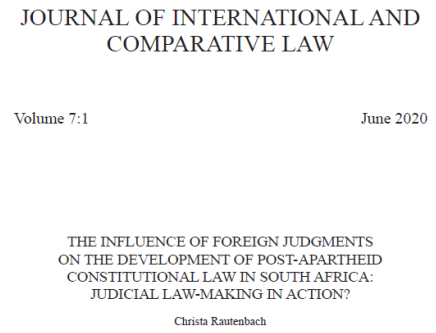
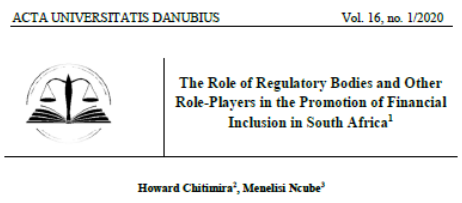
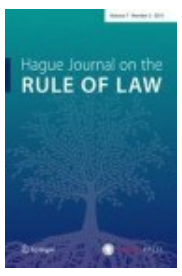
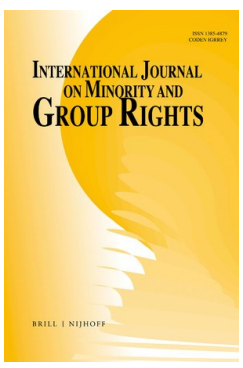
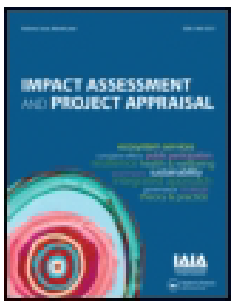
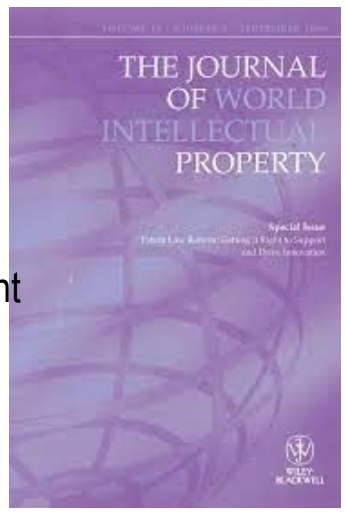
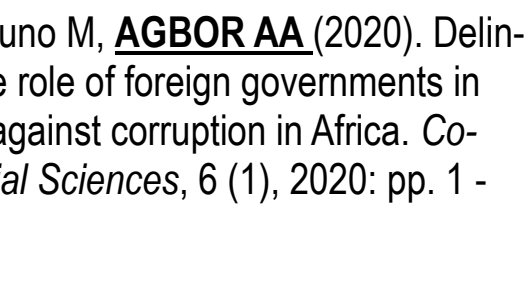
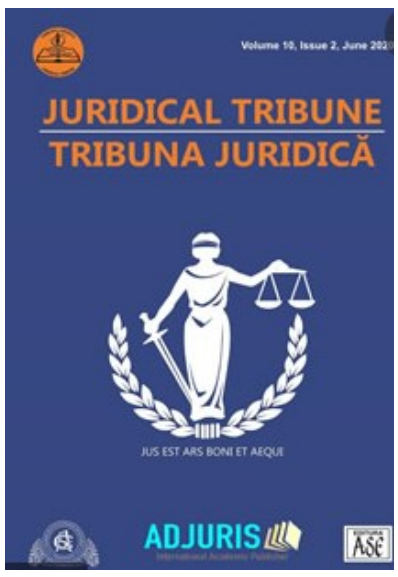
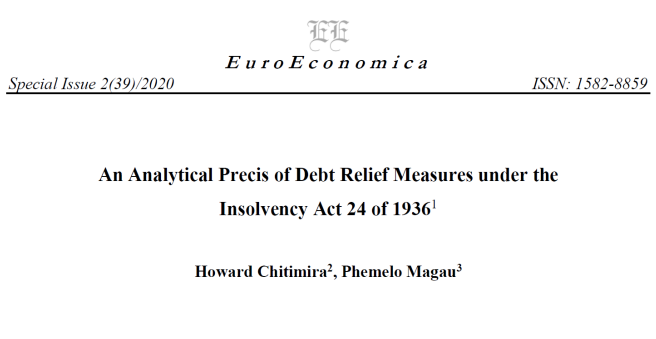
Author and Title	Abstract
Rautenbach C, (2020). The Influence of Foreign Judgments on the Development of Post - Apartheid Constitutional Law in South Africa: Judicial Law-Making in Action? *Journal of International and Comparative Law*, 7 (1), 2020: pp. 99 - 125 	Post-apartheid South African courts have wide law-making powers when interpreting common law, customary law and legislation. They have been empowered by a progressive Constitution that "embodies a new understanding of judge-made law that is more faithful to reality and charged with implications for South Africa's constitutional project [Davis and Klare, "Transformative Constitutionalism and the Common and Customary Law" (2010) South African Journal on Human Rights 402]". International and foreign laws have been of great value to the development of post- apartheid constitutional law, especially foreign case law. Empirical results reveal that the South African Constitutional Court has cited foreign cases more than 3,000 times in almost half of its decisions handed down from 1995 to 2017. This contribution analyses some of the data with a view to determine the influence those foreign cases had on the development of post-apartheid constitutional law in South Africa.
