



RESEARCH UNIT: Law, Justice and Sustainability

Faculty @ Law Research
Newsletter



PROF ANEL DU PLESSIS

Editorial

Dear colleagues,

We trust that you will find the latest edition of the Faculty's Research Newsletter inspiring! It is wonderful to be able to give recognition to the recent research output of many of our colleagues and students. As you will see, "conference season" has also commenced and several faculty members have showcased and continue to showcase (in South Africa and abroad) the work we do in the Research Unit: Law, Justice and Sustainability.

The first two 2018 Lecture Series seminars were of a high standard and made for interesting discussions – thank you to the project leaders ("Finance, Trade and Investment" and "Justice in Practice" (JiP)) as well as all of the presenters who put the seminars together. We look forward to the two remaining ones for this year.

The number of researchers based at the President Street Office, Potchefstroom is also increasing as more post-doctoral fellows are joining. I should

like to invite all of you to visit this "research hub" of our Faculty when you are in Potchefstroom. Our post 65 researchers have loads of research wisdom to share and have good coffee to offer too!

The Faculty website is under construction as far as our research projects and researcher profiles are concerned. I wish to thank Mrs Rieëtte Venter for her assistance and creative support in this regard. You are invited to share any research-related news with Rieëtte to assist the Faculty in marketing its expertise, to celebrate its achievements, and to show how our colleagues together contribute to scholarship and the knowledge economy of our country.

I also wish to take this opportunity, on behalf of all of us, to thank Prof Willemien du Plessis for selflessly serving the Faculty of Law as Research Director for almost two decades. She has done more for law and governance research in our Faculty, in South Africa and abroad, than many people will ever know. This testifies to her modesty, dedication and wisdom. Thank you, Willemien, for being such an outstanding mentor, academic mother and leader.

Happy research hours to all of you until our next Newsletter.

Acting Director: Research

Recent publications

April – June 2018

Books, edited volumes and chapters in books

- French D and Kotzé LJ (eds) Sustainable Development Goals: Law, Theory and Implementation (Edward Elgar United Kingdom 2018)
- Lubbe WD “Southern African Development Community Environmental Law” in King ND, Strydom HA and Retief FP (eds) Environmental Management in South Africa 3rd ed (JUTA Cape Town 2018) 99 –124
- Du Plessis AA “Local Government and the Pursuit of Urban Sustainability in South Africa” in King ND, Strydom HA and Retief FP (eds) Environmental Management in South Africa 3rd edition (JUTA Cape Town 2018) 263 – 281
- Du Plessis W et al “Soil, Land and Agriculture” in King ND, Strydom HA and Retief FP (eds) Environmental Management in South Africa 3rd ed (JUTA 2018) 283 – 350
- Kotzé LJ “The Sustainable Development Goals: an existential critique alongside three new-millennial analytical paradigms” in French D and Kotzé LJ (eds) Sustainable Development Goals: Law, Theory and Implementation (Edward Elgar United Kingdom 2018) 41 – 65



One of the most recent publications in our Faculty has been co-edited by one of our Research Professors, Prof Louis Kotzé.

The volume, "Sustainable Development Goals: Law, Theory and Implementation" is published by Edward Elgar and as the title suggests, deals with an incredibly important topic moving forward on law and development between now and 2030.

Two Faculty members authored and co-authored chapters in the volume.

Congratulations, Louis

- Aust HP & Du Plessis AA “Good urban governance as a global aspiration: on the potential and limits of SDG 11” in French D and Kotzé LJ (eds) Sustainable Development Goals: Law, Theory and Implementation (Edward Elgar United Kingdom 2018) 201 – 221
- Scholtz W and Barnard M “The environment and the Sustainable development Goals: ‘We are on a road to nowhere’” in French D and Kotzé LJ (eds) Sustainable Development Goals: Law, Theory and Implementation (Edward Elgar United Kingdom 2018) 222 –249

Journal articles

- Du Plessis AA and Fuo ON “Governing authorities in the same boat and a tale of two schedules: Marius Nel v Hessequa Local Municipality (2015)” 2017 Commonwealth Journal of Local Governance 1 – 12
- Chitimira H “Aspects of the Regulation of Cross Border Insolvency in South Africa” 2018 Obiter 173-196
- Ashukem JCN “Access to Environmental Information in the Context of Development Activities in the Legal Framework of Cameroon” 2017 VRÜ Verfassung und Recht in Übersee 435 - 450
- Robinson R “Divorcing Parents and the Best Interests of their Child” 2018 THRHR 299 – 305
- Mauger R “Forced nuclear energy reactors shutdown in France: the Energy Transition Act’s mechanisms” 2018 Journal of World Energy Law and Business 1–12
- Mauger R and Barnard M “Addressing fragmentation in the South African renewable energy governance effort – lessons to be learnt from France” 2018 Journal of Energy Southern Africa 1- 10

Research Funding Opportunities

To date the NWU has submitted 289 research funding proposals this year, mostly to the NRF. Of these, 15 were submitted by members of the Faculty of Law.

