



RESEARCH UNIT: Law, Justice and Sustainability

Research Unit Newsletter
June 2019



EDITORIAL

Dear colleagues

It is with great pleasure that we present the first of two Faculty of Law Research Unit newsletters for 2019 and we hope that you will find it inspirational and motivational! Much has happened in the Faculty during the first six months of the year and this is a good opportunity to showcase our successes and to recognise those who have contributed to our endeavour to do cutting-edge research.

The launch of the NRF South African Research Chair in Cities, Law and Environmental Sustainability (CLES) under the capable leadership of Prof Anél du Plessis has certainly been a highlight. The SARChi Chair has been awarded for an initial period that stretches from 2019 to 2024 and is jointly funded by the National Research Foundation of South Africa (NRF) and Nedbank. Anél and her team has started with the proverbial 'bang' and we will follow their progress with interest.

Internationally, the faculty has been busy as well. We hosted two international conferences: Juris Diversitas (April) and KAS/NWU in conjunction with the Freie Universität, Berlin (March). Several international scholars visited the Faculty: Prof Patrick Parkinson (University of Queensland), Ms Hannah Birkenkotter (Humboldt University), Prof Ben Richardson (University of Tasmania) and Prof Willem van Genugten (University of Tilburg). We are expecting Ms Rosemary Mwanza from the University of East Finland in August. Several of our academics are also abroad for extended research

stays: Prof Christa Rautenbach and Allison Geduld (Max Planck Institute for Comparative Private Law (Hamburg)), Ms Melandri Steenkamp (Local Democracy Academy, Umeå (Sweden)), and Mr Philip Bothma (Giessen University, Germany and Leiden in the Netherlands).

The "conference season" has commenced with several faculty members sharing their knowledge and showcasing their research and the Research Unit: Law, Justice and Sustainability – in South Africa and around the world. These connections are invaluable for the enhancement of the international reach and standing of the participating scholars, the RU and the University as a whole.

We have hosted several scholars and experts from practice that shared their knowledge during public lectures on diverse legal issues such as cannabis (Victor Mndebele), children's rights (Karabo Ozah), change and innovation in cities (Dr Geci Karuri-Sebina), environmental issues (Prof Ben Richardson), informal settlements (Kate Tissington), and the protection of wildlife (Dr Sam Ferreira). This does not include the international conference presentations referred to above by dozens of scholars.

There are two notable events that colleagues should diarise: on 10 September 2019 (11.00 – 13.00) Prof Klaus Beiter will be delivering a public lecture on academic freedom at the NWU. On 19 September 2019, the Trade, Finance and Innovation Colloquium will be hosted to create a discussion forum on related topics.

RU members continue to be involved in national debates. In this regard the participation of Prof Elmien du Plessis in the Ministerial Advisory Panel on Land Reform and her continued media profile should be noted, as well as Prof Anél du Plessis and her CLES Chair's community involvement and training of government officials. These two academics will also collaborate in the near future in a CLES critical conversation on land reform.

Academics have made several advances in sourcing external research funding for their research activities, most notably Prof Louis Kotze (almost R4 million), Prof Christa Rautenbach (almost R1 million) and the CLES Chair with more than R400 000. We are indeed thankful for their initiatives.

The RU places a premium on capacity building through the informal Faculty mentoring system and through *ad hoc* opportunities within the limits of our resources. The aim is to create a research-focused environment to meet the strategic goal of the Faculty and the NWU and to assist faculty to reach their potential in their personal academic career. Over the past months, six career planning workshops were hosted *inter alia* by Prof Willem van Genugten and Prof Ben Richardson, with almost a third of the faculty participating in individual career planning sessions as well.

A series of workshops were held in June/July on all three campuses with the assistance of the NWU library on enhancing international impact through ORCIDs, Scopus, Research Gate and Google Scholar.

Three writing retreats were organised by the projects outside the teaching and examination schedules to provide a space for academics to work on their publications or PG studies – Environmental Change (January), Vulnerable Societies (July) and Justice in Practice (July). A short series of writing workshops were held in Mafikeng. More opportunities will be available later in the year through the NWU Research Office Writing Retreats.

With the time and effort spent on the merger and the LLB review almost a thing of the past, it is clear that faculty members can start focusing on their personal research as a matter of priority once again. The available research output data show that the research output of the Faculty has increased significantly from 2017 to 2018. The number of research-inactive academics, however, remains cause for concern. We include in this Newsletter the recently published output of our colleagues, extra-ordinary appointments, postdoctoral research fellows

and students. We are particularly proud of the three books that have already seen the light in 2019.

At a micro-level, the Research Unit created an eFundi site for all research-related information. On the page you will find all the national, NWU and RU policies as well as recent DHET, ASSAF and CREST research reports. Our NRF-rated researchers, extra-ordinary appointments and post-doc research fellows are noted. The site also includes lists of accredited journals in a searchable spreadsheet, some information on predatory journals, funding opportunities and the Faculty mentoring list. Please have a look at the site and feel free to send us suggestions to make it more comprehensive.

The Research Unit is in the privileged position to have excellent support in the form of Mrs Rieëtte Venter. She is responsible for continuously updating the Faculty website, including the research projects and researcher profiles. We are indebted to her and wish to take this opportunity to thank for her creative support in this regard. You are invited to share any research-related news with Rieëtte. This will assist the Faculty in marketing our knowledge, experience and expertise and to celebrate our achievements in this regard.

I also wish to take this opportunity, on behalf of all of us, to thank Prof Anél du Plessis for her service to the Research Unit in 2018 and we wish her the best for the NRF SARChI CLES Chair activities.

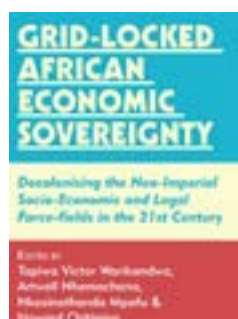
Happy research during the second semester. Keep us posted and please let us know if you require any assistance in this regard. We are here to help!