Chitimira H, Mokone P, (2020). The Pros and Cons for Insider Trading Regulation in Zimbabwe, Law and Financial Markets Review, March 2020, pp 1 – 9. https://doi.org/10.1080/17521440.2020.1726617 	The debate on the regulation of insider trading has existed for several decades and it remains unresolved to date. For instance, proponents for the deregulation of insider trading argue that it should not be treated as an offence while proponents for the regulation of insider trading contend that it is an offence that could, inter alia, give rise to a host of problems such as poor market efficiency, poor market integrity and low public investor confidence in the financial markets of any country. It appears the Zimbabwean policy makers also view insider trading as an offence in the Zimbabwean financial markets. Consequently, insider trading is currently outlawed in Zimbabwe. Notably, insider trading is mainly prohibited to enhance public investor confidence, market efficiency and market integrity in the Zimbabwean financial markets. Accordingly, insider trading activities are statutorily prohibited in Zimbabwe under the Securities Act 17 of 2004 [Chapter 24:25] as amended (Securities Act). Given this background, the article investigates the merits and demerits of the insider trading regulation and deregulation debate.
Klaasen A (2020). The quest for socio-economic rights: The rule of law and violent protest in South Africa. *Sustainable Development*, 27 (6), December 2019: pp. 1 - 7. 	Socio-economic protests in South Africa are increasingly violent with citizens demanding their constitutionally guaranteed rights whilst ignoring the rule of law. The weakening of the rule of law holds serious implications for democracy in South Africa. This paper explores the rule of law, socio-economic rights and violent protest in South Africa. The realisation of socio-economic rights, the reasons for violent protest and the weakening of the rule of law are investigated. Two conventional methodologies for strengthening the rule of law, the institutional approach and the neocultural interventionist approach, are explored. This paper argues that violent citizen protest highlights the urgent need for reform to strengthen the rule of law in South Africa.
GILDENHUYS A (2020). 'n Leë dop is soms beter as 'n halwe eier / An empty shell is sometimes better than half an egg – Gounden v Master of the High Court [2015] JOL 32896 (KZD) and Govender v Gounden 2019 2 SA 262 (KZN). *Potchefstroom Electronic Law Journal*, 23 2020: pp. 1 - 39. 	The KwaZulu-Natal High Court, Durban, recently had the opportunity to interpret section 15 (3)(b)(iii) of the *Matrimonial Property Act* 88 of 1984 within the context of the South African law of succession. This section states that: "A spouse shall not without the consent of the other spouse … receive any money due or accruing to that other spouse or the joint estate by way of … inheritance, legacy, donation, bursary or prize left, bequeathed, made or awarded to the other spouse." The question before the court was whether a person who is married in community of property requires the consent of his or her spouse in order to repudiate an intestate inheritance.
ANIMASHAUN OO, **CHITIMIRA H** (2020). The Meaning and Allocation of Taxing Powers in Nigeria: Lessons from Ethiopia. *Interdisciplinary Journal of Economics and Business Law*, 9 (3), 2020: pp. 41 - 58. 	Various taxing power-related challenges have negatively affected the governance of state and federal governments of Nigeria since 1999 to date. For instance, the poor drafting of the Nigerian constitution of 1999 and the failure on the part of the policy makers to adequately distinguish and delineate the taxing powers of the state and federal governments has given rise to sharp divisions and jurisdictional conflict-related litigation. Accordingly, the article examines these and other related flaws in the Nigerian and Ethiopian tax laws. Moreover, the relevant constitutional provisions in these countries are comparatively discussed to, *inter alia*, recommend possible measures that could be employed to remedy such flaws in Nigeria and Ethiopia.

