

FACULTY OF
LAW



MASTER OF LAWS
BY COURSEWORK



Stellenbosch

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HISTORY OF THE LAW FACULTY

Stellenbosch University traces its origins back to the opening of the Stellenbosch Gymnasium in 1866. The Gymnasium subsequently gave birth to the "Arts Department", which became "Stellenbosch College" in 1881. In 1887, the golden jubilee of Queen Victoria's reign, the Stellenbosch College was transformed into the "Victoria College" in honour of the Queen. The possibility of the establishment of a single national university in Cape Town, after the unification of South Africa, seriously threatened the continued existence of the College and the status of Dutch as an official language of the Cape Colony. The Victoria College, however, was not prepared to give up its heritage. By April 1918, it had managed to convince the Government of the need for the institution, and Victoria College then became Stellenbosch University.

At the centre of Stellenbosch, on the corner of Victoria Street and Ryneveld Street, is the Old Main Building, home to the Stellenbosch Faculty of Law. Inaugurated in 1886 as the main building of the Victoria College, this building also serves as a monument to commemorate the 200th anniversary of the establishment of the town by Simon van der Stel in 1686.

The Stellenbosch Faculty of Law was established in 1921. Initially, the Faculty focused on LLB degrees, training and equipping students,

not merely as legal practitioners, but also as jurists. Graduates of the Faculty include judges, advocates, attorneys, businesspeople, politicians, and academics. In 1976, the LLM degree (by thesis) was awarded for the first time to two students. The Law Faculty introduced the Master of Laws programme (LLM by coursework) in 1994. A wide variety of modules is offered (see page 4 below). The purpose of our LLM is not only to enable law graduates to specialise, but also to afford them the opportunity to concentrate on current issues brought to the fore by societal transition and constitutional and other recent developments, including South Africa's resurgence as an important trading nation.

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THE LLM PROGRAMMES AT STELLENBOSCH UNIVERSITY

Stellenbosch University offers three different types of Master of Laws (LLM) programmes, namely:

1

LLM by coursework

Students complete four taught modules and a research paper of 20 000 words. Class attendance on campus in Stellenbosch is compulsory for these programmes. There are five LLM programmes by coursework:

- the general LLM by coursework
- the LLM in Alternative Dispute Resolution
- the LLM in Intellectual Property Law
- the LLM in International Trade Law
- the LLM in Labour Law

Professional LLM

Students complete four taught modules and a research portfolio. The programme is presented through hybrid learning, while the greater part of the programme is presented online, class attendance on campus in Stellenbosch is compulsory for one week per semester. There is one professional LLM programme, namely:

- the LLM in Public Procurement Regulation and Policy

Students interested in this programme can read more about the programme here: [Professional LLM](#)

(<https://files.su.ac.za/public/faculty-law/documents/2025-09/professional-llm-2026.pdf>)

2

LLM by research

Students complete a thesis of around 60 000 words.

Students interested in this programme, should carefully study the [Postgraduate Research Guide](#) of the Faculty of Law, which sets out the relevant requirements of the programme, as well as the application and examination process.

3

Minimum admission requirements

The admission requirements and additional programme information for all the programmes above can also be found in the [Faculty Yearbook](#).

This information booklet only deals with the LLM by coursework programmes.



LLM BY COURSEWORK PROGRAMMES

1.1 General LLM by coursework

The curriculum for the general LLM by coursework is not formally organised by department, and there is no uniform set of prescribed modules. Instead, students are invited to compile a curriculum from modules offered by the Faculty. Selections must meet the formal degree requirements and are subject to approval by the Faculty Board. The timetable also restricts the options available to the student, which is inevitable. While the timetable leaves room for inter-disciplinary choices, it permits student specialisation by the selection of modules within the broad areas of either Private, Mercantile, or Public Law. Take note that the degree certificate for the general LLM by coursework does not reflect an area of specialisation. A research paper must be completed in addition to the modules. For more information on the research paper, see paragraph 5 below.

1.2 LLM in Alternative Dispute Resolution

The LLM in Alternative Dispute Resolution comprises three compulsory modules and one elective. The compulsory modules are International Commercial Arbitration, Mediation, and Selected Dispute Resolution Techniques. Students can choose either International Sales Law or Employment Rights as their elective module. A

research paper must be completed in addition to the modules. For more information on the research paper, see paragraph 5 below.

1.3 LLM in Intellectual Property Law

The LLM in Intellectual Property Law comprises three compulsory modules and one elective. The compulsory modules are Copyright Law, Patent Law and the Law of Registered Design, and Trademark Law. Students can choose either Intellectual Property Law in the Digital Environment or Competition Law as their elective. A research paper must be completed in addition to the modules. For more information on the research paper, see paragraph 5 below. For more information about this programme, visit the homepage of the Chair of Intellectual Property Law website here at <https://www.su.ac.za/en/faculties/law/research/anton-mostert-chair-intellectual-property>.