Prof Marita Carnelley

Director: Research

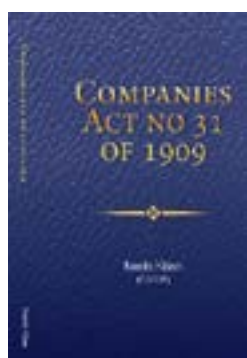
NEW BOOKS ON THE SHELF



Congratulations to Prof Howard Chitimira on the publication of his book: Grid-locked African Economic Sovereignty - Decolonising the Neo-Imperial Socio-Economic and Legal Force-fields in the 21st Century edited by Howard Chitimira, N Mpopu, TV Warikandwa, A Nhemachena.



Congratulations to Prof Anél du Plessis on the publication of her book: The Globalisation of Urban Governance – Legal Perspectives on Sustainable Development Goal 11 edited by Helmut Philipp Aust and Anél du Plessis.



Congratulations to Dr Neels Kilian on the publication of his book: Companies Act no 31 of 1909.

NEWS FLASH

- Congratulations to Prof Christa Rautenbach who received her Humboldt Alumni Award from Dr Angela Merkel, Chancellor of the Federal Republic of Germany in June.



Every year, the Alexander von Humboldt Foundation grants up to four Humboldt Alumni Awards to promote innovative networking initiatives of alumni of Alexander von Humboldt Foundation fellowship and award programmes. It is designed to support initiatives not covered by the Foundation's existing sponsorship and alumni programmes, and to promote academic and cultural relations between Germany and the Humboldt Alumni's own countries and strengthen their collaboration in the respective regions.



**BUDGET 2020 SUBMISSIONS BEFORE
20 JULY 2019**
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RECENT PUBLICATIONS

October 2018 - June 2019

Chapters in Books

- **AGBOR AA** (2018) "Boko Haram and the Abduction of Schoolgirls in Nigeria: Reflecting on 'Gender-Based Crimes' as a Legal Misnomer" in Strydom H and Iyi JM (eds) Boko Haram and International Law (Springer Cham 2018) 311-349.
- Munyai, A and **AGBOR AA** (2018) "The impact of corruption on the right to development in Africa" in Ngang, CC, Kamga, SD and Gumedé, V (eds) Perspectives on the right to development (Pretoria University Press 2018) 70-96.
- **CHIDUZA L** (2018) "The Jurisprudence of the Zimbabwean Judiciary on the Protection of the Right to Property with Specific Reference to the Fast Track Land Reform Programme and Operation Murambatsvina" in Nhemachena A, Warikandwa TV and Amoo S (eds) Social and Legal Theory in the Age of Decoloniality: (Re) Envisioning Pan-African Jurisprudence in the 21st Century Langaa Publishers (2018) 327-365.
- **KOTZE LJ** (2018) "Conceptualising Global Environmental Constitutionalism in a Regional Context: Perspectives from Asia and Europe" in Suami T, Peters A, Kumm M and Vanoverbeke D (eds). Global Constitutionalism from European and East Asian Perspectives (Cambridge University Press, Cambridge). 422-448.
- **ASHUKEM JN** (2019) "Public participation in environmental decision-making in Cameroon – myth or reality?" In P. Kameri-Mbote & A. Paterson & O. Ruppel & B. Orubebe & E. Kam Yogo (eds.), (Law | Environment | Africa, Germany, Baden-Baden: Nomos Verlagsgesellschaft) 357-373.
- Nhemachena A, Warikandwa TV, Mpofu N, **CHITIMIRA H** (2019) "Explosive Economic Minefields in Invisible Neo-Imperial Force fields: An Introduction to Decolonising Economics in Africa" in Grid-locked African Economic Sovereignty: Decolonising the Neo-Imperial Socio-Economic and Legal Force-fields in the 21st Century in Warikandwa, TV Nhemachena A, Mpofu N, and Chitimiria H (eds) (Langaa RPCIG, Bamenda, Cameroon) 1-50.
- **CHITIMIRA H** (2019) "Towards the establishment of robust Financial Market Laws? An appraisal of the Decolonisation of 'investments' in Zimbabwe" in Grid-locked African Economic Sovereignty: Decolonising the Neo-Imperial Socio-Economic and Legal Force-fields in the 21st Century in Warikandwa, TV Nhemachena A, Mpofu N, and Chitimiria H (eds) (Langaa RPCIG, Bamenda, Cameroon) 373-394.
- Nhemachena A, Warikandwa TV, Mpofu N, **CHITIMIRA H** (2019) "Decolonisation and the Constitutional Right to Fair Labour Practices: A contemporary South African Perspective" in Grid-locked African Economic Sovereignty: Decolonising the Neo-Imperial Socio-Economic and Legal Force-fields in the 21st Century in Warikandwa, TV Nhemachena A, Mpofu N, and Chitimiria H (eds) (Langaa RPCIG, Bamenda, Cameroon) 569- 632.
- Aust H, **DU PLESSIS AA** (2019). "Introduction: The Globalisation of Urban Governance - Legal Perspectives on Sustainable Development Goal 11." In H. Aust & A. Du Plessis (eds.), The Globalisation of Urban Governance Legal Perspectives on Sustainable Development Goal 11 (USA New York: Routledge) 3 - 16.
- **DU PLESSIS AA** (2019) Developmental Local Government Research Series: The Journey to Transform Local Government in Chigwata TC, De Visser J, Kaywood L(eds). Chapter 2 The Global Aspiration of "Safe, Sustainable, Resilient and Inclusive "Cities: South African Local Government Shaping Up, South Africa, (Claremont: Juta) 9 - 32.
- **KOTZE LJ** and Daly E (2019) "A Cartography of Environmental Human Rights" in Vinuales J and Lees E (eds). The Oxford Handbook on Comparative Environmental Law (Oxford University Press, Oxford, 2019).
- **KOTZE LJ** and **DU PLESSIS AA** (2019) "The African Charter on Human and Peoples' Rights and Environmental Rights Standards" in Turner S et al (eds). Environmental Rights: The Development of Standards (Cambridge University Press, Cambridge, 2019).

