

FACULTY OF LAW - RESEARCH PORTFOLIO - 2020 ONGOING REPORT – 2/2020

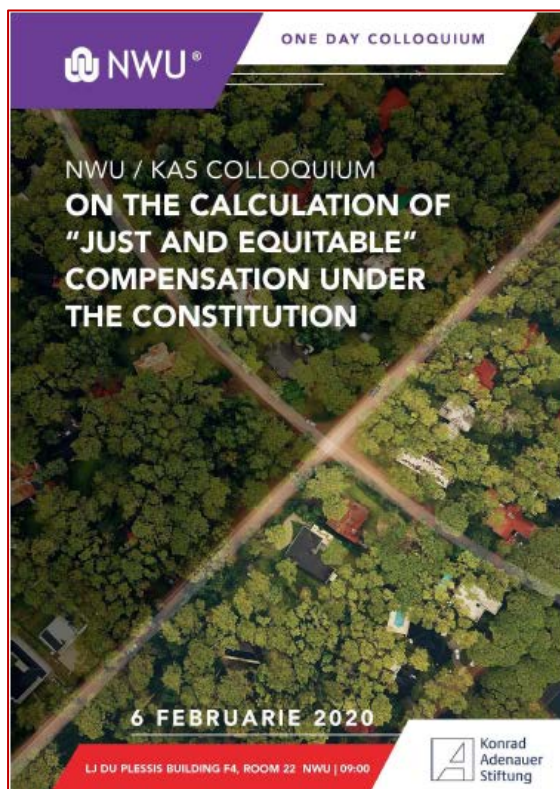
1 NWU / KAS COLLOQUIUM ON THE CALCULATION OF LAND COMPENSATION

On 6 February 2020 the NWU and Konrad-Adenauer Stiftung (KAS) held a colloquium on the calculation of compensation for land expropriation in Potchefstroom where 46 attendees grappled with the problem.

The focus of the workshop was to find useful, practical methods to give content to “just and equitable” compensation, as far as possible, in specific instances. The Final Report of the Presidential Advisory Panel on Land Reform and Agriculture proposes that land acquisition for purposes of land reform, whether through agreement of compensation, should be based on a new compensation policy and not based on market value, but rather in line with the Constitutional requirement of “just and equitable” compensation. This policy should be promulgated as regulations to the Expropriation Act, and should outline the spectrum, ranging from zero compensation to minimal compensation, to substantial compensation, to market-related compensation. The idea is that a “typology of situations” be outlined, to indicate how compensation should be approached in each.

The colloquium brought together valuers, economist and legal researchers working on the area of property valuation, compensation and expropriation aimed at evidence-based research to inform the content of such a policy.

Herewith the programme:



Calculation of "just and equitable" compensation under the Constitution

PRELIMINARY WORKSHOP PROGRAMME

6 February 2020 Potchefstroom

08:30 – 09:00	Registration and refreshments	
	Chair: Prof Eimlen du Plessis, NWU	
09:00 – 09:15	Welcome	Ms. Marize van den Berg (Konrad-Adenauer-Stiftung) Prof. Stephen de La Harpe (Faculty of Law, NWU, Executive Dean)
SESSION 1: What are the challenges?		
	Chair: Prof Eimlen du Plessis, NWU	
09:15 – 09:45	Perspectives from the Land Claims Commission	CLOC: Hon Nonfundo Ntoko-Gobodo
09:45 – 10:15	The political realities surrounding compensation	Dr Piet Craucamp
10:15 – 10:45	Concerns from an agricultural economic perspective	Prof Johann Kirsten
10:45 – 11:15	Discussion	
11:15 – 11:30	Tea	
SESSION 2: Legal Issues		
	Chair: Mr Nqobu Raboobala, NWU	
11:30 – 12:00	The Property Valuation Act: Value and Compensation	Mr Theo Boshoff, AgriBizz
12:00 – 12:30	Judicial expropriation and compensation	Prof Eimlen du Plessis
12:30 – 13:00	Discussion	
13:00 – 14:00	Lunch	
SESSION 3: Valuation		
	Chair: Prof Willemien du Plessis	
14:00 – 14:30	Challenges from the valuers profession	Mr Baul du Toit
14:30 – 15:00	Case studies and possible ways to determine compensation	Mr Henk Prinsloo
15:00 – 15:30	Discussions and reflections	
15:30	Closure	

The NWU Faculty of Law and the Konrad Adenauer Foundation are bound by section 16 of the Constitution of the Republic of South Africa, 1996 to allow freedom of expression. However, opinions, views and conclusions expressed at the Colloquium are those of the presenters and/or participants and not necessarily those of the organising institution.