1.4 LLM in International Trade Law

The LLM in International Trade Law comprises the following modules: International Sales Law; International Commercial Arbitration; Climate Change Law and Sustainability Governance; Payment and Guarantees in International Contracts; Carriage of Goods by Sea; Legal Aspects of World and Regional Trade; and International Tax Law. Students must complete four of the six modules (two modules per semester). A research paper must be completed in addition to the modules. For more information on the research paper, see paragraph 5 below.

1.5 LLM in Labour Law

The LLM in Labour Law comprises four compulsory modules, namely Employment Rights, Selected Issues in International Labour and Social Security Law, Equality in the Workplace, and Selected Issues of Collective Labour Law (all modules from the Department of Mercantile Law). A research paper must be completed in addition to the modules. For more information on the research paper, see paragraph 5 below.

MODULES

DEPARTMENT OF MERCANTILE LAW

Advanced Company Law

First semester

This course is designed for graduates and professionals seeking an advanced, in-depth understanding of corporate law and legal frameworks in South Africa and internationally. It offers a critical analysis of key company law principles, with focused study on contemporary challenges and current developments in selected areas, such as mergers and acquisitions; corporate finance and securities regulation; directors' duties and liabilities; shareholder rights; corporate governance; stakeholder activism; and environmental, social, and governance (ESG) principles. Situated within South Africa's dynamic legal environment, the course offers a comparative perspective that explores both domestic and international corporate law principles. By integrating academic scholarship with practical, real-world application and case studies, the course prepares students to confidently navigate the complexities of the modern global corporate legal landscape.

Advanced Corporate Governance

Second semester

This module will familiarise students with the world of corporate governance law and regulation and the complex web of interlinked statutes, case law, codes, and international instruments that regulate companies and financial institutions. It will address aspects such as the increased role and impact of corporate governance regulation and environmental, social, and governance (ESG) principles in the financial sector and on financial institutions. Specific topics that will be covered include a comparison of corporate governance laws and regulations in selected jurisdictions; corporate governance and financial institutions; international corporate governance legal trends and developments; corporate purpose and corporate sustainability; corporate ethics; associated corporate risk and liability; ESG reporting; and ESG litigation. Students will investigate these topics and themes with a view to being able to provide a critical analysis of the techniques and systems of local, regional and international corporate governance law and regulation, adopting a comparative and, where appropriate, inter-disciplinary approach.

Carriage of Goods by Sea

Second semester

Most goods traded internationally are carried from the seller's country to the buyer's country by sea. In this respect, the carriage of goods by sea is an important component of international trade. This module deals with a capita selecta of substantive and/or procedural law aspects related to the carriage of goods by sea, such as uniform legal regulation; Incoterms; contracts of affreightment within the context of international trade; charterparties; bills of lading, sea waybills, and other types of transport documents; obligations of the shipper and carrier; carrier liability; exemptions from and limitations to liability; and admiralty jurisdiction.

Climate Change Law and Sustainability Governance

Second semester

In this module, students are exposed to climate change law at the international, African regional, and domestic levels. The module covers key concepts and legal principles that underpin the global climate change response regime, including climate justice; mitigation; adaptation; common but differentiated responsibility; climate finance; loss and damage; carbon trading; and the just energy transition. Through real-life examples of climate change law and policy reform, the module highlights emerging governance tools that are expected to deliver on the ambition in international climate change law. The module further looks into climate litigation and the recent developments in international and domestic courts. The course content is oriented towards understanding the role of climate change law in global and domestic sustainability governance.

Competition Law

Second semester

In this module, South African competition law is studied from a comparative perspective. The main jurisdictions for comparison are the European Union and the United States, but passing reference will be made to German, Canadian, Australian, and UK law. The basic concepts of competition law, as well as important aspects such as competition law in digital markets, will be discussed in the introduction. In most legal systems, the focus of competition law is now on the interests of consumers and productive dynamic and allocative efficiency. The second part of the module considers the goals of South African competition law against this backdrop. Next comes the central part of the module, namely substantive competition law, which evaluates the law regarding horizontal and vertical restrictive practices; abuse of dominance; and, if there is time, mergers.

Copyright Law

First semester

This course will focus on selected issues in South African copyright law, with reference to the position in other jurisdictions such as the United Kingdom, United States, and New Zealand. Topics covered will include originality, authorship, ownership, the idea-expression dichotomy, moral rights, parallel importation, and reverse engineering.

Equality in the Workplace

Second semester

This module focuses on the field of employment discrimination law in South Africa. The Labour Relations Act of 1995 (LRA) and the Employment Equity Act of 1998 (EEA) prohibit discrimination against employees and extend that protection to applicants for work. The EEA also makes provision for the implementation of affirmative action measures to redress the disadvantages in employment experienced by black people, women, and people with disabilities. The module will be divided into two parts; the first part will concentrate on the prohibition of discrimination. Issues such as the meaning of discrimination; the structure of a discrimination claim; the difference between direct and indirect discrimination; justification; and proof and evidence will be examined. Attention will also be paid to some of the typical areas of application, such as pregnancy, sexual harassment, and equal pay claims. In the second part of the module, affirmative action will come under the spotlight. South Africa's Constitution breaks rank with many legislative provisions elsewhere in the world by making explicit provision for affirmative action policies. In this regard, it is asserted that the South African Constitution embraces a substantive or asymmetrical – rather than a formal or symmetrical notion of equality. In order to give effect to the Constitution, the EEA places an obligation on 'designated employers' to implement affirmative action measures to redress the dis-

advantages in employment experienced by black people, women, and people with disabilities. Against this background, we will examine the response of the South African judiciary and arbitrators to challenges launched against affirmative action practices and policies, and evaluate the principles that have crystallised against the framework of the constitutional commitment to substantive equality. Even though the focus will be on South Africa, the module will be approached from an international and comparative perspective.