- **NDOU M** (2019) "Growth oriented African-Centred Agriculture, Cooperatives and Policy Reforms: Towards Poverty Alleviation and Food Security" Grid-locked African Economic Sovereignty: Decolonising the Neo-Imperial Socio-Economic and Legal Force-fields in the 21st Century in Warikandwa, TV Nhemachena A, Mpofu N, and Chitimiria H (eds) (Langaa RPCIG, Bamenda, Cameroon) 191-214.
- **VAN DER BERG ANGELA** (2019). "The Pursuit of SDG 11 Through the Lens of Integrated Development Planning" in H. Aust & A. Du Plessis (eds.), The Globalisation of Urban Governance Legal Perspectives on Sustainable Development Goal 11, USA, (New York: Routledge) 208-226.

Journal articles



- **FAMBASAYI R. KORAAN R** (2018) "Intermediaries and the International Obligation to Protect Child Witnesses in South Africa" 2018 Potchefstroom Electronic Law Journal 1 -29.
- **KOTZÉ LJ** and French D. (2018). "A Critique of the Global Pact for the Environment: A Stillborn Initiative or the Foundation for Lex Anthropocenae? 2018(18) International Environmental Agreements: Politics, Law and Economics 811-838.
- **KOTZÉ LJ** 2018. "A Global Environmental Constitution for the Anthropocene?" 2018 Transnational Environmental Law 1-24.
- **AGBOR AA** (2019). Cameroon and the Corruption Conundrum: Highlighting the Need for Political Will in Combatting Corruption in Cameroon. *African journal of international and comparative law/Revue africaine de droit international et compare*, 27 (1), 2019: 50 - 75.

- **AGBOR AA** (2019). An Analysis of the Principles on the Award of Reparations per Article 75(1) and (2) of the Rome Statute of the ICC. *African Yearbook on International Humanitarian Law*, 2018 June 2019: 98 - 118.
- **AGBOR AA**, Njieassam E (2019). Beyond the Contours of Normally Acceptable Political Violence: Is Cameroon a Conflict/Transitional Society in the Offing? *Potchefstroom Electronic Law Journal*, 22 2019: 1 - 32.
- **ASHUKEM JC** (2019). A Human Rights-Based Approach to Foreign Agricultural Investment in Uganda. *African Journal of International and Comparative Law*, 27 (2), 2019: 268 - 291.
- **BEITER KD** (2019). Where Have All the Scientific and Academic Freedoms Gone? And What Is 'Adequate for Science'? The Right to Enjoy the Benefits of Scientific Progress and Its Applications. *Israel Law Review*, 52(2) 2019, 233 - 291.
- **CHITIMIRA H** (2019) Reaffirming the Role of the Directorate of Market Abuse and the Meaning of 'Inside Information' in the Adjudication of Insider Trading Cases: *Zietsman and Another v Directorate of Market Abuse and Another* 2016 1 SA 218 (GP). *Interdisciplinary Journal of Information, Knowledge, and Management*, 8 (2), 2019: 71 - 98
- **CHITIMIRA H** (2019) Advantage to creditors in compulsory sequestration proceedings - *Body Corporate of Empire Gardens v Sithole* 2017 4 SA 161 (SCA). *Journal of Contemporary Roman -Dutch Law* 82 (2), May 2019: 342 - 351.
- **CHITIMIRA H, LEKOPANYE K** (2019). A conspectus of constitutional challenges associated with the dismissal of employees for social media-related misconduct in the South African workplace. *Revista de Direito, stado e Telecomunicacoes*, 15 (1), Jan - Apr 2019: 1 - 44.
- FERREIRA-SNYMAN A, **FERREIRA G** (2019) "The Application of International Human Rights Instruments in Outer Space Settlements: Today's Science Fiction, Tomorrow's Reality" *Potchefstroom Electronic Law Journal*, 22 2019: 1 - 29.
- **KHAN MS** (2019) "Are Close of Pleadings now Irrelevant? An Evaluation of the Impact the Nkala Judgment has on Litis Contestatio" *Potchefstroom Electronic Law Journal*, 22 2019: 1 - 13.

- **KILIAN CG** (2019). Good Corporate Governance Principles and the Probability of Hate Speech in South Africa, Australia and Namibia. *African journal of international and comparative law/Revue africaine de droit international et compare*, 27 (1), 2019: 161 - 169.
- **LUBBE WD, KOTZE LJ** (2019). Holistic Biodiversity Conservation in The Anthropocene: A Southern African Perspective. *African journal of international and comparative law/Revue africaine de droit international et compare*, 27 (1), 2019: 76 – 99.
- **KOTZE LJ** (2019). A Global Environmental Constitution for the Anthropocene? *Transnational Environmental Law*, 2018 (0), 2018: 1 - 23.
- **KOTZE LJ** (2019). The Anthorpocene, Earth system vulneralbility and socio-ecological injustice in an age of human rights. *Journal of Human Rights and the Environment*, 10 (1), 2019: 62 - 85.
- **FRENCH D, KOTZE LJ** (2019). Towards a Global Pact for the Environment': International Environmental Law's Factual, Technical and (Unmentionable) Normative Gaps. *Review of Comparative and International Environmental Law* 1-8.
- **KOTZE LJ, KIM R.** (2019). Earth System Law: The Juridical Dimensions of Earth System Governance. 2019. *Earth System Governance* 1-12.
- **MABINA TT, CHITIMIRA H** (2019). A comparative synopsis of the statutory prohibition of insider trading in namibia and South Africa. *Juridical Tribune*, 2019: 492 - 514
- **MAUGER R** (2019). "Promoting Public Participation in the Energy Transition: The Case of France's National Debate". *Potchefstroom Electronic Law Journal*, 22 2019: 1 - 29.
- **RAUTENBACH C** (2019). Cultural Expertise in Litigation in South Africa: Can the Western World Learn Anything from a Mixed, Pluralistic Legal System? *Studies in Law Politics and Society*, 78, 157 - 178.
- **SOYAPI CB** (2019). Environmental Protection in Kenya's Environment and Land Court. *Journal of Environmental Law*, 2019 (0), 2019: 1 - 11.
- **VAN DER SCHYFF E** (2019). The Right to be Granted Access Over the Property

of Others in Order to Enter Prospecting or Mining Areas: Revisiting Joubert v Maranda Mining Company (Pty) Ltd 2009 4 All SA 127 (SCA). *Potchefstroom Electronic Law Journal*, 22 2019: 1 - 29.