Author and Title	Abstract
Abrams L, Rautenbach C,(2020). Legislative landscape for traditional health practitioners in Southern African development community countries: a scoping review. *BMJ Open*, 10 2020: pp. 1 - 10. 	Background and objectives Globally, contemporary legislation surrounding traditional health practitioners (THPs) is limited. This is also true for the member states of the Southern African Development Community (SADC). The main aim of this study is to map and review THP-related legislation among SADC countries. In order to limit the scope of the review, the emphasis is on defining THPs in terms of legal documents. Methods This scoping review follows the Preferred Reporting Items for Systematic Reviews and Meta-Analyses extension for Scoping Reviews methods. Two independent reviewers reviewed applicable legal definitions of THPs by searching the Southern African Legal Information Institute (SAFLII) database in April 2018 for legislation and bills.
Chitimira H, Ncube M (2020). The Role of Regulatory Bodies and Other Role-Players in the Promotion of Financial Inclusion in South Africa. *Acta Universitatis Danubius. Juridica*, 16 (01), 2020: pp. 24 - 37. 	The promotion of financial inclusion is vital for the combating of financial exclusion in many countries, including South Africa. Nonetheless, most of the poor and low-income earners are still struggling to have access to basic financial products and financial services in South Africa. This status quo has been, inter alia, caused by several factors such as the lack of a specific statute for financial inclusion, the lack of a specific regulatory body to enforce that statute and the adoption of inadequate measures by the government and other role-players to effectively promote financial inclusion for the poor and low-income earners in South Africa.
ROBINSON JA (2020). Die Status en Beskerming van Meerderjariges met Beperkte Handelings-bevoegdheid. *Potchefstroom Electronic Law Journal*, 23 2020: pp.1-30. 	In this contribution the focus falls on the capacity to act of majors who, due to mental or physical disabilities, lack the ability to make sound decisions in respect of their estate, conclude juristic acts that lead to undue harsh consequences for themselves. The question that arises is how to apply the *boni mores* as the concept has been developed constitutionally to protect such persons. In this respect it is shown that Dutch law may fruitfully be consulted to comply with courts' discretion to consult foreign law. *Mentorskap* and the *beschermingsbewind qua* measures that are aimed specifically at the protection of the non-patrimonial interests of (typically) patients and the patrimonial interests of such people, are of specific relevance.
SOYAPI CB (2020). A Multijurisdictional Assessment of the Judiciary's Role in Advancing Environmental Protection in Africa. *Hague* Journal *on the Rule of Law*, Volume 12 issue 2, August 2020: pp. 307-332. 	The link between environmental rights, environmental protection and the courts has become more prominent in recent times, with courts and judges being described as the *ultimate vanguard* of broad environmental rights, and the rights being described as *game-changing legal tools over which judges have substantial power*. However, given the infancy of environmental rights and the slow rate at which they have been developing generally (and in Africa in particular), scholars have observed that there is a knowledge gap with respect to the identification of the specific tasks and roles that courts have to perform when it comes to advancing environmental rights, and their overall net contribution to advancing the type of interests that environmental rights seek to promote.
Ashukem JC (2020). Land Grabbing and Customary Land Rights in Uganda: A Critical Reflection of the Constitutional and Legislative Right to Land. *International Journal on Minority and Group Rights*, 27 2020: pp. 121 - 147. 	Despite the constitutional and legislative guarantee to land in Uganda, customary land tenure seems to suffer from inadequate legal protection, a situation that is analogous to that in the colonial and the immediate post-independence era. This article critically examines the normative content of the constitutional and legislative right to land in Uganda and argues that the customary land right is not adequately protected as the other categories of land tenure, in which land is owned and legally recognised in Uganda. It also serves to illustrate that the inadequate protection of customary land rights is analogous to the situation in the colonial and immediate post-independence era, and that weak customary land rights could be susceptible to the occupants' deprivation during land grabbing.