Employment Rights

First semester

In this module, we will evaluate the interaction of the three main sources of labour law and of terms and conditions of employment, namely the Constitution, legislation, and the contract of employment (as influenced by collective agreements) and how they combine to protect individual employees. Specific attention will be given to the scope of application of labour legislation; the quality of protection of employees during and on termination of employment; the role of dispute resolution; the economic effect of individual employment protection legislation; as well as selected contractual issues, such as vicarious liability and restraint of trade agreements. Although the emphasis of the module is on individual labour law (i.e., the relationship between the individual employee and his or her employer), the principles of collective labour law will also be addressed and incorporated where necessary. Students who complete the module will have a sound understanding of South African labour law in general, as well as an advanced understanding of some of the more important issues in individual labour law (many of which have proved to be problematic in other jurisdictions). Note, however, that some issues – such as discrimination and the individual rights underlying collective labour law (e.g., freedom of association and the right to strike) – will not receive detailed attention in this module, simply because these topics are dealt with in other LLM modules in Labour Law to which students have access.

Intellectual Property Law in the Digital Environment

Second semester

This module explores how digital technologies are reshaping the traditional doctrines and structures of intellectual property law. It engages critically with the core regimes of copyright, trademark, patent, and database protection, examining how traditional legal principles are being applied, adapted, or contested in light of developments such as streaming, artificial intelligence, video games, social media, and decentralised digital systems. Topics include online infringement and platform responsibility; digital branding; software and AI-related inventions;



database protection; and the protection of complex digital works. The module draws on comparative insights to assess the adequacy of existing legal frameworks, particularly in the South African context. It also considers the intersection of IP with related areas such as data ownership and data protection. These themes are explored with a view to reflecting on the role of IP law in shaping digital economies and knowledge governance, particularly in relation to broader questions of access, equity, and innovation in the African context.

International Commercial Arbitration

First semester

This module focuses on the law and practice of international commercial arbitration, with specific reference to disputes involving South African, SADC, and European parties. It includes the UNCITRAL Model Law on International Commercial Arbitration, which has so far been adopted by 13 African jurisdictions, including South Africa, and selected modern arbitration statutes in other jurisdictions; the role of national courts in the international arbitration process; the evaluation of international arbitral institutions and their rules (particularly the ICC and LCIA); choice-of-law rules in the context of international arbitration; arbitrability; the drafting of an international arbitration clause or submission agreement; the arbitral tribunal; *Kompetenz-Kompetenz* (competence-competence); modern techniques to make international arbitration proceedings more cost-effective and expeditious; interim measures; the award, including the challenge, recognition, and enforcement thereof; the special features of investment arbitrations; and current issues in international commercial arbitration (e.g., confidentiality and consolidation). The use of ADR techniques, like mediation as a prerequisite to arbitration and multi-tiered dispute resolution clauses, is also briefly considered.

Note: *Prior knowledge of domestic arbitration law and practice is not a prerequisite for this module.*



International Sales Law

First semester

This module deals with international sales law and related issues. The following topics are dealt with: the structure of the international sales transaction and its context; salient features and problems requiring legal regulation; the documentary nature of the transaction; trade terms (with special emphasis on the ICC's Incoterms 2010); the role of private international law; the evolving international law; the need for a uniform law of international sale, and the agencies involved therein; an overview of the structure and general characteristics of the Vienna Convention for the International Sale of Goods, 1980 (CISG); factors relevant to the decision of a state to accede to the Convention; criteria governing the application and interpretation of the Convention; the formation of contracts of sale under the CISG; the substantive sales law under the CISG including the duties and remedies of the parties; remedial provisions common to the parties; exemption from liability and the passing of risk; and an evaluation of the CISG.



International Tax Law

Second semester

The tax implications of cross-border transactions are examined. Topics covered include the bases of taxation; unilateral relief from double taxation; double taxation agreements; transfer pricing; certain aspects of customs and excise law; selected aspects regarding the taxation of companies, dividends, and interest; and controlled foreign company legislation. The content of the module is mostly based on international tax instruments and concepts but is presented from a South African perspective. A comparative perspective is also offered. After the successful completion of the module, students should be able to identify and critically analyse international tax issues; determine the legal principles relevant to a set of facts in order to solve the international taxation issues presented in that set of facts; and to offer legal solutions to procedural and substantial issues presented in that set of facts.