2 PROF LOUIS KOTZE ON ACADEMIC CAREER PLANNING AND PG SUPERVISION

Professor Louis Kotze, a Research Professor, presented four capacity building opportunities for staff and one for the CLES participants (4 March). These took the form of two presentations, one on post-graduate student supervision and the other on strategic career planning, followed by selective one-on-one sessions with individual academics.¹ Although all three the sessions were based on the same slides, the discussions were targeted to the level of experience in the audience and thus different in substance and focus.



Research Career Planning

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Key elements of research career

- Own qualifications
- Publications in peer-reviewed journals
- Ability to get funding
- Visibility (social media, networking, conferences)
- What your students and post-docs think about you
- Building up a network (for you, your students, for others)
- Post-graduate supervision and teaching (research) excellence award your status
- Policy consultation, networks

What is your goal?

- Position and performance management?
- Salary increase and FOD rank?
- Less teaching?
- Career at another SA institution or abroad?
- Get or improve NRF rating?
- Become a funded researcher?

Where am I now, where do I want to go?

- Early career (usually just finished LL.M/LLD)
- Mid-career (post-doc)
- Early advanced stage (Y or P NRF rating)
- Mid-advanced stage (C or C/D NRF rating)
- Late advanced stage (A1/2 or B1 NRF rating)

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Early career

- Just finished LL.M/LLD with LL.D
- Become visible create social media profile and attend conferences
- Publish your LL.M dissertation (preferably without supervisors)
- Apply for doctoral studies (need not be in SA or get international co-supervisor)
- Funding (not only about the money-also about prestige and proof that you can get funding)
 - NRF scholarship or fund supervisor with a proposition
 - Foreign university funded degree
 - Harvard USA
 - OSU-Oregon
 - QAD-Austria
 - International research
- Start supervising LL.B and LL.M dissertations
- Become an assistant actor (PhD)
- Do book reviews (leading books in your field)

Mid-career

- Do a post doc (need not be a formal one but should ideally be)
 - Postdoc or postgraduate research articles
 - Better to do both-need to show you can do conventional piece of work
- Funding: all of above and **but**
- Start with doctoral student supervision in addition to LL.M
- Get funding, organize thematic workshop and publish research (eg. NACD)
- Edit a special edition of a journal
- Do an edited book (get leading co-author if you want)

Early advanced stage

- Apply for NRF rating Y1/2 (potential C/B) or P (potential A) (approx 10 journal articles)
 - <http://www.scoreshsupport.uct.ac.za/rating-collections>
- Do another edited volume
- Organize international workshop and publish papers
- Start with post-doc supervision in addition to LL.D/LL.M
- Try and co-publish with global leading authority in your field
- Set up a global research network that you lead or become part of one

Mid-advanced stage

- Position and apply for senior NRF rating (C/B) (approx. 20 publications)
- Apply for global research funding eg. EU/ Horizon 2020
- Do another monograph

Late advanced stage

- Position for B/A NRF rating
- Pioneer a new paradigm (André v.d Walt-constitutional property law)

Words of caution (and encouragement)

- You WILL get MANY negative peer reviews and rejections
 - One way to get around this is to send your work to critical experts asking for their views-think them to backbone
- 90% of all your funding applications WILL probably be rejected
- You probably will not get the promotion you wanted just yet
- Your NRF rating will probably be lower than you wished
- It may take many years before you are invited as a keynote
- Colleagues will often evaluate your students' work less favorably than you hoped
- Academics do not only teach: Research is A LOT of hard work, perhaps more than teaching

Miscellaneous ...

- How do I choose a journal?
- How do I choose a book publisher?
- Why NRF rating?
- Do yourself to your students
- Do others all agree to be?
- Do be detailed information

¹ Attendance: VTC (11 February 2020) – 8; PC (13 February 2020) – 10; and MC (19 February 2020) - 13.

Post-graduate Student Mentoring
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Acknowledgement
• Based on W du Plessis and AA du Plessis (2020)

Why mentoring?

- Key task of being an academic
- Transfer of knowledge, experience and expertise
- Enabling the next generation (quite often student takes on supervising role of their supervisor)
- Enrich your own research qualitatively and quantitatively
 - More publications
 - (But be mindful of pitfalls of publishing with students...)
- Broaden depth and enlarge expert group working on your topic
- Most funded projects are for research group also consisting of students not only individual researcher

Unique context in SA

- You are often much more than an academic supervisor
- Sub-economic circumstances of students
- Info: object to bridge students' thinking with theirs
- Students from practice
- Smaller students

Remember...

