook akademiese personeel, insluitende finansiering vir studiegeleenthede (internasionaal en nasionaal), navorsingsinisiatiewe soos konferensie-aanbiedings en die aanbied van navorsingseminare. 'n Verdere belangrike projek is die werwing en behoud van akademiese personeel, waarvan die instelling van die Leerstoel in Sosiale Geregtheid (2018) met prof Thuli Madonsela as eerste posbekleër 'n voorbeeld is.

US Korporatiewe Kommunikasie en Bemaking

Council of Stellenbosch University

Nicky Newton-King, an alumna of our Faculty, became the new Council Chair of Stellenbosch University after the untimely death of her predecessor Ainsley Moos. Newton-King is the first woman to occupy this position. We wish her well in this important role.



Ontmoeting met alumni in Brussels

Professor Nicola Smit rapporteer dat dit aangenaam was om gedurende Mei op kort kennisgewing met alumni en vriende van die Fakulteit in Brussels te vergader. Frederik Van Remoortel (vennoot by Crowell & Moring) het die groep by die kantore van Crowell & Moring ontvang. Frederik was die eerste uitruilstudent van Katolieke Universiteit Leuven wat in 1996 op die regsuitruil na Stellenbosch gekom het. Alison April het die geleentheid gereël ('n paar Suid-Afrikaanse wyne het selfs hul verskyning gemaak) en na 'n kort inleiding oor ons Fakulteit Regsgeleerdheid deur die dekaan het almal dit geniet om herinneringe te deel, van mekaar se huidige rolle te leer en nuwe verbintenisse te maak.

Professor Smit sê "Ek is altyd aangenaam verras deur die interessante (en belangrike) werk wat alumni onderneem. Dit is ook wonderlik dat baie van ons internasionale alumni nog noue bande met die land en universiteit behou en gereeld terugkom".

Ander alumni en vriende wat bygewoon het sluit in Hans Fivez, (KUL uitruil student), Greet De Wulf (een van die eerste LLM studente in 1995), Frederik Schutyser (LLM), Barney Jordaan (voormalige SU regskollega) en Jasmine De Clerck (die eerste uitruil student, in 1998, van die Bestuursfakulteit van Antwerp Universiteit).

Memorial Herdenking

In Memoriam: Miriam Terblanche

Die Fakulteit het met groot spyt kennis geneem van die dood van Miriam Terblanche, wat vir 21 jaar in die Ou Hoofgebou as bibliotekaresse en de facto Fakulteitsbeampte gewerk het. Sy is op 19 Februarie 2023 op Stellenbosch oorlede ná 'n lang stryd teen kanker. Sy is in 1946 op Alexandria in die Oos-Kaap gebore en het haar graad in Biblioteekwese aan die US behaal.

Toe die Fakulteit in die 1970's vinnig begin groei het en daar al hoe meer klem op navorsing deur die dosente geplaas is, het die behoefte aan 'n biblioteek met die basiese naslaanwerke vir die dosente in die Ou Hoofgebou self baie duidelik geword. 'n Opgeleide persoon was egter nodig om so 'n leeskamer te bedryf, en ook om die groeiende regsverasemeling in die sentrale biblioteek onder die Maraisplein ("Rooi Plein") vakkundig te bestuur.

Miriam Terblanche is in 1977 aangestel met dié dubbele funksie. Alhoewel sy nie 'n akademiese posisie beklee het nie, was haar ondersteuning en hulpvaardigheid deur die Fakulteit verwelkom, maar veral deur senior regstudente. Die hele Fakulteit het net een sekretaresse/tikster gehad en studente moes hulle navrae aan die betrokke dosent rig. Miriam het gou 'n sentrale figuur in die funksionering van die Fakulteit geword, met 'n veel breër funksie in die praktyk as slegs die biblioteek.

En so sal sy deur honderde oudstudente onthou word: 'n vakkundige in haar veld van biblioteekwese en dikwels die eerste aanrakingspunt met die Regsfakulteit.

Ná haar aftrede middel 1998 het Miriam in Stellenbosch bly woon en betrokke geraak by haar ander belangstellings: teater en films (onder andere as navorsingsassistent vir prof Temple Hauptfleisch, afgetrede professor in drama aan die US) en as kulturele toergids in ons dorp.