Note: *Prior knowledge of tax law is recommended.*

Legal Aspects of World and Regional Trade

First semester

This module deals with the International Law principles governing trade among states. The focus is primarily on the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). The treaties establishing them contain the principles and mechanisms regulating inter-state trade. The theory behind international trade is explained, as well as the present nature of the international economic order. This includes institutional arrangements and the dispute-solving mechanisms of the WTO. The principles governing trade in goods (GATT), in services (GATS), and with respect to the protection of intellectual property (TRIPS) are discussed. Regional trade agreements (for example, SADC, SACU, and COMESA) are examined with reference

the incorporation of international trade obligations into the domestic sphere are comparatively explained and discussed. Various aspects of sustainable development (and the law) and the most controversial challenges facing the WTO as an institution are critically discussed from an African perspective. Special focus areas in this module include the African Continental Free Trade Agreement (AfCFTA) and its legal instruments as well as the role of the WTO in terms of its complex interlinkages between international trade rules, climate change, and sustainable development.

Mediation

Second semester

The theory and practice of mediation from a legal perspective, including negotiation techniques, ethical restraints, and legislation promoting consensual mediation.

Patent Law and the Law of Registered Designs

First semester

The advanced principles of South African Patent and Designs Law, with specific reference to the application, infringement, ownership, assignment, revocation, third-party risk assessments (freedom to operate), and patent validity assessments as these relate to patent/design protection and enforcement. The course includes a comparative overview of European and USA patent prosecution as compared to South African law. Aspects of trade secret protection are included in the course programme, and the course further includes Plant Breeders' Rights, an introduction to technology licensing principles, and drafting of license agreements. Students are required to have a basic understanding of patent and design law.

Payment and Guarantees in International Contracts

First semester

This module offers a specialised examination of international trade finance, focusing on the legal instruments that facilitate payment and performance in cross-border commercial transactions. It explores the risks and challenges associated with international payment mechanisms and the regulatory frameworks governing their use. Key areas of focus include documentary collections and documentary credits, which will be examined in the context of the ICC's Uniform Rules for Collections (URC) and Uniform Customs and Practice for Documentary Credits (UCP). The module further considers demand guarantees and standby letters of credit, with reference to the Uniform Rules for Demand Guarantees (URDG) and International Standby Practices (ISP98). Core legal doctrines, such as strict compliance and the independence principle, are addressed in depth, along with recognised exceptions such as fraud. Special attention is given to construction contracts, and the unique guarantee structures they entail. The module also explores the intersection between financial sanctions and documentary credit, an increasingly complex area in the regulation of international trade. In addition, it considers developments in electronic trade documentation and the application of blockchain and other emerging technologies in digital trade finance. The course is suited to students interested in the legal and practical dimensions of payment security in international trade finance.

Principles of Financial Regulation Law

First semester

This module will familiarise students with the world of financial regulation and the complex web of interlinked statutes, case law, codes, and international instruments that regulate the activities of financial institutions, services, intermediaries, consumers, regulators, and exchanges.



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It will address aspects such as models of regulation, different risks in the financial sector, as well as regional and international financial regulation law. Specific topics that will be covered include financial technology ('fintech'), including the regulation of virtual or cryptocurrencies; the role of the SA Reserve Bank, the Prudential Authority, Financial Sector Conduct Authority (FSCA); money laundering and the role of the Financial Intelligence Centre (FIC); the role of the Johannesburg Stock Exchange (JSE); market abuse (including insider trading); ombuds; payment systems; bank resolution and deposit insurance; derivatives; pension regulation; as well as the environmental, social, and governance (ESG) aspects of the regulation of financial institutions, including corporate governance. Students will investigate these topics and themes with a view to being able to provide a critical analysis of the techniques and systems of local, regional and international financial regulation, adopting a comparative and, where appropriate, inter-disciplinary approach.

Selected Issues in Collective Labour Law

Second semester

This module complements the other three LLM modules in Labour Law and focuses on specifically selected issues in the field of collective labour law such as freedom of association; collective bargaining (including collective agreements and organisational rights); worker participation; and strikes and lockouts. Although South African Labour Law will constitute the focus of the module, the material will be approached from an international and comparative perspective.

Selected Issues in International Labour and Social Security Law

First semester

The purpose of this module is twofold. In the first instance, an ad-

vanced study will be made of a number of selected topics in labour law that students do not study in detail in the other LLM Labour Law modules offered by the Faculty. The selection will consist of issues that have proved to be of practical and theoretical importance, such as employment across national borders; the effects of globalisation on labour standards; the development and application of international labour standards (with specific reference to implications for Southern Africa); child labour; and challenges to the legal regulation of employment in the changing world of work and the context of the 4IR. The choice of topics may change depending on developments in the field. In the second part of the module, students will be introduced to the law relating to social security and undertake an advanced study of selected issues in this field (including protection of migrant workers; compensation for workplace injuries and diseases; unemployment insurance; and pension funds).