- "Many students are far more concerned about completing their research projects and obtaining a degree than about the scientific value of what they are working on" (D Atkinson 2015)

Expectations of you

- Supervision requires of supervisor to be combination of
 - Guide
 - Mentor
 - Information source
 - Coach
 - Inspiration

Expectations of the student

- LM and particularly LD require student to:
 - develop sophisticated conceptual framework
 - undertake independent research at advanced academic level
 - read and interpret published discourses in field (and often in other related fields such as natural and social sciences), and
 - produce a thesis that makes novel contribution to knowledge

Typical institutional challenges

- Subsidies/bursaries ties to completion rate (2 years 11 M and 3 year electronic)
- Part-time students not always considered as priority
- Pressure on faster completion rates
- Resources and funding limitations (prior also linked to academics)
- Number of suitable and willing supervisors
- Cooperation and managerialism
- Pressure on idea of quality
- Ethical clearance
- Moving to research with impact eg policy impact
- Poor academic administration

Challenges for the student

- Unavailability of resources (limited available periods)
- Unavailability of supervision
- Resource being from external support (often academic being, not own)
- Unavailability of publications of supervisors
- Unavailability of mentors
- Language and cultural differences
- Student not accustomed to computer
- Student might experience supervisor's design rights
- Unavailability of administrative support

Some suggestions

- All interventions must be done
 - with the student, not to the student
 - allowing student to raise his/her concerns and provide alternatives to specific challenge
- All students have different circumstances, needs and skills that must be addressed individually
- Supervisors should assist students with understanding value of, and interpreting, critique—not as failure, but as attempt to improve study and develop sophisticated research skills
- Supervisors also write and rewrite and receive criticism on their own work—part of a never-ending learning curve

Need to strike fair balance between allowing a good student to study with you and not be too off-set in hand picking only "best" students

Not all your students will successfully deliver-make peace with it

Do not force your own ideas on the student

A well-thought-through research proposal is a war/half won!

Try and foresee criticism of examiners while commenting on work

Prof Kotze sent the following to staff about the sessions:

Dear colleagues

I trust this finds you well. You will be aware that Marita, in her capacity as Director Research, has scheduled research discussion sessions at all three our campuses the past two weeks that I have had the immense pleasure of facilitating. A central purpose of these discussions is to engage people around critical issues that promote and inhibit our research generally, including ways to establish ourselves as successful researchers, and options to pursue a rewarding research career. These are not formal lectures, but rather discussion forums that provide a safe and familiar space outside of formal meetings and performance management processes to have a chat with each other. We focused specifically on research career planning and post-graduate student supervision the past two weeks.

Thank you so very much to all of you who took the time from your busy schedules to attend these sessions and to share your insights and concerns with us and with one another. We are deeply encouraged to see such positive energy among several colleagues who are eager and committed to building their own and the faculty's collective scientific profile. We have especially been encouraged by the deep commitment of colleagues to collectively engage, in a positive (but not uncritical) way with one another around several issues that inevitably arise in the course of our work, including best practices that some of us follow and that we pursue in the best interest of science, of our students, and of the faculty. Thank you also to all support staff at the three campuses for your gracious hosting, and for so expertly taking care of all logistical arrangements.

We will in due course announce three further sessions that we will facilitate throughout the course of the year in May, July and October. During these sessions we will host a writing retreat, discuss how to prepare for NRF rating, and how to tackle research funding applications. If you have any questions,

concerns or suggestions in the meantime, please feel entirely free to contact either Marita or me. I am always available to assist in whatever way I can.

May I also take the opportunity at this time to say how wonderful it is to be back with you following my two year research project in Europe. It is great to be home again and to experience the positive energy and many encouraging initiatives many of you are pursuing. Thank you once again for your positive response to this initiative, for your interest and support, and for your continued willingness to set aside time to work towards the collective good of the faculty in such an engaging way.

With all best wishes, Louis

3 STAFF 2019 OUTPUTS

The following academics published (potentially)² accredited output in 2019:

- Research Professors: Kotze & Agbor
- Professors: Carnelley, Chitimira, AA du Plessis, Willemien du Plessis, Du Toit, Van der Schyff & Stander
- Associate Professors: Beiter, Kloppers, Fuo
- Senior Lecturers: Kilian, Botes, Lefenya, G Viljoen, Koraan, Chiduzo
- Lecturers: Stoffels, Soyapi, CJ Visser, Khan, Geduld, MM Ndou
- Post 65 / Extraordinary: Villavicencio, Mauger, Venter, Van der Berg,
- Postdocs: Ashukem, Animashaun, Owosuyi, Omidire, Bhuiyan

More detail will be made available in due course. Congratulations to all! The subcommittee for the evaluation of books and chapters in books assessed the submitted documents prior to submission to the Research Office for final submission to DHET. The process is ongoing.