- Deeksha Bhana, **VISSER CJ** (2019): The concurrence of breach of contract and delict in a constitutional context, *South African Journal on Human Rights*, 35(1) April 2019: 94 - 120.
- **VILLAVICENCIO CALZADILLA PM** (2019). Case Note - A Paradigm Shift in Courts' View on Nature: The Atrato River and Amazon Basin Cases in Colombia. *LEAD journal*, 15 (1), 1 - 15.
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FACULTY RESEARCH ON THE MOVE

- **Dr J Kanamugire** attended on 11 to 13 July 2018 the *Society of Law Teachers of Southern Africa's Conference* in Cape Town. He presented a paper entitled "Historical Background of Refugeehood in Africa."
- **Dr B Klaasen** attended on 13 - 15 June 2018 the *24th International Sustainable Development Research Society: Conference: Action for a Sustainable World: From Theory to Practice, Messina, Sicily*. He presented a paper entitled: The quest for social-economic rights, the rule of law and violent protest in South Africa."
- **Dr B Klaasen** attended on 6 - 11 August 2018 a *Conference: Human rights, securitisation and counter-terrorism in Africa, Ghana*. He presented a paper entitled: "The quest for self-determination: Unpacking the 'just cause' case for secession in the South Sudan."
- **Mr RW Nkhumise** attended on 08 September 2018 the *21st Annual Conference of the Society of Labour Lawyers (SASLAW)* held in Cape Town. He presented a paper entitled "Moonlighting as a form of misconduct and breach of the employee's duty of good faith."

- **Prof H Chitimira** has been invited on 27-28 November 2018 in Windhoek by the *Editorial Board of South African Development Community (SADC) Law Journal in collaboration with the Konrad Adenauer - Stiftung Foundation in Namibia* and delivered a paper at the conference on "Constitutionalism, Governance and Democratic Accountability: Developments and Emerging Trends in SADC and Elsewhere in Africa."
- **Prof LJ Kotzé** attended in October 2018 the *Tendencies in Legal Approaches and Instruments for the Protection of Ecological Systems conference, Aarhus, Denmark*. He presented a paper entitled "The Anthropocene, Earth System Vulnerability and Socio-Ecological Injustice in an Age of Human Rights."
- **Prof LJ Kotzé** attended in November 2018 the *Utrecht Conference on Earth System Governance, Utrecht*. He presented a paper entitled: "Jettisoning Environmental Law: The Case for Earth System Law."
- **Prof LJ Kotzé** was invited in November 2018 as a guest lecturer and presented at the *Leuven Centre for Global Governance Studies Lecture Series: Developing Countries in the World Economy, the Sustainable Development Goals and Human Rights- Exploring a Triangle, in Leuven*. The paper was entitled "Making the SDGs and Human Rights Protection a Reality: Lessons From Across the Globe."
- **Prof LJ Kotzé** was invited as an international expert in November 2018 at *Permanent Mission of Finland to the United Nations, jointly hosted by the Nordic Council of Ministers and University of Massachusetts, Boston in New York*. He presented a paper entitled: "Workshop on International Environmental Governance and Global Pact for the Environment."
- **Prof LJ Kotzé** was invited as a guest lecturer in December 2018 at *Universitat Rovira I Virgili, Tarragona*. He presented a paper entitled "Earth System Law: Exploring the Juridical Dimensions of Earth System Governance."
- **Prof LJ Kotzé** presented a guest lecture in January 2019 at the *University of Copenhagen*. His lecture was entitled "Earth System Vulnerability in the Anthropocene."
- **Prof LJ Kotzé** was invited to a present as global expert at the *2019 Judicial Colloquium on the Role of the Judiciary in Promoting the Rule of Law*, in United Nations, Geneva. His paper was titled "Global Perspectives on Environmental Constitutionalism."
- **Prof LJ Kotzé** was invited to present paper in February 2019 at *Conference International Environmental Law and the Anthropocene's Energy Dilemma*. His paper was entitled: "Energy Transitions: Governing Unconventional Gas, Renewables and the Energy-Environment Nexus, University of New South Wales, Sydney."
- **Prof H Chitimira** attended on 12 -18 February 2019, the *5th Annual International Asper Review of International Business and Trade Law Conference*. He presented a paper entitled: "Prudential Regulation and The Combating of Fraud, Corruption and Maladministration in The South African Banking Institutions after The VBS Scandal."
- **Prof ON Fuo** attended on 5 and 6 March 2019 the *2019 ADJASA (Administrative Justice Association of South Africa) Conference* in Johannesburg, South Africa. He presented a paper entitled: "Appropriate internal appeal mechanisms for approval of building plans: Exploring the gaps left by the Constitutional Court in *City of Johannesburg Metropolitan Municipality v Chairman of the National Building Regulations Review Board and Others* (CCT 186/17) [2018] ZACC 15."
- **Prof ON Fuo** attended on 10 -12 March 2019 the *2019 Second SALGA Research Colloquium* in Durban, South Africa. He presented a paper entitled: "Enhancing inclusiveness in South African Cities through local government indigent policies: A case for permanent residents."
- **Prof H Chitimira** attended on 2- 8 April 2019, the *Challenges and Opportunities for Commonwealth Legal Education* Conference in Lusaka Zambia. He presented a paper entitled: "Unpacking Selected Challenges and Prospects of Disruptive Technology in the Legal Profession."
- **Prof AA du Plessis**, attended on 13 - 15 March 2019, the *Cities and International Law in the Urban Age* in The Hague, the Netherlands. She presented a paper entitled: "Some of the Changing Features of Urban Governance as Cities respond to Global Climate Change."
- **Prof A Agbor**, attended on 28-30 March 2019, the *2019 Interdisciplinary Women's and Gender Studies Conference, Creating Global Change* in Middle Tennessee University MURFREESBORO. He presented a paper entitled: "Caught in the grip of state-sponsored terror? Reflecting on the daunting realities of women and children in the Anglophone Cameroon crisis."
- **Prof A Agbor**, attended on 2-4 April 2019, the *Gonzaga International Conference for Hate Studies*, in Washington State, USA. He presented a paper entitled: "Propagation and Perpetration of Hate and Hate Crimes: Conceptualising Instigators as Poisonous Pedagogues."