Specialised Dispute Resolution Techniques

Second semester

A comparative analysis of the legal aspects of specialised dispute resolution techniques, which have been developed to meet specific needs in certain fields, for example: adjudication in the construction industry; court-linked mediation as a means of promoting access to justice; plea and sentence agreements, and deferred prosecution agreements in relation to serious commercial crimes; review standards for awards in compulsory arbitration for labour disputes and private arbitration; resolving consumer disputes; the ombudsman in the financial services industry; mediating medical negligence claims in the public health sector; and the requirement and potential content of good faith for parties in mediation proceedings.

Note: No more than six of the above techniques will normally be discussed in a particular year.

Trademark Law

Second semester

The principles of South African Trademark Law, with reference to legislation, case law, and academic opinion. Common law issues of unlawful competition and the right to attract custom. Related principles of international trademark protection and foreign law.

DEPARTMENT OF PRIVATE LAW

Comparative Apartment Ownership

First semester

The module provides an international overview of apartment ownership (condominium, strata titles, Wohnungseigentum, propiedad horizontal, appartementeneigendom), which relates to residential, commercial, office and resort condominiums. The module will discuss the role of the developer in the establishment of apartment ownership sales off building plans and developments in stages in order to finance the construction of the buildings comprised in the scheme; the subdivision of the buildings into units, common property, and limited common property; as well as the rights owners have with regard to these areas. The importance of participation quotas as a formula to determine an owner's share in the common expenses, the common property, and the value of his or her vote at general meetings will be investigated as well as the enforcement of financial and social obligations to prevent the condominium from degenerating into a slum. The importance of sound management of the management corporation (body corporate) through its organs, the executive committee (trustees), and general meetings will be discussed in some detail. The module concludes with the conversion of rental buildings into apartment ownership schemes. Interesting assignment topics include smoking, the keeping of animals and the short-term rental of apartments (by, for example, Airbnb) in these schemes. This module provides an excellent background for students to evaluate apartment ownership schemes in their own countries.

Global Litigation

Second semester

Litigation has become globalised. Disputes that used to be contained within national borders are now transnational. Global litigation is increasingly characterised, not only by traditional cross-border litigation between parties situated in different jurisdictions, but also by parallel litigation in different countries, arising from the same dispute. This module provides an understanding of how the global dimension of high-stakes, complex disputes influences the parties' and their legal representatives' strategies and judges' decisions.

International Law and Children's Rights

First semester

This module explores the key legal frameworks and institutional mechanisms that shape and advance children's rights within international law. It considers the child as a bearer of rights – both as an individual and as part of a family and community – and the legal rationale for special protections under international law. Students will be required to critically engage with major instruments such as the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and the Hague Conventions on Inter-Country Adoption and International Child Abduction. The module also examines emerging and underutilised instruments; the historical development of children's rights as a legal discipline; and the challenges of domestic implementation, with a particular focus on the South African constitutional and legislative context.

Law of Trusts

Second semester

This module offers a systematic study of the law of trusts, commenc-


ing with their historical origins and development and proceeding to contemporary challenges and proposed reforms. It begins by tracing the emergence of the trust institution and its evolution across legal systems. The module next addresses the formalities and substantive requisites for the valid creation of a trust, before examining the fiduciary duties, powers and liabilities of trustees in the administration of trust assets. Thereafter, it considers the nature and enforceability of beneficiaries' rights, as well as the legal mechanisms for the variation, revocation, and termination of trusts.

Note: Prior knowledge of the South African law of succession and law of contract is recommended for this module.

Forced Migration and Children's Rights

Second semester

In this module, students will actively engage with key concepts in international children's rights law as they apply in the context of



internal and external forced migration. Participants in the module will critically analyse various classifications of the forced migration of children, including asylum seekers, refugees, stateless children, internally displaced children, and children displaced by climate change. While the vulnerability of these groups of children cannot be ignored, the material in this module will focus on their rights as well as the responsibilities of key actors including the State, international organisations, non-governmental organisations, humanitarian organisations, armed groups, and other non-State actors.



DEPARTMENT OF PUBLIC LAW

Advanced Human Rights Law

First semester

This module focuses on various contemporary issues in human rights law such as how to hold private actors to account for human rights violations; the judicial enforcement of socio-economic rights; hate speech; political party funding; religious and cultural rights; and the intersection of race, gender, and class inequalities. It examines how these topics are dealt with in South African constitutional law as well as international human rights law and other constitutional jurisdictions. The module aims to develop students' competencies in conducting research on comparative and international human rights law and applying it to pressing human rights problems and challenges.

Contemporary Issues in Criminal Law

First semester

In this module, you will embark on a deep dive into the core principles that underpin criminal law, specifically within the South African context, while also drawing valuable comparisons with selected international jurisdictions. You will be required to move beyond simple definitions to grapple with the complex theoretical debates that shape how we understand criminal responsibility and culpability. Through careful analysis of common-law crimes and statutory offences, you will learn to apply these principles to real-world scenarios. A crucial aspect of this journey will involve assessing the profound impact of South Africa's Bill of Rights on the development and application of criminal law. You will be challenged to not only assimilate advanced knowledge of legal doctrines but also to critically evaluate them. This involves integrating constitutional precepts, social science insights, and medico-legal theories to understand the practical and ethical implications

of criminal law. Ultimately, you will develop the ability to appraise key debates and analyse theoretical constructs, equipping you to navigate the complexities of substantive criminal law with a sophisticated and nuanced perspective.