Ncube PT, Chitimira H (2020). The statutory prohibition of market manipulation in Zimbabwe, Juridical Tribune, Volume 10, Issue 1, March 2020, pp 130 - 148 	Market manipulation includes, inter alia, a practice that interferes or attempts to interfere with the free and fair operation of the securities and financial markets by creating an artificial, false or misleading appearance of the price of, or market for, the relevant securities, commodities or financial instruments. Consequently, market manipulation is treated as an offence in many countries, including Zimbabwe. under the Securities Act 2004 are discussed.

Author and Title	Abstract
Du Toit PG (2020). A Note on Sentencing Practices for the Offence of the Unlawful Possession of Semi-Automatic Firearms. *Potchefstroom Electronic Law Journal*, 23 2020: pp. 1 - 19. 	Violent crimes in South Africa are often accompanied by the possession or use of semi-automatic firearms. The *Criminal Law Amendment Act* 105 of 1997 (the CLA) provides for the imposition of minimum sentences for certain firearms-related offences. The question whether the minimum sentencing regime actually applies to the offence of the unlawful possession of a semi-automatic firearm has led to a number of conflicting judicial decisions by different High Courts. This note discusses the statutory interpretation challenges the courts had to grapple with regarding the interplay between the CLA and South Africa's successive pieces of firearms legislation. The Supreme Court of Appeal ultimately found that the offence of the unlawful possession of a semi-automatic firearm must indeed be met with the prescribed minimum sentence. The recent sentencing practices of South African courts in respect of the unlawful possession of semi-automatic firearms within the framework of the CLA are analysed.
NGOBENI TL (2020). Do the SALINI Criteria apply to the Definition of an Investment provided in Annex 1 of the 2006 and 2016 SADC Protocol on Finance and Investment? An Assessment. *Potchefstroom Electronic Law Journal*, 23 2020: pp. 1 – 34 	An investment is the subject matter of an investor-state dispute. Therefore there can be no such dispute if there is no investment to which the dispute relates. The challenge in this regard lies in that there is no uniform definition of an investment in international economic law, and with regard to investor-state disputes in particular. Bilateral Treaty Agreements (BITs), Treaties with Investment Provisions (TIPs), investment contracts and legislation provide different definitions of an investment. However, these definitions are not always final or sufficient, since there are different methods of assessing the existence of an investment, depending on the applicable arbitration rules.
RANTLO JT, **VILJOEN G** (2020). A critical appraisal of Uzani Environmental Advocacy CC v BP Southern Africa (Pty) Ltd 2019 (5) SA 275 (GP). *Impact Assessment and Project Appraisal*, 2020 4 June 2020: pp. 1 - 6. 	The recent court judgment of *Uzani Environmental Advocacy CC v BP Southern Africa (Pty) Ltd* 2019 (5) SA 275 (GP) found BP Southern Africa (Pty) Ltd (BP) guilty of environmental offences.The Court held that BP commenced with listed activities related to upgrades and construction work of filling stations without the necessary environmental authorisations (EAs) required by the *National Environmental Management Act* 107 of 1998 (NEMA) and the *Environmental Conservation Act* 73 of 1989 (ECA). Section 24 G of NEMA, however, allows for the rectification of the unlawful commencement or continuation of a listed activity conducted in the absence of the required EAs. Section 24 G therefore permits the *ex post facto* legalising or retrospective authorisation of the unlawful acts. In the case at hand, BP was found guilty, despite having applied for an *ex post facto* authorisation. This paper engages with the arguments put forward by the court, reflects on insights brought about by the foreign law, and provides possible recommendations for the retrospective environmental authorisation regime in South Africa.
CHITIMIRA H, **MAGAU PT** (2020). An Analytical Precis of Debt Relief Measures under the Insolvency Act 24 of 1936. *EuroEconomica*, 39 (2), 2020: pp. 210 - 227 	Most poor and low-income earners are over-indebted since they rely too much on credit for their dayto-day consumer needs in South Africa. Owing to this, debt relief measures have become so important in the current South African credit driven society. Accordingly, there are four statutory debt relief measures that are available to over-indebted persons and insolvent debtors in South Africa, namely, the sequestration proceedings in terms of the Insolvency Act 24 of 1936 as amended (Insolvency Act), the administration order under the Magistrates Courts Act 32 of 1944 as amended (Magistrates Courts Act), the debt review that is contained in the National Credit Act 34 of 2005 as amended (NCA) and the recently introduced debt intervention in terms of the National Credit Amendment Act 7 of 2019 (Credit Amendment Act), which is yet to be successfully utilised. Despite these commendable efforts, most of the available debt relief measures are not yet easily accessible to the poor and low-income earners in South Africa. Given this background, the article discusses the sequestration proceedings as a debt relief measure in terms of the Insolvency Act.