1 **NRF MOBILITY GRANT (SA JINR)**
2018 - STILL OPEN [APPLY HERE](#)

2 **SA (NRF) / RUSSIA (RFBR)**
JOINT SCIENCE AND TECHNOLOGY RESEARCH COLLABORATION 2019 [APPLY HERE](#)

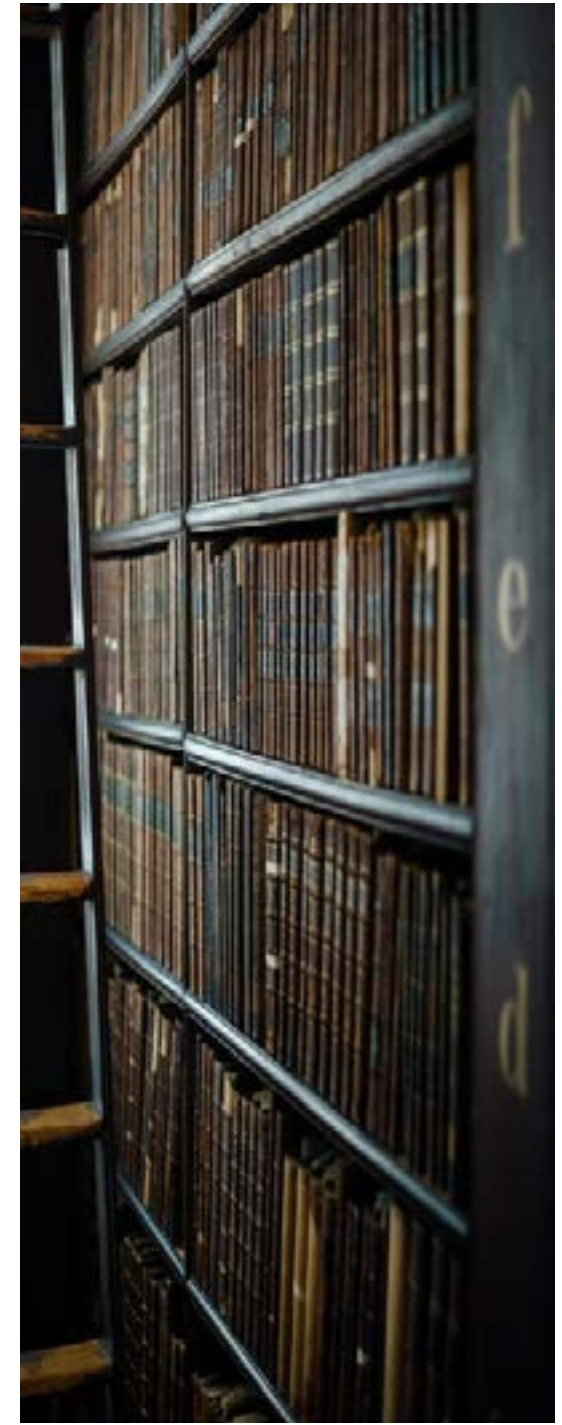


3 NATIONAL RESEARCH FOUNDATION AMENDMENT BILL
 2017 [B23A-2017] & [B23B-2017] **B23A-2017** **B23B-2017**

4 THE CALL FOR NRF RATING OPENS IN OCTOBER 2018
FACULTY MEMBERS SHOULD PLAN ACCORDINGLY WITH THE INPUT AND ASSISTANCE OF THE NWU AND FACULTY'S RESEARCH OFFICES.