Mag sy in vrede rus.

Professor Andreas van Wyk

It is with great sadness that the Faculty notes the passing of Miriam Terblanche, who worked as the Faculty's librarian and *de facto* Faculty Officer in the Old Main Building for 21 years. She passed away on 19 February 2023 in Stellenbosch after a prolonged illness. She was born in Alexandria in the Eastern Cape in 1946, and obtained her degree in Librarianship at SU.

The rapid growth of the Faculty in the 1970s, and an increased emphasis on research by lecturers, increased the need for a library/reading room situated in the Old Main Building. However, a trained person was needed to operate such a reading room, and to expertly manage the growing legal collection in the central library near the Maraisplein ("Rooi Plein").

Miriam Terblanche was appointed with this dual function. Although she did not hold an academic position, the Faculty, especially senior law students, welcomed her support and helpfulness. The entire Faculty had only one secretary/typist and students had to direct their inquiries to the relevant lecturer. Miriam soon became a central figure in ensuring the functioning of the Faculty, with her duties encompassing a much broader scope than just the library.

And this is how she will be remembered by hundreds of former students: an expert in her field and often the first point of contact with the Faculty of Law.

After her retirement in 1998, Miriam continued to live in Stellenbosch and became involved in her other interests: theatre and films (including as a research assistant for Prof Temple Hauptfleisch, retired professor of drama at SU) and as a cultural tour guide in our town.

May she rest in peace.

Professor Andreas van Wyk

In Memoriam: *Gideon Josua Malherbe*

Gideon Josua Malherbe (2.12.1941-24.01.2023) het in Desember 1964 sy LLB in die Fakulteit behaal nadat 'n BA met regs vakke einde 1962 aan hom toegeken is. Sedert sy skooljare aan die Paul Roos Gimnasium in Stellenbosch was hy ook wyd onder die bynaam "Bunny" bekend, hoewel hy later jare verkies het om as Deon aangespreek te word.

Deon het uitgestaan deur sy vrolike geaardheid en sy oop benadering tot die lewe en tot ander mense. Dit was dus byna vanselfsprekend dat hy reeds in sy eerste jaar as die klaskaptein van sy regs klas verkies is, 'n rol wat by die klasafskied in November 1964 as 'n lewenslange een bevestig is. Tot met sy onlangse dood in 'n versorgingsoord in Rondebosch, Kaapstad, is hy deur die steeds kleiner wordende groep bevriende klasmaats, van Brittanje en Israel tot Suid-Afrika, as hulle leier beskou. Lewenslank het hy 'n trotse oudstudent van die Stellenbosse Regsfakulteit gebly.