3 STAFF LLD & COHORT³

3.1 COHORT ON 6 FEBRUARY 2020



² The figures have not yet been audited and chapters / books still has to be assessed by the DHET.

³ PC/VTC cohort (6 February 2020) – 9 attendees.

The MC cohort dates are set for 11 March, 17 April, 27 May, 7 August, 16 October and 11 September. Nine academics were invited. Four accepted (Mmakgotso Monake, Bongani Thela, Kabelo Muthubi & Lutendo Nendauni).

The first session of one of the two LLD staff cohorts commenced on 6 February 2020. It took the form of individual presentations to the group on the topic, current progress and planned progress until the end of the year or until the graduation. The progress of the doctoral candidates in the group varies from some almost ready to submit, a few that is aiming to submit at the end of the year, and then a few who has just began the journey. Some individual and group problems were highlighted, relating to (1) the PG administrative lack of communication about registration, applicable dates, feedback on “mile stones” such as oral dates / results, to name a few. In some instances, the communication it is rude; (2) the lack of faculty support for assistance with academic duties (UCDP grant possibilities unclear); (3) unclear difference between research leave and study leave; and (4) lack of clarity of long term staff discount (see discussion hereunder); and (5) the attitude and pressure from management seemingly without appreciation of other academic inputs in the faculty. It was suggested that the tone should be changed from negative (that deflate confidence and enthusiasm) to highlighting the positive personal adventure that is a doctoral process. Allison Geduld, who has recently submitted her tome for examination, gave some useful insights into her personal journey and the necessity for understanding of the psychological processes at play during the process of writing. The general feedback to the day was positive and supportive with a commitment to the future cohort sessions.

3.2 IDENTIFIED STAFF LLD CREDENTIALING ISSUES⁴

3.2.1 PG process communication

The lack of communication and consistency of PG information was raised at the HDC meeting (18 February) and the matter was noted with the decision that Student Finance and Institutional Intelligence should be invited to the next HDC to deal with some of the issues.

Communication is generally done online. Staff members that have registered, have access to the LLM & LLD eFundi site with some information (although more will be added in 2020). Non-registration means that there is no access to this site (or the annual information) – except for the general information on the NWU website.

There was some unhappiness about the tone of the exclusion letter. This will be discussed with the PG Office. This matter will be followed up. The data of the cohort members will be sourced directly with the Faculty PG office for feedback.

3.2.2 Lack of faculty support

Although some assistance and progress have been acknowledged, some unhappiness was still expressed vis-à-vis the workload division, consistency of duties and sabbatical criteria. Some financial assistance possibilities remain unclear such as the UCDP grant.

3.2.3 Attitude and pressure from management

The matter will be discussed at the FMC in March 2020.

3.2.4 Leave clarity: research leave or study leave?

The difference between research leave and study leave remains unclear. This matter will be discussed at the FMC in March 2020.

⁴ Contact persons: Hanlie Myburgh (Student Fees & Bursaries); Maryke Venter (P&C Staff discount); Elsabe Bosman (NWU bursaries).

3.2.5 Staff LLD discount, bursaries, PM KPA and possible exclusion

Context: Nationally, the 2011 NDP 2030⁵ aims at academic doctoral staff nationally to increase from 34% to 70% in 20 years. Where are the NWU Faculty of Law? In 2020, 34 out of the 69 permanent academics (49%) have a doctorate. The Faculty thus have some way to go to meet these targets.

Full professors	9 out of 9	100%
Associate professors	10 out of 10	100%
Senior lecturers	12 out of 22	54.5%
Lecturers	2 out of 25	8% (soon 16%!)
Junior lecturers	0 out of 2	0%

From an institutional management perspective, academics are strongly encouraged to register for, and complete their doctorates. The degree is important for the country, the university as well as the career progression of the individual lecturer.

The NWU promotes completion of a doctorate through staff discount, PG bursaries and possible sabbatical leave. The Faculty has additional bursaries available for PG students. In addition, progression with a doctorate is included as one of the possible KPAs in the PM system.