KILIAN CG (2020). Legal Implications relating to being "Entitled to Serve" as a Director: A South African–Australian Perspective. *Potchefstroom Electronic Law Journal*, 23 July 2020: pp. 1 - 27. 	This article focusses on an Australian piece of legislation and interesting case law, as well as on how the Federal Court of Australia has applied Australia's *Corporations Act,* 2001 to characterise a person as a *de facto* director – that is, as a professed director whose appointment as such was defective. In this regard, the decisions of that Court will, as envisaged in the *Constitution of the Republic of South Africa,* 1996 constitute persuasive authority. The Australian decision to be discussed in this article is significant in that the South African *Companies Act* 71 of 2008 does not contain substantively similar provisions to those of Australia's *Corporations Act* 2001. For example, section 66(7) of South Africa's *Companies Act,* 2008 contains the phrase "entitled to serve" as a director. This article explains the legal implications relating to that expression, including whether it imposes a statutory condition precedent. This article also considers the validity of decisions taken by a person who is not "entitled to serve" as a director.

Author and Title	Abstract
GILDENHUYS A (2020). Vonnisbespreking: Artikels 2(3) en 2A van die Wet op Testamente 7 van 1953 deel weer die kollig. *LitNet Akademies*, 17 (1), 2020 	The joint consideration of sections 2(3) and 2A of the Wills Act has been the subject of various High Court decisions. Section 2(3) (also known as the rescue provision) enables the High Court to direct the Master of the High Court to accept a document or amended document as a will for purposes of the Administration of Estates Act 66 of 1965, even though this document does not comply with the formalities for the execution or amendment of wills (as prescribed in section 2(1) of the Wills Act). Section 2A enables the High Court to declare a will (or part thereof) as revoked. Recently the full bench of the High Court, Bloemfontein ruled in *Kameel* that the court *a quo* erred in granting a section 2(3) order, since the single judge was privy to a later document that included a revocation clause, which document was also previously refused by the Master for non-compliance with the formalities as required in section 2(1)(a)(v) of the Wills Act.
BEITER KD (2020). Extraterritorial human rights obligations to "civilize" intellectual property law: Access to textbooks in Africa, copyright, and the right to education. *Journal of World Intellectual Property*, 2020 2020: pp. 1 - 35. 	Printed textbooks remain crucial for education, particularly in developing countries. However, in many of these countries, textbooks are unavailable, too expensive, or not accessible in local languages. Cheaply (translating and) reproducing textbooks would be a strategy. However, reprography is highly regulated under copyright law. Copyright also adds to the cost of textbooks. The availability, accessibility, and acceptability of learning materials constitute elements of the right to education under in-ternational human rights law (IHRL). Extraterritorial state obligations (ETOs) under IHRL—obligations of states, in appropriate circumstances, to observe the human rights of those beyond their borders—could assume a key function in "civilizing"intellectual property (IP) law. This Article demonstrates the significance of ETOs for IP law by focusing on the issue of how ETOs under the right to education of IHRL prescribe requirements that international copyright law must comply with to facilitate access to textbooks in schools and universities.
KILIAN CG (2020). A practical explanation of ethics as a good corporate governance principle in South Africa and New Zealand – A case study. *Koers*, 85 (1), 20 February 2020: pp. 1 - 10.	This article uses two case law examples (New Zealand and South Africa), to illustrate how a questionnaire could be developed in practice as a method to identify a breach of ethics with reference to King IV, the FMA handbook and the NZX code. These two cases use terminology as found in relevant corporate governance codes and illustrate how to interpret those terminologies correctly, i.e. in terms of honesty and integrity. Relevant literature is reviewed in reference to the two case law examples. To interpret a corporate governance term properly, reference should also be made to appropriate legislation, e.g., the Companies Act when drafting a questionnaire. To understand corporate governance codes a holistic view should be adopted by the board of directors when drafting a corporate governance questionnaire. Such a questionnaire could provide the necessary insight as a method to prevent unethical business behaviour in future.