5 *Several UCDP funding opportunities are available for 2018*

| Schedule for UCDP Funding 2018 Forms are available on efunDi, Research Unit, Resources | |
|---|--|
| Type of application | Last date for submission of application |
| Emerging researchers completion of own research | 31-Jul |
| Staff mobility 2019 NRF rating applications | As soon as possible (June) closure date was 15 May) |
| Publication workshops for completion of studies (NWU personnel) | Dean to nominate 5 persons |
| Post-Graduate Supervision Training Workshop: Supervisors Phd/Masters degree candidates | Potchefstroom 28 June Mahikeng 5 September Vaal 17 October |
| Publication workshop: Proposal development workshop | 27-Jun |
| Publication workshop: Post-graduate thesis and publication | 27-Jun |
| Publication workshop: Scientific writing and publication for early career | 27-Jun |



Announcements Conference & Workshops

1 SOUTH AFRICAN ASSOCIATION OF INTELLECTUAL PROPERTY LAW AND INFORMATION TECHNOLOGY OF LAW TEACHERS AND RESEARCHERS (AIPLITL) CONFERENCE
4 - 5 July 2018
[Read more >>](#)

2 ASSAF ANNUAL YOUNG SCIENTIST CONFERENCE
IF YOU ARE 40 AND YOUNGER + HAVE A LL.M DEGREE
13 - 14 September 2018
[Read more >>](#)

3 TAU SA ANNUAL CONGRESS 2018
19 September 2018
[Read more >>](#)

4 INTERNATIONAL CONSUMER LAW CONFERENCE (UPICLC)
25 to 27 September 2018
[Read more >>](#)

5 SOUTH AFRICA INTERNATIONAL CONFERENCE ON EDUCATION
Manhattan Hotel Pretoria, South Africa
17 - 19 September 2018
[Read more >>](#)



Upcoming Workshops

@ Faculty of Law



Sponsored by: Konrad-Adenauer Foundation

DATE: 2 AUGUST 2018

DATE: 13 & 14 SEPT 2018

Theme: Institutional Design of Medium-Sized Municipalities in South Africa – A workshop

Organised by: Prof Anél du Plessis & Ms Angela van der Berg

[REGISTER >>](#)

Theme: A Conference on Traditional Leadership and Authority versus Local Government – The Co-Existence of Traditional and Local Governance Structures in a Democratic Dispensation: Challenges and Successes

Organised by:
Prof Christa Rautenbach

Research Lecture Series @ Faculty of Law



PROJECT: FINANCE, TRADE AND INVESTMENT:

DATE: 19 APRIL 2018

THEME: CRAZY, OUTRAGEOUS OR JUST DOWNRIGHT WRONG

SPEAKERS: Prof Wian Erlank: <https://youtu.be/IrkLbVvHiog>;

Prof Leonie Stander and Ms Naeema Gabru

BRIEF FEEDBACK:

This approach was taken so as to do quick case discussions/discussions on recent developments in the field of Mercantile Law. The speakers that presented were Prof Leonie Stander (marine insurance), Ms Naeema Gabru (sugar tax), and Ms Michelle Schoeman (iro slack-fill suits as well as self-regulation with reference to the Advertising Authority of South Africa and Herbex). Prof Wian Erlank's presentation had been pre-recorded. Overall, the nature of the presentations as well as the contents thereof provoked interesting discussions in between the presentations as well as over lunch.



PROJECT: JUSTICE IN PRACTICE

DATE: 24 MAY 2018

THEME: THE SOUTH AFRICAN LAND ISSUE

SPEAKERS: Ms Chiedza Tsvakira (NWU Agricultural Economist) on successful redistribution of land and Prof Elmien du Plessis on expropriation without compensation in a constitutional context

BRIEF FEEDBACK:

The issue of land expropriation without compensation is an emotive and controversial topic in South Africa at the moment in the light of recent developments in Parliament. To bring the facts and the various viewpoints to the Faculty, the problem was approached on the day from an alternative perspective - more practical and with the focus on possible successes. The two speakers kept the audience enthralled for longer than an hour, setting out the practical and legal problems with some possible solutions. The number of questions and the variety of opinions expressed in an open and non-judgemental manner clearly indicated the success of the day.