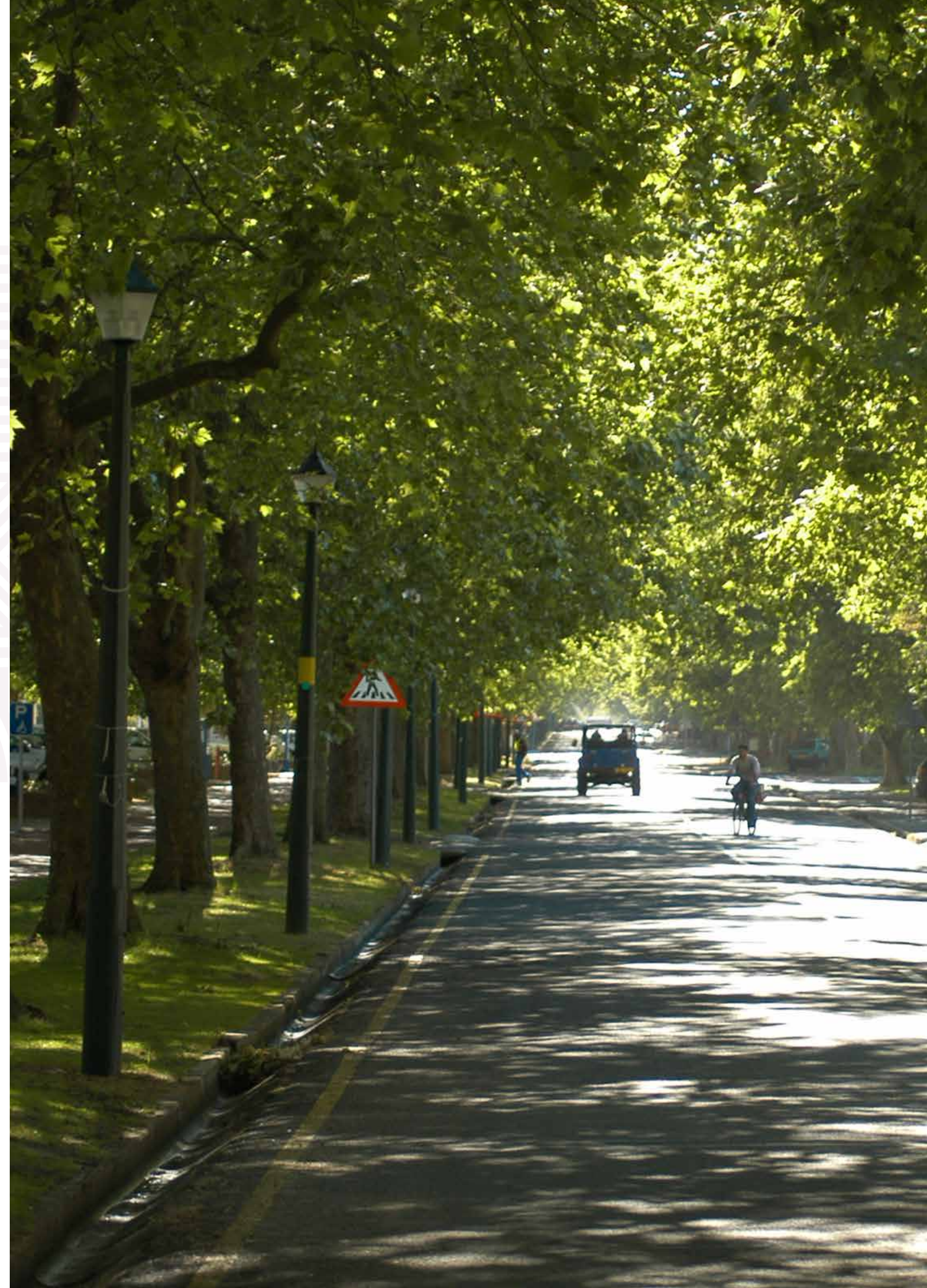
Na die voltooiing van sy klerkskap by die destydse Stellenbosse prokureursfirma Marais & Marais het Deon in die privaat sakesektor 'n draai gaan maak, sowel in eiendomsontwikkeling as in die regsafdeling van die

Rembrandt Groep in Stellenbosch. Die lokstem van die prokureursberoep was egter op die ou end te sterk en hy en twee ander Oud-Maties het hulle eie firma (Malherbe & Stimie) in die Kaap begin. Laasgenoemde firma het in 1980 saamgesmelt met die bekende ou Kaapse vennootskap Walker Lewis Godley en Field, wat daarna as Walker Malherbe Godley en Field bekendgestaan het. Deesdae is dit net Walkers. Daar sou hy bly tot met sy aftrede en verhuising na Hermanus in 2004, onder andere as gevolg van die verslegtende gesondheid van sy geliefde vrou Renée (gebore Eybers).

By Walkers was Deon vir jare verantwoordelik vir die belangrike Ou Mutual-rekening, een van die firma se oudste kliënte. Ook in aspekte van die uitdagende prosesse van Ou Mutual se demutualisering en notering in Londen in 1999 het hy 'n rol gespeel. Getrou aan sy geaardheid was hy egter by al sy kliënte bekend vir sy toewyding en vir sy begrip van die menslike dimensies van die regsprobleme waarmee hy moes help.

Hy word oorleef deur drie kinders en vyf kleinkinders.

Professor Andreas van Wyk





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Contact us

www.sun.ac.za/law

Telephone: 00-27-21 808 4853

Visit us

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