International Criminal Law

Second semester

This module comprises a study of both substantive and procedural issues in the emerging system of international criminal law (ICL). By way of introduction, the sources of and basic principles underlying ICL will be discussed. In order to analyse the substantive issues in ICL, a *capita selecta* of important international crimes such as aggression, war crimes, crimes against humanity, and genocide will be studied. In addition, we will also focus on some of the emerging transnational crimes like torture and terrorism. In terms of procedural issues, we will look at the most important aspects of direct and indirect enforcement of ICL. For this, we will study the various international tribunals, with specific attention given to the permanent International Criminal Court. We will also look at the way ICL is enforced at national level through domestic legal systems.

Note: *Prior knowledge of Public International Law is strongly recommended.*

Law of Evidence: Critical Perspectives

First semester

A critical examination of fundamental evidential questions such as the balance between truth-seeking and procedural fairness, the role of judicial discretion, the admissibility of character evidence, and the potential for systemic bias in the application of evidential rules. An exploration of contemporary developments in the law of evidence, including the challenges and opportunities presented by the increasing reliance

on digital evidence, such as electronic communications and social media data. An examination of the evolving role of forensic evidence, considering its admissibility, reliability, and ethical implications. Recognising the dynamic nature of the law, the module will also consider the future of the law of evidence.

Organised Crime in South Africa

First semester

The module will deal with the following broad topics: an overview of the historical background relating to organised crime in South Africa, and its international and regional obligations pertaining to organised crime; different organised crime offences under the Prevention of Organised Crime Act 121 of 1998 (POCA), including offences related to racketeering, criminal gang activity, and money laundering under POCA. Students will also be exposed to the intersection between organised crime and related forms of crime, including human trafficking (under the Prevention and Combating of Trafficking in Persons Act 7 of 2013) as well as cybercrime (under the Cybercrimes Act 19 of 2020).

Related topics such as civil asset forfeiture as well as the sentencing of organised crime offences, the impact of the Constitution of the Republic of South Africa, 1996, on the investigation and prosecution of organised crime offences, systemic issues that frustrate the effective prosecution of crime in South Africa; and transnational aspects relating to organised crime. Restorative justice and organised crime will also form part of the module content.

Sentencing

Second semester

The module incorporates the general policy and principles underlying judicial punishment (including the purposes of punishment, sentencing discretion, and minimum sentencing legislation), and examines

specific sentencing options such as imprisonment, fines, and correctional supervision.

Urban Law

First semester

This module explores the legal dimensions of urban development and the legally relevant relationships between private and public urban actors. The module content is premised on the multi-layered law and policy frameworks applicable to a) the pursuit of cities that are safe, inclusive, resilient, sustainable, democratic, and accountable; and b) spatial and environmental justice in urban settings. The purpose of the module is to introduce students to the meaning of the emerging field of 'urban law' and familiarise them with the current discourse on, and practical implications of, 'the right to the city', 'the urbanisation of human rights law', and the 'urbanisation of international law'.

3

Class attendance

Class attendance on campus (Stellenbosch, Western Cape) on a weekly basis throughout the year is **compulsory** for all students enrolled in one of the above coursework programmes.

4

Module selection: some limitations

- 4.1 The availability, presentation, and structure of modules in a given year may be affected by the absence of faculty members on leave. It is therefore also important for students who commence with their studies during the July intake of an academic year to consult the prospectus for the academic year that starts in January of the *following year*, as soon as it becomes available.
- 4.2 A minimum enrolment of five students is required for a module to be presented.
- 4.3 Students following the **general LLM** may choose:
 - (a) any number of modules offered in the LLM in International Trade Law or the LLM in Labour Law;
 - (b) a maximum of two modules offered in the LLM in Intellectual Property Law (subject to approval by the programme coordinator);
 - (c) Mediation and/or Specialised Dispute Resolution Techniques (from the LLM in Alternative Dispute Resolution) may only be taken subject to the approval of the programme coordinator.
- 4.4 The timetable also restricts the available options.

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Submission of research paper: information and instructions

- 5.1 A student will be awarded the LLM degree after successful completion of prescribed curricula in four modules and the successful completion and acceptance of a research paper, prepared under supervision, of 15 000 to 20 000 words (including footnotes, but excluding the bibliography).
- 5.2 The research paper must be on a topic approved by the Faculty Board. Students are requested to take the initiative and make their own topic suggestions based on the expertise of the supervisor they were able to select during the supervision selection process. (The supervisor selection process usually takes place at the beginning of week 3 of the semester.) The chosen topic need not necessarily be linked to one of the modules offered in the LLM programme. Should a student be registered for one of the specialised LLM programmes (International Trade Law, Intellectual Property Law, Labour Law, or Alternative Dispute Resolution), such a student is required to complete a research paper on an approved topic in the field of specialisation.