Faculty Research on the Move

- Mr Michael Laubscher (39th Academic Conference: Law in Society from 19-22 June 2018 in Amsterdam, the Netherlands). Paper title: "Confidentiality in Mediation - how far have we come?"
- Prof Christa Rautenbach (International Conference on "Violent Conflict, Peace-Building and Constitutional Law" from 18-22 June 2018 in Seoul, Korea). Paper title: "The Influence of Foreign and International Legal Sources on Post-Conflict Constitutional Law in South Africa".
- Dr Michelle Barnard (participating in a workshop on "The Wildlife Welfare Research Network: University of Technology (Australia), Lincoln Law School (UK) and the University of the Western Cape.) June 2018 in Cape Town.
- Dr Caiphaz Soyapi and Mr Philip Bothma (participating in a "Writing Skills in Legal Education Workshop") on 20 and 21 June 2018.
- Prof Oliver Fuo (participating in the 10th World Congress of Constitutional Law Conference in Seoul, Korea on 20 June 2018). Paper title: "The right of 'foreigners' to access housing and receive free basic services in South Africa: A reflection on recent developments in the City of Johannesburg".
- Prof Anél du Plessis is presenting a Public Lecture jointly hosted by the Institute for



- Advanced Sustainability Studies (Potsdam) and the Freie Universität, Berlin on 26 June 2018. The paper titled: "Domestication of the Paris Agreement in South Africa: The Role of Cities" was co-authored by Mr Andrew Gilder, Co-director of Climate Legal.
- Prof Hein Lubbe (participating in the International Society of Public Law Annual Conference on "Identity, Security, Democracy: Challenges for Public Law" in Hong Kong, 25-27 June 2018). Paper title: "The lack of political will to institute post-TRC prosecutions in South Africa: A threat to democracy and challenge for public law?"
 - Dr Michelle Barnard (participating in an international conference on "Water and Sustainability" in Amsterdam, the Netherlands from 25 - 27 June 2018). Paper title: "Discovering a human right to water in the Southern African Development Community".
 - Prof Melvin Mbaio (participating in the 7th Annual International Conference on Law, Regulations and Public Policy from 25 - 26 June 2018 in Singapore). Paper title: "Vicissitudes of constitutional Interpretation in Zambia".
 - Prof Howard Chitimira (visiting the Securities and Exchange Commission of Zimbabwe for research purposes from 28-30 June 2018, Zimbabwe).

Recently Completed Student Research

We wish to congratulate Ms Navilla Sumaru who was recently announced to be the runner-up in the LLM category for the 2017 Ismail Mahomed Law Reform Essay Competition for her essay titled "The lok adalat as an ADR instrument in South African Criminal law".

The essay is based on her LLM research, which she conducted under the supervision of Prof. Christa Rautenbach.

LLD theses

Jacomina Gerharda Horn, (Promotor: Prof GJ Pienaar)

"The legal effect of rights specific to sectional title property in South Africa, with reference to selected aspects of the Australian and Dutch law."

Vincent Isaac Jameson, (Promotor: Prof PG du Toit)

"Structuring the exercising of sentencing discretion in South African criminal courts."

Ifeoma Laura Owosuyi, (Promotor: Prof C Rautenbach, Co-promotor: Prof AA du Plessis)

"Culture in the pursuit of sustainable development in South Africa: A legal approach."

They are Caiphass Soyapi, Mpho Tlale, Vincent Jameson, Marna Horn and Ifeoma Owosuyi. Lucas Ramokanate in absentia.



Lehlohonolo Lucas Ramokanate, (Promotor: Prof W Erlank)
"Modifying Contract Law Principles to Accommodate Automated Transactions in South Africa."

Caiphass Brewsters Soyapi, (Promotor: Prof LJ Kotzé)
"The role of the judiciary in advancing the right to a healthy environment: eastern and southern African perspectives."

Mpho Tsepiso Tlale, (Promotor: Prof GJ Pienaar)
"A critical evaluation of the South African land tenure policy: a comparison with selected aspects of the Kenyan and Tanzanian law."

LLM dissertations & theses

- Navilla Sumaru (Supervisor: Prof Christa Rautenbach)

"Hindu perspectives on alternative dispute resolution."

- Juani van Niekerk (Supervisor: Mr MC Stoffels; Co-supervisor Dr A Botes)

"Mediese sertifikate ingevolge die Traditional Health Practitioners Act: Die kwessie van geldigheid en betroubaarheid."

- Deidré Booyens (Supervisor: Prof W Erlank Co-supervisor: Prof HJ Kloppers)

"The impact of privacy policies and terms of service on a user's freedom of testation."

- Justin Baldwin Heyns (Supervisor: Prof AL Stander)

"Die versekerde se openbaringsplig rakende die risiko by uitvoerkontrakte."