These incentives are however not enough for completion of the degree within the prescribe limits, as staff candidates enrolled for their doctorate are still full-time academics that is required to teach UG students, supervise PG candidates, publish research and participate in general academic activities.

Research has shown that on average the time it takes to complete a doctorate in South Africa across all disciplines is almost 4.8 years.⁶ The average actual duration of a doctoral study in the Faculty of Law at NWU is between five to six years, more than the university average of 4.4 years.⁷ This has financial implications for staff members as, on average, a number of years of studies will have to be personally funded .

There is inconsistency about registration part-time or full-time. Staff doctoral studies are conducted in essence on a part-time basis. Some staff members are however registered FT - even though they all are in full-time NWU employment. Does it make a difference if the registration is FT / PT?

- The maximum duration of study for FT is four years, but for PT it is five years,⁸ subject to possible extension.⁹
- Staff discount for staff doctoral candidate are four years, irrespective if the candidate is registered FT or PT.¹⁰

⁵ 278. The document is available on the Research Unit *efundi* page at <http://efundi.nwu.ac.za/access/lessonbuilder/item/2348008/group/98d5efc6-d5eb-4783-8076-1ae55dd68d28/Policies%20%20Procedures/NDP2030.pdf>

⁶ Mouton "The Doctorate in South Africa. Trends, Challenges and Constraints" in Fourie-Malherbe M, Aitchison C, Blitzer E, Albertyn R (eds) *Postgraduate Supervision-Future Foci for the knowledge society* (2016) 59.

⁷ NWU Draft SER (February 2020) 7.3.

⁸ A-Rule 1.14.

⁹ In terms of the A-Rules (5.13.1) "An application for extension of the study period by a doctoral degree candidate must be supported by a recommendation by the academic director concerned. 5.13.2 In an application for extension of the period of study for a doctoral degree must indicate – that the research topic is still relevant; what progress has been made by the applicant; what remains to be done to complete the study; what the time schedule for completion is, and whether the promoter is still available. 5.13.3 The grant of an extension for the study contemplated in this rule is subject to the payment of a levy determined by the registrar."

¹⁰ 2.2.3.1 (missing 2.2.3.2) *Fees Payable & Financial Rules* 7 and confirmed by Maryke Venter.

- The type of registration however impacts on the NWU and Law bursaries as PT candidates are only awarded half the bursary amount given to FT students.¹¹

One particular ‘muddy’ area is the obligation to register annually and what the consequences are if there is non-registration for a year without prior approval for a year suspension; or for a longer period. According to the A-rules, every student must register annually either in person or online,¹² but if “a [doctoral] candidate who does not register in a particular year, but who wishes to continue the study in the subsequent year, must **apply for readmission** to the executive dean concerned.”¹³ However, in terms of the application of the financial rules, according to *Student Fees & Bursaries*, candidates must be registered for each consecutive year and as such no 'gap' year exist – except for the prior suspension of studies is available for one year.¹⁴ **Payment is required for each year of study, irrespective of how long candidates take to complete their studies or whether the studies is interrupted.**¹⁵ The implication is that should a student take a year off but not apply to suspend the studies for that year, the student account will be levied with the fees for the year(s) not registered.

The four years fee remission need however NOT be continuous for the staff member to access the discount.¹⁶

For annual doctoral registration, the 2020 fees R 20 045: Registration (R1930) plus LLD module (R 18 115). Date of submission may play a role in the amount due: If the student handed in during November and was referred back for corrections, only the registration fee will be payable in the following year.¹⁷ If the student handed in after November and there are circumstances leading to the late submission, the student may request waiver of fees. In both these cases the relevant request form

¹¹ Currently a FT student is awarded just under R30 000 and a PT student just under R15 000.

¹² Rule 1.10.1, although provision is made for cancellation and discontinuation of registration (1.10.4) and late registration subject to a penalty (5.7.1).

¹³ 5.7.2. The executive dean concerned may set reasonable conditions for readmission in a subsequent year (5.7.3). Failure to re-register may result in the topic of the planned research being assigned to another candidate (5.7.4). A postgraduate student whose studies have been terminated may not apply more than twice for admission to the university (1.18.7).

¹⁴ When postgraduate studies are suspended for whatever reason, the student will remain liable for all study costs (registration, tuition and any other fees) for the period of the suspension UNLESS the student, prior to the suspension, obtained approval from the faculty, which is been approved by a faculty decision and that decision had been noted on the student's student record (Fees Payable & Financial Rules 2020 3.4). According to the A-Rules 1.19: Readmission after interruption of studies

1.19.1 Where a student's study is interrupted for a year or longer, such a student must apply for re-admission by completing the relevant form and obtaining the written permission of the executive dean concerned to be readmitted.