6

Completion of degree

- 6.1 A student will be awarded the LLM degree after:
 - (a) the successful completion of prescribed curricula in four modules; and
 - (b) the successful completion of a research paper, prepared under supervision, of 15 000 to 20 000 words (including footnotes, but excluding the bibliography) on a topic approved by the Faculty Board.
- 6.2 Students will be required to complete and submit their research papers at the university where they are registered for degree purposes. See paragraph 17 below for more information on the research paper.

7

Duration of the programme

- 7.1 Full-time students are required to satisfy the prescribed requirements within one academic year (consisting of two semesters of 13 weeks each). Two modules must be followed in each semester, and students will be examined on a semester basis.
- 7.2 The Faculty Board may allow students to extend their studies over a period of two years. Such students will be required to follow at least one module per semester. In such a case, class fees will depend on the number of modules followed in a given semester.

- 7.3 Full-time and part-time students may elect to commence their studies at the beginning of the first or second semester.
- 7.4 Students are not permitted to register for more than two modules per semester.

8 First meeting and training sessions

All students are required to attend the first meeting at the beginning of the academic year, usually on the Wednesday in the week prior to the start of classes. The purpose and details of this meeting are set out in a further notice, which can be obtained from Karin Wiss (karinwiss@sun.ac.za). A separate informal meeting will be arranged for students who only commence with their studies in the second semester.

Students are furthermore obliged to attend virtual and in-person training sessions offered by the Faculty. A schedule will be provided to the students at the first meeting.

The Learning Commons in the main library – Stellenbosch University



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Medium of Instruction

The language of instruction is **English**. However, assignments, research papers, and examinations may also be written in Afrikaans, where the relevant lecturer or supervisor is proficient in this language.

10

English Proficiency

Students of the Faculty of Law must be proficient in English and must be able to study, write exams, and compile research papers effectively in English. International students applying for admission to the LLM Programme are required to submit proof of their current level of proficiency in English (i.e., TOEFL or IELTS scores).

Please note that, where appropriate, the Faculty will refer students to various support services offered by Stellenbosch University in this regard.

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Method of instruction

11.1 Modules will be presented by means of seminar sessions based on prescribed material. Active student participation is required.

11.2 There will be one two-hour session in each module per week, or as otherwise arranged with students (e.g., one four-hour session every second week).

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Examinations

12.1 Formal examinations will be conducted in all modules. The research paper will be evaluated by a supervisor in conjunction with an internal and external moderator.

12.2 Written examinations may be combined with oral examinations and/or assignments.

12.3 In addition to any other requirements that apply to the calculation of the final mark for a module (for example, those stated in the module framework), a final mark of less than 50 must be allocated if a student obtains a mark of less than 40 in the written examination.

12.4 There are no supplementary examinations for LLM modules.

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Admission requirements

Students may apply in writing to read for a Master's degree in Law if they meet one of the following requirements:

- (i) They hold an LLB degree conferred by this University, or any other bachelor's degree in Law (excluding the Bluris degree), and have attained an average of 60% in the final year of this degree or a comparable achievement in another qualification (for example, at least 6 points in the First German State Examination); or
- (ii) They have attained a level of proficiency or accomplishment in Law that, in the judgement of the Senate, is regarded as adequate for this purpose. The Senate will consider every application on merit.

Please note that all LLM programmes are selection programmes and that meeting the minimum requirements does not guarantee selection.

Additional selection criteria

13.1 Graduates from South African higher education institutions

If you have graduated from a South African higher education institution, you must also submit National Benchmark Test results (Academic literacy and quantitative literacy test results [AQLI]). Please visit www.nbt.ac.za to make an appointment for the test.

13.2 Graduates from international higher education institutions

If you have graduated from an international higher education institution, where you were not fully taught in English, you must submit proof of English proficiency.

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Admission procedure

- 14.1 Applications may be submitted online at <https://www.su.ac.za/en/apply/pg-studies> or <https://student.sun.ac.za/>. South African students must apply before 15 January of the year of registration

and foreign students before 30 September of the year before registration. However, late applications will also be considered.

14.2 Applications for registration for the second semester

- (i) Students have to submit applications for the second semester by 15 July;
- (ii) Foreign students have to submit applications for the second semester by 31 March.

However, late applications will also be considered.

The campus – Stellenbosch University



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Tuition fees (approximate)

- 15.1 Students can obtain a provisional quotation of fees online at <https://student.sun.ac.za/fees-quotation/#/home>.
- 15.2 International students are also required to pay an international registration fee and an international tuition fee. Please contact the International Office at interoff@sun.ac.za or suifinance@sun.ac.za, or visit <https://student.sun.ac.za/fees-quotation/#/home> for more information.
- 15.3 The onus is on the student to establish the fees prior to registration. Students should note that student fees might be amended annually. This will affect students who decide to complete the LLM programme over two years instead of one, as well as students who enrol in the LLM programme during the second semester, thereby completing the degree over two academic years.
- 15.4 The tuition fees do not include the cost of textbooks, notes, or other materials prescribed for the specific modules.