- Yuleen Janse van Rensburg (Supervisor: Prof AL Stander)

"Terrorism as a risk in aviation insurance."

- Matlakala Pinkie Khatite (Supervisor: Prof HJ Lubbe; Co-supervisor: Prof WJ du Plessis)

"Bilateral investment treaties in the new constitutional dispensation: The Promotion and Protection of Investment Bill 2013."

- Tinotenda Dorcas Madzokere (Supervisor: Prof SF du Toit)

"The codification of the in duplum rule in South Africa and Zimbabwe."

- Jacques Francois Olivier (Supervisor: Mrs MB Schoeman)

"Consumer protection pertaining to the display of prices on online mediums of advertising."

- Monica Olivier (Supervisor: Prof SPLR de la Harpe; Co-supervisor: Mrs MB Schoeman)

"The role of court-annexed mediation in providing access to justice in the resolution of commercial disputes."

- Gerhardus Johannes Lönngren Prinsloo (Supervisor: Prof W Erlank; Co-supervisor: Prof AL Stander)

"Property in virtual worlds and insolvency."

- Susanna Josina Elizabeth Stapelberg, (Supervisor: Mrs MB Schoeman)

"Beregting van konstruksiegeskille kragtens die FIDIC Red Book."

- Lourens Barend Swanepoel (Supervisor: Prof SPLR de la Harpe & Co-supervisor: Prof S Grater)

"The role of the SADC Protocol on Trade in Services in regional integration."

- Blessing Uzoma Unegbu (Supervisor: Prof SPLR de la Harpe)

“South Africa as an arbitral seat for international commercial arbitration.”

- Obeid Katumba (Supervisor: Dr WD Lubbe & Co-supervisor: Prof AA du Plessis)

“The Gauteng provincial biodiversity law: a critical evaluation.”

- Thato Monyake (Supervisor: Dr M Barnard)

“The common but differentiated responsibilities and respective capabilities principle in global climate change mitigation: a legal appraisal.”

- Tachiona Rungwe (Supervisor: Dr M Barnard)

“South African renewable energy law and the mitigation of climate change.”

- Rochine Melandri Steenkamp (Supervisor: Prof AA du Plessis)

“Cultural heritage protection: the authority and functions of municipalities.”

- Andrea Heyl (Supervisor: Prof JA Robinson; Co-supervisor: Dr LN Morei)

“Die invloed van onwettige werwing op die strafregtelike aanspreeklikheid van kindersoldate.”

- Bridget Sarah Zhou (Supervisor: Prof HJ Lubbe)

“The challenges of undocumented refugee children in accessing the right to basic education in South Africa.”

- Sune Beetge (Supervisor: Prof HJ Kloppers)

“Selfmoorbriewe as geldige testament: testeerbevoegdheid en animus testandi.”

- Celesté Alicia Diedericks (Supervisor: Prof HJ Kloppers)

“The position of assets vested in a sham trust.”

- Dintoe Daniel Kgole (Supervisor: Ms A Vorster)

“A comparative analysis of the fiduciary duties of trustees in South Africa and Namibia.”

- Mateboho Annah Mamooe (Supervisor: Prof SF du Toit)

“Banking confidentiality with reference to anti-money laundering and terrorist financing measures in South Africa and Lesotho.”

- Marili Orffer (Supervisor: Prof HJ Kloppers; Co-supervisor: Prof SF du Toit)

“The inclusion of virtual currencies in the calculation of income tax.”

Interesting Reading

1. Ingrid Willenberg
"South Africa's reading crisis: Focus on the root cause, not the peripherals"
Mail & Guardian 20 May 2018
[Read Now >>](#)
2. Mokubung Nkomo
"Burning varsities: Responding to fire"
Mail & Guardian 25 May 2018
[Read Now >>](#)
3. White men's voices still dominate public science. Here's how to change this
[Read Now >>](#)
4. Sexual harassment isn't just about sex: Groundbreaking report details persistent hostility female scientists face
[Read Now >>](#)
5. A Matter of Justice - Just prescription rulings dependent on judges' attitude
[Read Now >>](#)
6. A Matter of Justice - Justice for ex-corporal more than three decades later
[Read Now >>](#)
7. When should you report the Deceased Estate of a Non-Relative
[Read Now >>](#)
8. How to stop the water abuse in your complex
[Read Now >>](#)





FACULTY NEWS & RECENT PUBLICATIONS
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