1.19.2 The executive dean concerned has the discretionary authority to set reasonable conditions for such re-admission and must report such conditions to the registrar.

1.19.3 Irrespective of the number of modules passed or failed during years of study before readmission, previous years of study for a specific programme contribute to the maximum duration of study for that programme.

¹⁵ 2.2.3.1 (missing 2.2.3.2) Fees Payable & Financial Rules 7: “... doctoral students need to register every year for the duration of their postgraduate studies. Students who interrupt their postgraduate studies will also be charged for the years in which they were not registered when they want to re-register to continue with their studies.”

¹⁶ See notes under Staff member E hereunder.

¹⁷ A-Rules 5.7.6 Exemption from registration: Where a doctoral degree candidate is required to make minor changes to an examined thesis or mini-thesis, such candidate does not have to register for a new academic year, provided that the required changes are made satisfactorily by the end of January of the year concerned or, if the registrar so directs, before the closure of the graduation list, and then the degree may be awarded at the autumn graduation ceremony of that year.

must be completed and signed off by all relevant parties. (Student Fees & Bursaries (Hanlie Myburgh) will evaluate the waiving of fees.) If a student hands in before end March and are on the graduation list for the winter ceremony, only half of the qualification levy will be payable for the registered year. In these cases the student still need to pay the first minimum fee¹⁸ to register and pay the account in instalments. The correction will be done on accounts once the graduation list is available and students will be notified.

The extent of the extension of annual registration and subsequent exclusion remain unclear in practice for staff members in particular.

Although staff discount need not be repaid if the studies are terminated or abandoned, university funded bursaries must be paid back! It is unclear if this the same with Faculty bursaries?

But the issue goes wider than just funding: On the one hand, registration and progress is often a KPA in the NWU performance management process; but on the other hand these colleagues work full time and it must be foreseen that the registration will add a financial burden to staff member that may eventually also be excluded in terms of the rules.

SUBMITTED (2019 / 2020#)

- GEDULD (FT): 2015, 2016, 2017, 2018, 2019* (PASSED - GRADUATING)
- GRESSE (PT): 2014, 2015, 2016, 2017, 2018*, 2019* (PASSED - GRADUATING)
- KANAMUGIRE (FT)#: 2015, 2016, 2017, 2018, 2019* (under examination)

If these candidates' marks are captured in time (28 February 2020), no fees will be payable. If the thesis is referred back for minor changes, only registration fee will be payable although the process must be followed on the request form.

INTENTION TO SUBMIT IN 2020:

- A (PT): 2016, 2017, 2018, 2019 (aim: submission March 2020). No staff discount for 2020*.¹⁹
- B (PT): 2016, 2017, 2018, 2019 (aim: November 2020) - no staff discount for 2020*.²⁰
- C (PT): 2014, 2015, 2016, 2017, 2018*, 2019* (aim: November 2020). Extension was granted in 2018. No staff discount for 2020*.²¹

OTHER:

- D (PT): Registered 2014 – 2018, but not registered in 2016. No staff discount for 2020 and will be liable for at least 2018, 2019 and 2020 fees if registered in 2020. Must repay bursary money if studies are discontinued.
- E (PT): Only registered in 2013 & 2015. Must re-apply and start over. Only 2 years' staff discount left. Must repay bursary money if studies are discontinued.

¹⁸ 2020: R 1930 (registration fee) plus first minimum module fee of R 7 870.00 = R 9 800.00.

¹⁹ If she hands in before the end of March and are on the graduation list for the winter ceremony, only half of the qualification levy will be payable for the registered year. The student still need to pay the first minimum fee to register (R9800) and pay the account in instalments. The correction will be done on accounts once the graduation list is available.

²⁰ Full year fees apply (R20 045). The minimum (R9800) must be paid on registration before end of March and the balance before end July (R10245).

²¹ Full year fees apply (R20 045). The minimum (R 9800) must be paid on registration before end of March and the balance before end July (R10245).

- F (FT): Registered 2014 - 2016. Request for re-activation in 2018 on condition of submission March 2019. Problem case: R151 000 bursaries received from 2014 – 2016. Recommendation: No further bursary assistants. Must repay bursary money if studies are discontinued.
- G (FT): PhD (2003-2005); LLD (2015-2016) and LLD (2018-2019).

It is suggested that these issues be dealt with on an individual basis with the PG office and the Dean, but that future registrations of staff members be handled with more care.