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Visa information

International students are required to have a valid study visa to study at Stellenbosch University. Stellenbosch University is not permitted to register a student without a valid temporary residence visa (study visa).

Please contact the nearest South African High Commission or Embassy (<http://www.dirco.gov.za/webmissions/index.html>) to confirm the application process and supporting documents required for the visa application.

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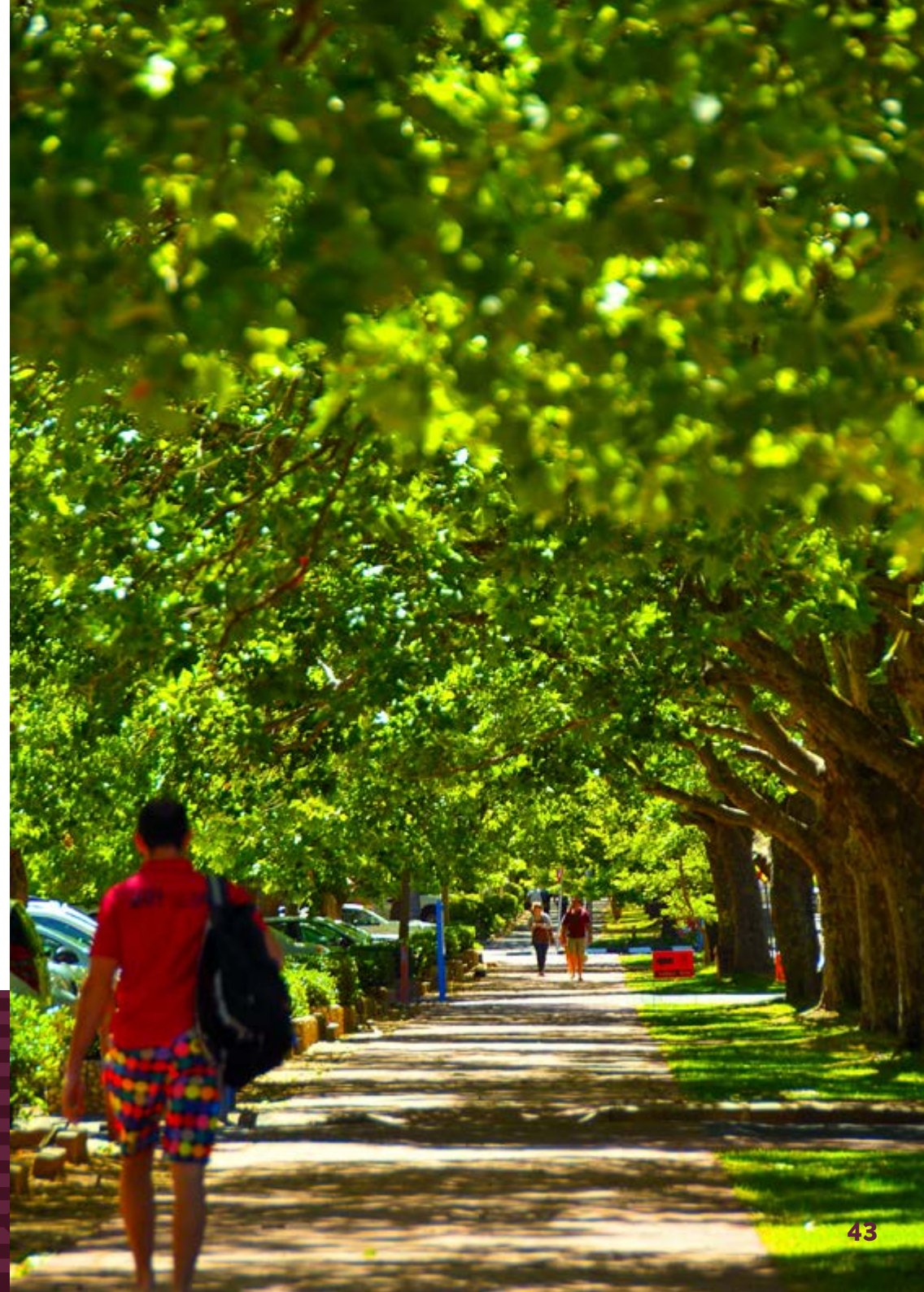
Financial assistance

Please note that the Faculty of Law does not have any bursaries available for the LLM by coursework programmes. Please consult Part 2 of the Yearbook of Stellenbosch University for information on possible institutional bursaries.

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Exchange programme

South African students in the general LLM programme may apply to participate in our international exchange programme. Successful applicants will complete two LLM modules at one of our international partner universities. Interested candidates may apply with the LLM coordinator before 15 February 2026.



Accommodation

19.1 It is important to note that admission into an academic programme does not guarantee placement in a University residence. All students are required to apply for accommodation separately. The Law Faculty is not responsible for arranging accommodation.

19.2 International students seeking accommodation must contact:

The Postgraduate and International Office

Tel. no: +27 (0)21 808 4702

E-mail: interhouse@sun.ac.za

19.3 South African students seeking accommodation must contact:

The Residence Placement Office

Tel. no: 021-808 9111

E-mail: info@sun.ac.za