Juris Diversitas 6th General Conference 15 -17 April 2019

The theme: A couple of lawyers' old friends: 'Sources' and 'Jurisdictions'. In their parlance, these notions are often associated with modern, 'positive' law. The idea of 'legal formants' has been introduced to complete the picture, making it more flexible, making it more accurate, nuanced, realistic; an idea associated with comparative, socio-legal, anthropologic studies. With 'roots' and 'space', geographers, historians, political scientists get involved. These are certainly less frequent notions in legal circles: we may still wish to make friends with them, to enrich our perception of legal phenomena.



The following papers were presented at Juris Diversitas:

- **Prof M Carnelley** "The Convention on the Rights of the Child: A South African historical perspective."
- **Prof E du Plessis** "The Constitution and the politics of memory."
- **Ms N Gabru** "Are the rights of Muslim children being overlooked by section 88 of the Administration of Estates Act?"
- **Dr KO Lefenya** "Rights of children currently under threat in the Central African Republic: Where is the CRC?"
- **Dr O Lim Tung** "Defective products and liability: Roots and evolution of product liability in South Africa."
- **Ms B Njoko** "A reformed approach to the concept of the best interest of the child."
- **Mr G Rossouw** "Sexual Orientation, Societal Intolerance, Constitutional Equality and the Traditional Courts Bill: The meaning of freedom post-apartheid."
- **Prof T Mmusinyane** "The need to overcome language barriers confronting children as victims, complainants and/ or witnesses of sexual offences in criminal proceedings."
- **Prof F Venter** "Democracy as a (non-)source of legal authority."
- **Dr G Viljoen** "From African customary law to the concept of public trusteeship: The full circle of South Africa's water regulatory framework."
- **Ms H Visser** "The South African courts failure to take into account the grave nature of child pornography."
- **Prof W Erlank**, attended on 16 - 19 May 2019, the *10th Annual Conference on Law, Property and Society* at Syracuse University School of Law in USA. He presented a paper entitled: "The uncertainty of sovereignty and governance in manned outbound space missions."
- **Prof A Agbor**, attended on 2-3 June 2019, the *Gonzaga University Human Rights Conference* in Florence, Italy. He presented a paper entitled: "Reflecting on the Liability of Negationists in South Africa, Reflecting on the Liability of Negationists in South Africa."
- **Prof W Erlank**, attended on 5 - 8 June 2019, the *Young Property Lawyers' Forum 2019* at the University of Glasgow UK. He presented a paper entitled: "How technology is keeping law on the back-foot."
- **Prof A Agbor** "Contextualising the African child: Appraising and apprising the socioeconomic cultural realities."
- **Dr O Animashaun** "Legal pluralism and engendered conflicts in Ilorin Nigeria's Frontier Emirate (1950-2016)."
- **Prof K Beiter** "On the origin, nature and content of academic freedom: An analysis of the various approaches to its professional, legal, and human rights protection at the international, regional and national level."

- **Ms M Steenkamp**, attended on 9 - 14 June 2019 the *Global Challenges and Local Governments: Toward Transformative Policy and Practice* Conference in Umea, Sweden. She presented a paper entitled: "Local perspectives on climate change induced migration in Southern Africa: a human security approach."
- **Ms A Geduld**, attended on 11 - 14 June 2019, the *Global Education in Practice: Teaching, researching and citizenship* at Pomorie, Bulgaria. She presented a paper entitled: "Teaching Latin to Law Students in the Midst of the Decolonisation of the University."
- **Prof H Chitimira** attended on 14 - 21 June 2019, the *10th International Conference on Trade, Business, Economics and Law*, in Vancouver, Canada. He presented a paper entitled: "Towards The Establishment of Robust Financial Markets Laws and Decolonisation of Investments in Zimbabwe."
- **Mr MM Ndou** attended on 19 - 21 June 2019, the *Labour Law Conference* in Mauritius. He presented a paper entitled: "Mental illness, Harassment and Labour Laws."
- **Prof M Barnard**, will be attending on 1-3 July 2019, the *Defining the KAS African Climate Perspectives on Migration Conference* in Cassablanca Morocco. She will present a paper entitled: "Content of extraterritorial human rights obligations towards African climate migrants."
- **Prof H Chitimira** will be attending on 18 - 21 August 2019, the *The Role of Integrated Environmental Management in the economic revival of South Africa*, in Bela Bela, South Africa. He will be presenting a paper entitled: "The Challenges Affecting Financial Inclusion in South Africa."
- **Mr JT Rantlo** will be attending on 21 -23 August 2019, the *The Role of Integrated Environmental Management in the economic revival of South Africa*, in Bela Bela, South Africa. He will be presenting a paper entitled: "The Challenges Affecting Financial Inclusion in South Africa."
- **Prof K Beiter**, will be attending on 25-27 September 2019, the *Plurality of Law and Development in Berlin*, Germany. He will be presenting a paper entitled: "Retrospective environmental authorisation in South Africa."

Faculty co-hosted international conference (KAS)

The CLES Chair held an international colloquium "Sustainable Development in the Urban Age" aimed at new scholarly and societal discourse on urban development in light of resource constraints. The theme was cross-cutting in terms of research fields and city governance sectors and presented the results of the NWU and Freie Universität, Berlin research project titled: "Safe and Sustainable Cities – Legal Perspectives from Germany and South Africa in Context". The colloquium involved knowledge transfer and networking between academics, members from local government associations, NGOs, municipalities etc.