4 RESEARCH IN ACTION

- Prof Elmien du Plessis

- Elmien participated (29 January 2020) in “Nuwe stellings: Onteiening sonder vergoeding Deel 1 & 2” on *kykNET Verslag in Gesprek* See the two YouTube videos at https://www.youtube.com/watch?v=YE2I_EjkJbs and <https://www.youtube.com/watch?v=1qV6Z2xzNVo>
- On 2 February 2020, in *Fokus*, she explained the legal aspects and processes relating to land expropriation without compensation. The link (in Afrikaans) is available on YouTube: <https://www.youtube.com/watch?v=96zhuZKUygQ>.
- She (and others) drafted a *Submission to Parliament on the review of section 25 of the Constitution of the Republic of South Africa, 1996* (February 2020)
- Elmien also participated in a Focus Panel on the Economy at the *Africa Agri Tech Expo en Konferensie* 18-20 February 2020 in Pretoria. The panel was facilitated by Bruce Whitfield and other panel members included Roelof Botha, Prince Mashele, Wandile Sihlobo and Chris Venter.

5 EDITORIAL BOARDS AND EDITOR ROLES

Following the discussion at the February 2020 FBM, a list of academics with editorial experience was found to be helpful. Why? To highlight our staff successes and to give an idea of the academics with experience in the area in general and specifically with a journal. If you are thinking of targeting that journal, a brief conversation with the relevant academic may be helpful. The compulsory double-blind peer review will still have to be followed by the journal so it should not be regarded as an easy option or a “freeby” to publish.

In addition, Prof Rautenbach, the editor of *PER* extended this invitation to all academics in the Faculty of Law:

Dear colleagues

During the faculty meeting the suggestion was made that the editorial team of PER should be expanded to allow wider participation in the editorial board. This is a great idea, since we are really struggling under the load. PER receives more than 1000 contributions per year which needs to be evaluated, taken through the review process and finally, if accepted, through the review process.

Being part of the editorial team is hard work but also very satisfying. As a member of the editorial team you would receive training on a regular basis to master the online system. You will receive contributions that you must read, identify reviewers and correspond with them, update the author on a regular basis, communicate the outcome to him or her, and evaluate the revised versions to determine if they are suitable for publication. Finally, you need to correspond with the copy editor and the language editor, and evaluate the final version, before it is uploaded and send to the layout editor for the final touch. Then you need to do a quality check before it is finally published. This is in a nutshell and if you decide to sign on, we will discuss the details.

If you are not based in Potch (where the editor is based), we will need to do skype meetings during the editorial process.

Please could you inform me if you want to become a member of the editorial team as soon as possible?

Best wishes, Christa

The following academics indicated their participation with journals (although hopefully more names would be added to the *PER* list!):

PER

Editor: PROF CHRISTA RAUTENBACH

Associate editors:

- Prof Klaus D Beiter
- Prof Howard Chitimira
- Prof Wian Erlank
- Dr Oliver Fuo
- Dr Anel Gildenhuis
- Prof Tumi Mmusinyane
- Dr Germarie Viljoen

OTHER JOURNALS

PROF MARITA CARNELLEY

- Editorial Board *Obiter* (2002 -) and *Gaming Law Review and Economics* (2009 -)
- Co-editor: *South African Law Journal* (2009-2012)

PROF HOWARD CHITIMIRA

- Editorial board/Managing Editor: *Journal of Corporate & Commercial Law & Practice* (WITS)
- Guest Editor: Corporate and Financial Economic Law Special Issue in 2020/2021, *Interdisciplinary Journal of Economics and Business Law* (UK).

PROF ANEL DU PLESSIS

- 2008 to 2018 *PER* - Assistant-editor
- 2018 – present Board member of *International Journal of Rural Law and Policy*

PROF ELMIEN DU PLESSIS

- Editor - *Constitutional Court Review*

PROF LOUIS KOTZE

Advisory editorial board positions

- 2007-present: Member of the International Advisory Editorial Board of *Direitos Fundamentais & Justica* (Fundamental Rights and Justice Journal) of the Pontificia Universidade Catilica do Rio Grande do Sul, Brazil
- 2009-present. Member of the International Advisory Editorial Board of the *Tijdschrift voor Milieurecht* (Journal of Environmental Law) (Wolters Kluwer)
- 2009-2012. Member of the International Advisory Editorial Board of the *Journal of Human Rights and the Environment* (Edward Elgar)
- 2014-present. Member of the International Advisory Editorial Board of *Transnational Environmental Law* (Cambridge University Press)