VAN DER LINDE DC (2020). Poverty as a Ground of Indirect Discrimination in the Allocation of Police Resources – A Discussion of Social Justice Coalition v Minister of Police 2019 4 SA 82 (WCC). *Potchefstroom Electronic Law Journal*, 23 12 June 2020: pp. 1 - 28	The *Promotion of Equality and Prevention of Unfair Discrimination Act* 4 of 2000 (PEPUDA) prohibits indirect and direct unfair discrimination in terms of the grounds listed in the act (such as race, sex, and sexual orientation) as well as unlisted grounds (which are to be alleged and proven by an applicant). South African courts had also grappled with the specific issue of indirect unfair discrimination prior to the enactment of PEPUDA, where applicants could rely on the *Constitution of the Republic of South Africa,* 1996 directly. This is evident in cases such as *Pretoria City Council v Walker* 1998 2 SA 363 (CC) and *S v Jordan* 2002 6 SA 642 (CC). This contribution is an analysis of the pioneering judgment in *Social Justice Coalition v Minister of Police* 2019 4 SA 82 (WCC) (*SCJ* case), wherein a South African court for the first time recognised poverty as a ground of indirect discrimination under PEPUDA
GRESSE E, **MBAO ML** (2020). An analysis of the duty to reasonably accommodate disabled employees: a comment on Jansen v Legal Aid South Africa. *Law, Democracy and Development*, 24 pp. 109 - 132	Persons with disabilities are a historically marginalised minority, who have the capacity to make a valuable contribution in the workplace. Recent case law suggests that the duty to reasonably accommodate disabled employees remains a conundrum for employers in South Africa. In Jansen v Legal Aid South Africa (C678/14) [2018] ZALCCT 17 (16 May 2018) the Labour Appeal Court had an opportunity to make a definitive pronouncement on the meaning and reach of the employer's duty to reasonably accommodate a disabled employee. Even though the duty to reasonably accommodate disabled employees is set out in our legislative and policy frameworks, there is a need to have a more detailed framework. The Constitutional Court is yet to hear a case on the duty of employers to provide reasonable accommodation to employees with disabilities, and until we have such a precedent, more and more employees with disabilities will continue to suffer at the hands of their employers. Both the Code of Good Practice, as well as the Technical Assistance Guidelines , published by the Department of Labour, have gone "relatively unnoticed and unread" in the workplace.

Author and Title	Abstract
KOTZE LJ (2020). Earth system law for the Anthropocene: rethinking environmental law alongside the Earth system metaphor. *Transnational Legal Theory*, 11 2020: pp. 1 - 30.  Transnational Legal Theory Routledge ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/rtlt20 Earth system law for the Anthropocene: rethinking environmental law alongside the Earth system metaphor Louis J. Kotzé To cite this article: Louis J. Kotzé (2020): Earth system law for the Anthropocene: rethinking environmental law alongside the Earth system metaphor, Transnational Legal Theory, DOI: 10.1080/20414005.2020.1776556 To link to this article: https://doi.org/10.1080/20414005.2020.1776556	Despite its noble intentions and some victories, environmental law has been and continues to be complicit in driving the processes and paradigms that give rise to the Anthropocene. Environmental law is also unable to respond to the regulatory challenges that arise from the Anthropocene's complex Earth system. We need a new legal paradigm that is better fit for purpose in the Anthropocene called Earth system law. A key reason for environmental law's failures and an obstacle preventing its transformation, is its reluctance to embrace and respond to the notion of the Earth system. My hypothesis is that the Earth system metaphor should be key in rethinking environmental law with the ultimate view to constructing Earth system law for the Anthropocene. The primary purpose of this paper is to explore what the Earth system metaphor entails and what it might imply for environmental law's transformation to Earth system law
KANAMUGIRE JC (2020). Historical development of refugee framework in Africa. *Juridical Tribune Journal* 10 (2), June 2020: pp. 308 - 327  Volume 10, Issue 2, June 2020 JURIDICAL TRIBUNE TRIBUNA JURIDICĂ JUS EST ARS BONI ET AEQUI ADJURIS	The problem of refugees has existed in the world since human existence. Individuals fled to seek sanctuary in another place to avoid persecution. Religious institutions have played a significant impact in the protection and care for refugees. Slavery has also contributed to the existence of refugees especially in Africa. Arabs, Europeans and Americans came to Africa and engaged in slave trade. This business has contributed to the development of economies in some developed nations. Most African countries have lost their active citizens in slavery. Many people also fled their place of origin to avoid the danger of being taken in slavery. Furthermore, colonialism has also entrenched the refugees in Africa. In order to get independence, individuals had to flee their countries and start engaging in liberation wars. Many people became refugees in their fight for independence. After the independence, the problem of refugees has continued to persist as governments of many African states do not respect nor protect human rights of their citizens. Currently, refugees continue to exist in Africa as some states persecute their citizens due to their tribe, race, religion, political opinion, sexual orientation and wars. In order to eradicate the problem of refugees, states need to create an environment that is conducive to the protection of human rights of their citizens in all their activities.