Launch of the SARChi CLES

On the 6th of March 2019, the SA Research Chair in Cities, Law and Environmental Sustainability was officially launched at a function attended by scholars and colleagues from across South Africa and abroad. It was a true celebration and an opportunity to set the scene for great research and dissemination efforts to come. Dr Geci Karuri-Sebina (South African Cities Network) and Dr Nana Boaduo (National Research Foundation) were the guest speakers.



OUR RESEARCHERS MAKE US PROUD!

- **Prof Neels Kilian** has been invited to act as symposium editor for the Chicago-Kent Law Review. This prestigious law journal is one of the oldest and most cited law journals in the United States. The proposed symposium title is: "Ethics, Corporate Law and Corporate Governance". Congratulations Neels, we are proud of you. He was elected to be an NRF reviewer for Research.
- Congratulations to **Prof Louis Kotzé** who successfully applied for a one million Rand NRF research grant for the period 2019-2021. What an achievement and inspiration for all of us!
- A joint NRF mobility grant application by **Prof Willemien du Plessis**, colleagues at UCT and **Prof Anel du Plessis** was also successful. We will bring one of the world's most renowned environmental law scholars to South Africa in March 2019.
- In October 2018, **Prof Anél du Plessis** was interviewed by the Development and Peace Foundation (SEF) in Bonn, Germany, on the topic of the changing role of cities in global governance. Read the interview. The interview was subsequently published at: <https://www.sef-bonn.org/en/publications/sef-insight/sef-insight-82018.html>
- In February 2019 **Prof Howard Chitimira** contributed to a discussion at the 5th Annual International Asper Review on international business and trade law. See the link below on the VBS bank scandal discussion. <https://youtu.be/xEQX-DPvfaKM>
- **Ms Ninette Crous** attended the Commercial Private International Law in India and South Africa – A Shared Future in BRICS Conference on Wednesday 21 November 2018



at the University of Johannesburg. The programme included presenters from India, South Africa, Australia and England. Among the dignitaries in attendance were the Consul General of India, the Chief Director: Regional Organisations, DIRCO, and Prof Forsyth, the author of the Private International Law textbook (prescribed for the students taking the elective Private International Law). The focus on the conference was the similarities between the commercial private international law of South Africa and India. Presentations ranged from commercial dispute resolution to contractual capacity and enforcement of foreign judgments. The conference was a valuable experience to meet academics from around the world with interests in this field of law, to gain insight into the similarities between these countries and methods to address the difficulties experienced.



- **Ms Biandri Joubert**, PhD student of the Faculty of Law, North-West University has been granted a travel scholarship to participate in a conference titled "Revisiting Forms and Forces in Doctoral Education Worldwide". It is organised by the Volkswagen Foundation, the Bremen International Graduate School of Social Sciences, the Center for Innovation and Research in Graduate Education (Washington/US) and



the University of Bremen. The conference will be taking place at Herrenhausen Castle Hannover, in Germany on 5 and 6 September 2019. The purpose of the conference is to discuss, enhance, and disseminate future-oriented advancement of doctoral education and related policies. Eighteen travel scholarships were awarded to early career researchers to attend and participate.

- **Ms Angela van der Berg,**
PhD research fellow of the Faculty of Law, has been selected to participate in a European-based summer school for postgraduate researchers. The summer school is fully funded by the organisers and will take place from 6 - 12 May at Hasselt University in Belgium. The summer school pertains to "Methods and strategies to monitor and manage human impact on urbanized protected areas (UPA)." It is an interdisciplinary, international summer school of 6 days in which PhD students from different participating disciplines (sciences, transportation sciences, applied economic sciences, law, architecture, tourism) are trained on methods and strategies to monitor and manage human impact on urbanized protected areas (UPA). You can read more about the summer school here: https://www.uhasselt.be/UPA_summerschool.
- **Dr Brews Soyapi,**
Post-doctoral fellow at the NWU, has been invited as an expert to represent South Africa at the United Nations (UN) Special Rapporteur on Human Rights and the Environment's (Prof. David Boyd's) regional consultation to be held in Geneva at the UN from 20–21 June. This is an immense achievement and testimony to his expertise in human rights and the environment. It is a closed expert meeting by invitation only that will bring together experts and practitioners from diverse environmental and human rights backgrounds to discuss experiences and best practices of



States at the national and regional levels with regard to human rights obligations relating to the environment with a particular focus on the right to a healthy and sustainable environment. Congratulations Dr Soyapi!

- **Prof Elmien du Plessis** participated in the Ministerial Advisory Panel on Land Reform and has a continued media profile. See photo below.



RECENT FACULTY WORKSHOPS, GUEST LECTURES, WRITING RETREATS AND CAPACITY BUILDING WORKSHOPS

FACULTY PUBLIC LECTURERS

1. 6 February 2019 Victor Mndebele (Senior Associate ENS Africa – one of the big five firms of attorneys) The implications in the workplace of the recent judgment on the use of Cannabis (Faculty of Law, PC)



2. 26 February 2019 Ms Karabo Ozah (Director: Centre of Child Law at PU) non-Convention of the Rights of the Child (Auditorium, PC)



3. 6 March 2019 Opening Function of the NRF SARChI Chair On Cities, on a title "Change and innovation – in Africa and beyond" Dr Geci Karuri-Sebina (Associate, SA Cities Network & Visiting Fellow: WITS School of Governance)
4. 25 March 2019 (Co-hosted by the Environmental Law Association of South Africa) "Can beauty save nature? New thinking on aesthetics and

environmental law in South Africa" (Prof Benjamin Richardson, University of Tasmania, Australia)

5. 11 April 2019 Ms Kate Tissington (Wits) on urban informality focused on informal settlements and the plight of street vendors in South Africa. Perspectives on informality (CLES Chair "Critical Conversations").
6. 13 April 2019 Dr Sam Ferreira (SANPARKS) Fighting environmental crime by doing NOT more of the same: From anti-poaching to policy making
7. 13 June 2019 Prof Helmut Aust (Freie Universitat, Berlin) Changing Role of Municipalities (Cities) in Global Governance.