- 2013-present. Member of the International Advisory Editorial Board of *Resource Management Theory and Practice* (Thomson Reuters)
 - 2015-present. Member of the International Advisory Editorial Board of the *IUCN Academy of Environmental Law E-Journal*
 - 2019-present. Member of the International Advisory Board of *Review of European, Comparative and International Environmental Law* (Wiley)
- Executive editorial functions*
- 2006, 2010. Series editor for special environmental law editions for the *Potchefstroom Electronic Law Journal*
 - 2007-2013. Assistant editor of the *South African Journal of Environmental Law and Policy* (Juta)
 - 2010-2013. Assistant editor of the *Journal of Human Rights and the Environment* (Edward Elgar)
 - 2010-2012. Assistant editor of the *Potchefstroom Electronic Law Journal*
 - 2013-2014. Assistant editor of *Transnational Environmental Law* (Cambridge University Press)
 - 2013-2019 Co-editor of the *Journal of Human Rights and the Environment* (Edward Elgar)
 - 2018-present. Associate editor of *Earth System Governance* (Elsevier)

DR TINYIKO NGOBENI

- *South African Yearbook of International Law*

MR NGWAKO RABOSHAKGA

- Editor-in-Chief, *South African Journal on Human Rights*

PROF CHRISTA RAUTENBACH

- Editorial Board, *THRHR*

DR DELANO VAN DER LINDE

- Editorial Board, *THRHR*



6 "SAVE THE DATES" FOR 2020

6.1 CLES CRITICAL CONVERSATION - 18 March 2020.

6.2 KERLICK WRITING RETREAT A – 29-30 March and 1 April 2020.

6.3 PROF W VAN GENUGTEN - Training on empirical research at all three campuses. 30 March – 3 April 2020. [Details: Prof Carnelley]

PROFESSOR WILLEM VAN GENUGTEN	
Monday 30/3	PC: One-on-one sessions
Wednesday 1/4	MC: Empirical Research Training MC: One-on-one sessions
Thursday 2/4	MC: Public Lecture
Friday 3/4	PC: Faculty Lecture (topic to be decided)
Monday 6/4	VTC: Empirical Research Training VTC: One-on-one sessions
Tuesday 7/4	PC: One-on-one sessions
Wednesday 8/4	PC: Empirical Research Training

6.4 LLD COHORTS – 2 March (PC), 11 March (MC) & VTC (TBA)

- 6.5 POSTDOC RESEARCH DAY** – 10 March 2020
- 6.6 KAS / NWU WORKSHOP** - *The role of women in traditional governance* on 21 April 2020. [Details: Prof Christa Rautenbach.]
- 6.7 CLES ANNUAL PRESTIGE LECTURE** – 13 May 2020. [Details: Prof O Fuo & CLES]
- 6.8 INTERNAL FACULTY LECTURES** – 12 March 2020 [Finance, Trade & Innovation]
- 6.9 NWU PUBLIC LECTURE** – Prof K Beiter on Academic Freedom on 27 August 2020.

7 RESEARCH UNIT BUDGET

The requests for funds were more than double what is available. A subcommittee of the RIC had to make serious cuts to the requests. In short, only one international trip per academic can be funded. The matter will serve via round robin to the RIC for final approval.

Academics without research funds will only be assisted once from the budget until a publication has been forthcoming. In general, those who do not publish research should not rely on research funds. STAFF MEMBERS ARE ENCOURAGED TO APPLY FOR ADDITIONAL RESEARCH FUNDS – ESPECIALLY KIC CONFERENCE FUNDS (Deadline 20 March 2020).²²

8 OTHER

The RU participated in the PG Research Methodology Programmer (28-29 February 2020) with a specific focus on the RU research projects and themes as well as bursaries and funding.

9 INTERESTING RESEARCH INFORMATION

- NWU among top 5 SA universities in emerging economies ranking http://news.nwu.ac.za/nwu-among-top-5-sa-universities-emerging-economies-ranking?_ga=2.182283111.1106368918.1582475625-292847561.1542612762
- ASSAF *Recognising Individual Contributions to Collaborative Research: Limitations of Proportional Publication Counts and Proposals for Alternatives* (2020) <http://research.assaf.org.za/handle/20.500.11911/137> of on eFundi (RU Page)
- DHET 2020 Accredited Lists <https://collections.nwu.ac.za/dbtw-wpd/textbases/accredited-journals/accred.html>

Marita Carnelley
29 February 2020

²² The documents have been forwarded from me as well as by Prof Christa Rautenbach to all on 28 February 2020. [Thank you Christa.]