Anzanilufuno M, **AGBOR AA** (2020). Delineating the role of foreign governments in the fight against corruption in Africa. *Cogent Social Sciences*, 6 (1), 2020: pp. 1 - 15  cogent social sciences Cogent Social Sciences Taylor & Francis ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/oass20 Delineating the role of foreign governments in the fight against corruption in Africa Anzanilufuno Munyai & Avitus Agbor Agbor | To cite this article: Anzanilufuno Munyai & Avitus Agbor Agbor | (2020) Delineating the role of foreign governments in the fight against corruption in Africa, Cogent Social Sciences, 6:1, 1778988 To link to this article: https://doi.org/10.1080/23311886.2020.1778988	Corruption on the African continent unfolds two unique trends: first, the involvement of senior state officials in the perpetration of grand corruption; and secondly, the illicit and surreptitious transfer of stolen assets and funds beyond Africa's borders. As such, African States are heavily drained of their resources when corruption is committed. Foreign states become safe havens for stolen assets from Africa which makes Africa's development stagnated, paralysed and hijacked by the perpetrators. Compounded by a litany of challenges such as weak institutions; poorly written laws; a culture of impunity; the absence of the rule of law; a widening gap between the rich and the poor; the pangs of underdevelopment; undermanned and under-resourced anti-corruption institutions and a sheer absence of a strong political will, the fight against corruption in Africa is one of Africa's biggest battles. While some national efforts to overcome this invisible enemy amongst the African people (corruption) may be commended, it is clear that such efforts themselves are insufficient and ineffective: a holistic approach is more than needed, especially given the trends in which grand corruption in particular is committed. Borrowing from relevant international legal instruments, this paper argues that it is a moral and legal imperative for non-African States to enjoin Africa in its fight against corruption. In making this thesis, this paper identifies and discusses the different ways in which such non-African states can help Africa in its fight against corruption.
PIENAAR GJ, Horn J (2020). Exclusive Use Rights in Terms of Sectional Title Legislation. *Stellenbosch Law Review*, 31 (1), 2020: pp. 91 - 109.  VOL 31 NO 1 2020 STELLENBOSCH LAW REVIEW REGSTYDSKRIF CONTENTS / INHOUD JUTA	The ownership of a sectional title unit in a sectional title scheme consists of the "individual ownership of a section together with an undivided bound common ownership share in the common property". 1 The section is defined as a three-dimensional cubic entity with reference to its walls, floor and ceilings. 2 Therefore, everything not included in a section forms part of the common property. As a result, the owner of a section does not have ndividual ownership of, for instance, garages, 3 parking bays, balconies, 4 or private gardens, unless these form part of a section owned or a separate utility section. The use of these areas, however, can be allocated for the use of a specific owner in his capacity as owner of the section by conferring exclusive use rights of such an area to the owner of that specific section.

Author and Title	Abstract
VILJOEN G (2020). Critical perspectives on South Africa's groundwater law: established practice and the novel concept of public trusteeship. Journal of Energy and Natural Resources Law, 2020 9 July 2020: pp. 1 - 19. 	South Africa is a semi-arid country that increasingly relies on groundwater as a freshwater source for both socio-economic and environmental systems. Groundwater resources are, however, limited and fragile due to factors such as climate change, exploitation and pollution. This renders the groundwater regulatory framework essential. Yet in South Africa, groundwater governance is not strongly emphasised in the novel regulatory framework instated by the National Water Act 38 of 1998 (the NWA). Naturally, uncertainties and challenges arise as to, inter alia, the appropriate allocation and effective protection of the country's groundwater resources. This paper traces established groundwater governance practices and critically reflects on how the concept of public trusteeship, as introduced by the NWA, changes and informs the country's groundwater governance practices.