Dr Sam Ferreira Lecture

Diarise - Diarise - Diarise

1. **DVC public lecture will take place on the 10th September 2019** from 11:00 - 13:00. Prof Klaus Beiter will be the keynote speaker.
2. **Trade, Finance and Innovation Colloquium - 19 September 2019** from 10:00 till 18:00. The conference will take the form of a colloquium, and as such the focus will be less on the presentation of formal papers, and rather on the use of short presentations by some speakers to facilitate discussion among participants. This year it will take the format of a one-day event.

WRITING RETREATS

Three writing retreats were held to help academics focus on their personal research

- 16 – 18 January 2019 Elgar River Lodge (EC)
- 1 - 4 July 2019 Elgar River Lodge (VS) (See photo's below).
- 5 - 7 July 2019 Writing Retreat at Stonehenge in Africa (JiP)



CAPACITY BUILDING WORKSHOPS

CAREER PLANNING

The following career planning workshops were held as requested by the mentees participating in the faculty mentoring programme

1. 22 January Research in Career Planning (Prof M Carnelley)
2. 27 March Building a Research Portfolio as an Emerging Academic (Prof Benjamin Richardson)
3. 4 April PC Planning your Academic Career (Prof W Van Genugten)
4. 11 April 2019 MC Planning your Academic Career (Prof W Van Genugten)
5. 8 April 2019 PC Planning your Academic Career (Prof W Van Genugten)

Note: Prof Van Genugten also held 19 individual sessions with academics (on all three campuses) to discuss their personal academic careers.

Proff Klaus Beiter en Willem van Genugten



INTERNATIONAL PROFILE ENHANCEMENT

With the assistance of the Library, three workshops were held to assist academics with their ORCID and to provide tips on how to get the most out of Scopus, ResearchGate and Google Scholar.

1. 25 June 2019 - Vaal Campus - Building 13 Room 116 (Training Room)
2. 2 July 2019 - Mafikeng Campus - Library Information Skills Center
3. 4 July 2019 - Potchefstroom Campus - Library Conference Venue (3rd floor)



WRITING FOR PUBLICATION

1. Academic Writing Series (4 March; 28 March & 15 April)(MC)
2. "Writing challenges faced by non-native English students" -26-27 March 2019 (CLES)

SARChI CLES Chair: Update



The South African Research Chair in Cities, Law and Environmental Sustainability (CLES) had an exciting and packed first semester of 2019. The Chair's building on the Potchefstroom Campus has been renovated, and among its lovely features is a cosy library devoted to public law and governance materials.

The Chair has organised a host of activities, ranging from an international conference, multiple student training events, a critical conversation event, and student research feedback seminars, to three one-day workshops with government officials, NGOs and others. The latter events were co-funded by the South African Local Government Association (SALGA) and the SA Cities Network (SACN). CLES has signed a Memoranda of Agreement with UN Habitat, the SACN, SALGA and the Konrad-Adenauer Foundation, and these relationships promise to yield exciting results in the coming years.

The Chairholder, Prof Anél du Plessis, and her team of student researchers are actively working on their individual research projects, which deal with a range of highly exciting and relevant topics. Topics range from issues such as informality, bylaw enforcement and city planning to innovative solutions in law and technology for urban water resource management, new responses to corruption and matters of urban climate change response action.

The team of researchers are sharing their research at different fora. During the first half of 2019 they have participated in events in Johannesburg, Tembisa, Soweto, Cape Town, Sweden, the Netherlands, Morocco and Ghana. CLES has also welcomed a number of visiting scholars from abroad. For more information, download the latest CLES Newsletter at this link: [Click Here](#).



CLES -Team



FOR STAFF INFO: eFundi

All research within the NWU Faculty of Law is conducted within the Research Unit (RU): **Research Unit for Law, Justice and Sustainability**

The research unit utilises law to find innovative juridical solutions to advance justice and sustainability in South Africa and the region as a member of the international community of states and as an influential country on the African continent. Research focuses on human vulnerability, environmental change, justice in practice and finance, trade and innovation.

The project leaders are as follows:

- Finance, trade & innovation: Prof Wian Erlank & Mr Jean Kanamugire
- Environmental change: Prof Willemien du Plessis & Dr Germaire Viljoen
- Justice in practice: Prof Tumi Mmusinyane & Dr Braam Klaasen
- Vulnerable societies: Dr Anri Botes & Prof O Fuo
- SARChI "Cities, Law and Environmental Sustainability": Prof Anél du Plessis

This site is aimed at providing a deposit of all research related information, including:

- Policies and reports: national (DHET and ASSAF), institutional (NWU) and RU
 - Funding opportunities (NRF, RU and others)
 - NRF rating details
 - Postdoctoral fellowship information
 - Conference calls (not comprehensive)
 - Publications (current year)
- This is for the Faculty of Law only. Any suggestions will be appreciated.

Articles

- Re-Categorising Public Procurement in South Africa: Construction Works as a Special Case
Allison Megan Anthony
- Proselytising the Regulation of Religious Bodies in South Africa: Suppressing Religious Freedom?
Radley Henrico
- Alternatives to Bankruptcy in South Africa that Provides for a Discharge of Debts: Lessons from Kenya
Zingaphi Mabe
- Municipal Law Making under SPLUMA: A Survey of Fifteen "First Generation" Municipal Planning By-Laws
Jaap de Visser, Xavia Siyabonga Poswa
- Promoting Public Participation in the Energy Transition: The Case of France's National Debate
Romain Mauger
- A Legal Perspective on Social Media Use and Employment: Lessons for South African Educators
Susanna Abigail Coetzee
- Judicial Mandate in Safeguarding Environmental Rights from the Adverse Effects of Mining Activities in Zambia
Chipasha Mulenga
- Analysing and Comparing Warrantless Tax Inspections and Searches
Fareed Moosa
- The Right to Strike under the Labour Relations Act 66 of 1995 (LRA) and Possible Factors for Consideration that Would Promote the Objectives of the LRA
Darren Cavell Subramanien, Judell L Joseph
- The Value of the Persistent Objector Doctrine in International Human Rights Law
Annika Rudman
- "Innovative Orders" Under the South African Consumer Protection Act 68 of 2008
Tjakie Naude, Elizabeth de Stadler
- Challenges Surrounding the Adjudication of Women's Rights in Relation to Customary Law and Practices in Tanzania
Norah Hashim Msuya
- The Search and Seizure of Digital Evidence by Forensic Investigators in South Africa
Jacobus Gerhardus Nortje, Daniel Christoffel Myburgh
- Gender Inequality and Land Rights: The Situation of Indigenous Women in Cameroon
Esther Effundem Njieassam
- The Million Rand Question: Does a Civil Marriage Automatically Dissolve the Parties' Customary Marriage?
Fatima Osman
- Beyond the Contours of Normally Acceptable Political Violence: Is Cameroon a Conflict/Transitional Society in the Offing?
Avitus A Agbor, Esther E Njieassam

- The Ratification of Inadequate Surrogate Motherhood Agreements and the Best Interest of the Child
Mathabo Baase
- The Constitutional Protection Afforded to Child Victims and Child Witnesses while Testifying in Criminal Proceedings in South Africa
Mildred Bekink
- The Constitutionality of the Prohibition of Hate Speech in terms of Section 10(1) of the Equality Act: A Reply to Botha and Govindjee
Marelize Marais, Jan L (Loot) Pretorius, Professor
- The Constitutional Rules of Succession to the Institution of Monarch in Lesotho
Hoolo 'Nyane
- An Analysis of the Public Protector's Investigatory and Decision-Making Procedural Powers
Constantine Theophilopoulos, Charles De Matos Ala
- Damages Arising from Contraventions of Competition Act 89 of 1998
Malcolm Ratz
- The Application of International Human Rights Instruments in Outer Space Settlements: Today's Science Fiction, Tomorrow's Reality
Anel Magdalena Petronella Ferreira-Snyman, Gerrit M Ferreira

Notes

- The South African Class Action Mechanism: Comparing the Opt-In Regime to the Opt-Out Regime
Theo Broodryk

Case Notes

- The Appointment of a Proxy "At Any Time" in Terms of Section 58 of the Companies Act 71 of 2008: Richard Du Plessis Barry v Clearwater Estates NPC [2017] ZASCA 11
Vela Madlela

- Sexual Harassment: Why do Victims so often Resign? E v Ikwezi Municipality 2016 37 ILJ 1799 (ECG)
Karin Calitz
- Are Close of Pleadings now Irrelevant? An Evaluation of the Impact the Nkala Judgment has on Litis Contestatio
Muhammed Siraaj Khan
- Standing on Unsteady Ground: AREVA NP Incorporated in France v Eskom SOC LTD
Henri-Willem van Eetveldt
- Introducing a Serpent into the Garden of Collective Bargaining: A Case Analysis of Numsa Obo Members v Elements Six Productions (Pty) Ltd [2017] ZALCJHB 35 (7 February 2017)
Night Tafadzwa Rwodzi, Nombulelo Lubisi
- The Right to be Granted Access over the Property of Others in Order to Enter Prospecting or Mining Areas: Revisiting Joubert v Maranda Mining Company (PTY) LTD [2009] 4 ALL SA 127 (SCA)
Elmarie van der Schyff

Book Reviews

- Government Intervention and Suburban Sprawl
Urmila Soni (Govindjee)
- Comparative Constitutional Theory
Francois Venter
- Public Participation in African Constitutionalism
Werner Menski

[View All Issues](#)

Upcoming Conferences



1

SLTSA JANUARY 2020

Deadline for abstracts 30 June 2019

Theme: Law, Nature and Sustainable Development

[Read more](#)

2

AUGUST 2019 PUBLIC INTEREST LAW Conference in Melbourne, Australia

Call for Papers: Public Interest Litigation in Australia - A Comparative Perspective

[Read more](#)

3

11TH ANNUAL PRIVATE LAW AND SOCIAL JUSTICE CONFERENCE

19-20 August 2019 (PE)

[Read more](#)

4

INTERNATIONAL SOCIETY OF FAMILY LAW (ISFL)

17TH WORLD CONFERENCE HILTON BARBADOS

14-18 JULY 2020 BARBADOS

[Read more](#)

6

LAW OF DELICT COLLOQUIUM

21 August 2019 NMU (PE)

Transformation in delict: righting the wrongs or wronging the righteous?

[Read more](#)

7

9TH INTERNATIONAL ORGANIZATION ON JUDICIAL TRAINING (IOJT) CONFERENCE (CT)

22 - 26 September 2019

[Read more](#)

8

SIXTH ANNUAL INTERNATIONAL MERCANTILE LAW CONFERENCE

6 - 8 November 2019

BLOEMFONTEIN

[Read more](#)



Interesting Reading



1

NRF 2020 GENERAL APPLICATION GUIDELINES (MARCH 2020)

[Click here](#)

2

REPORT ON THE EVALUATION OF THE 2017 UNIVERSITIES' RESEARCH OUTPUT
MARCH 2019

[Click here](#)

3

TWELVE YEARS LATER: SECOND ASSAF REPORT ON RESEARCH PUBLISHING IN AND
FROM SOUTH AFRICA (2018)

[Click here](#)

4

AFRICAN SCIENTIFIC, RESEARCH AND INNOVATION COUNCIL (ASRIC)

[Click here](#)

5

PREDATORY JOURNALS

[Click here](#)

6

A STUDY OF SCIENTIFIC JOURNAL AND BOOK PUBLISHING IN SA: 2005 – 2014

[Click here](#)



RESEARCH UNIT NEWS & RECENT PUBLICATIONS
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FOR STAFF INFO: E-FUNDI SITE