FAMBASAYI R, Moyo A (2020). The best interests of the child offender in the context of detention as a measure of last resort: A comparative analysis of legal developments in South Africa, Kenya and Zimbabwe. *South African Journal on Human Rights*, 2020 2020: pp. 1 - 25 	This article explores the interaction between the best interests of the child and the child's right not to be detained except as a measure of last resort. It examines the normative framework governing the scope and functions of the best interests of the child under international law and the nexus between the concept of the best interests of the child and the right not to be detained except as a measure of last resort. Using legal developments in the juvenile justice systems in South Africa, Kenya and Zimbabwe, the article demonstrates that all these countries have protected both the best interests of the child and detention as a measure of last resort in their national constitutions and, in some instances, legislation. Judges in the three jurisdictions are generally sensitive to the child rights concerned, although South African judges appear to be a step ahead of those in the other two countries. Kenyan courts appear to be following the South African example and have outlawed certain practices. The approach of Zimbabwean judges is not uniform. It is argued that Zimbabwean courts should learn from South Africa and Kenya to ensure the promotion of the best interests of the child offender and protection from arbitrary detention.
CHITIMIRA H, **MAGAU PT** (2020). An Analytical Precis of Debt Relief Measures under the Insolvency Act 24 of 1936. *EuroEconomica*, 39 (2), 2020: pp. 210 - 227 	Most poor and low-income earners are over-indebted since they rely too much on credit for their day-to-day consumer needs in South Africa. Owing to this, debt relief measures have become so important in the current South African credit driven society. Accordingly, there are four statutory debt relief measures that are available to over-indebted persons and insolvent debtors in South Africa, namely, the sequestration proceedings in terms of the Insolvency Act 24 of 1936 as amended (Insolvency Act), the administration order under the Magistrates Courts Act 32 of 1944 as amended (Magistrates Courts Act), the debt review that is contained in the National Credit Act 34 of 2005 as amended (NCA) and the recently introduced debt intervention in terms of the National Credit Amendment Act 7 of 2019 (Credit Amendment Act), which is yet to be successfully utilised. Despite these commendable efforts, most of the available debt relief measures are not yet easily accessible to the poor and low-income earners in South Africa. Given this background, the article discusses the sequestration proceedings as a debt relief measure in terms of the Insolvency Act.
RANTLO JT, **VILJOEN G** (2020). A critical appraisal of Uzani Environmental Advocacy CC v BP Southern Africa (Pty) Ltd 2019 (5) SA 275 (GP). *Impact Assessment and Project Appraisal*, 2020 4 June 2020: pp. 1 - 6. 	The recent court judgment of *Uzani Environmental Advocacy CC v BP Southern Africa (Pty) Ltd* 2019 (5) SA 275 (GP) found BP Southern Africa (Pty) Ltd (BP) guilty of environmental offences. The Court held that BP commenced with listed activities related to upgrades and construction work of filling stations without the necessary environmental authorisations (EAs) required by the *National Environmental Management Act* 107 of 1998 (NEMA) and the *Environmental Conservation Act* 73 of 1989 (ECA). Section 24 G of NEMA, however, allows for the rectification of the unlawful commencement or continuation of a listed activity conducted in the absence of the required EAs. Section 24 G therefore permits the *ex post facto* legalising or retrospective authorisation of the unlawful acts. In the case at hand, BP was found guilty, despite having applied for an *ex post facto* authorisation. This paper engages with the arguments put forward by the court, reflects on insights brought about by the foreign law, and provides possible recommendations for the retrospective environmental authorisation regime in South Africa.
NGOBENI TL (2020). Do the SALINI Criteria apply to the Definition of an Investment provided in Annex 1 of the 2006 and 2016 SADC Protocol on Finance and Investment? An Assessment. *Potchefstroom Electronic Law Journal*, 23 2020: pp. 1 – 34	An investment is the subject matter in an investor-state dispute settlement (ISDS or international arbitration) or litigation case. Therefore, there can be no such dispute if there is no investment to which the dispute relates. The challenge in this regard lies in that there is no uniform definition of an investment in ISDS. Across jurisdictions, legal instruments such as bilateral investment treaties (BITs), treaties with investment provisions (TIPs), investment contracts and legislation provide different definitions of an investment. However, if an investor-state dispute arises, these definitions are not always final, since there are different methods of assessing the existence of an investment, depending on the applicable legal instrument and arbitration rules.