1 Merger: College of Law

The new University of South Africa (UNISA), the first Comprehensive Dedicated Distance Education Institution in South Africa was established on 1 January 2004 when the University of South Africa and the Technikon SA merged and the distance education section of Vista University (Vudec) was incorporated into the new institution.

The interim Council of the newly established university established five colleges within the institution, namely a College of Humanities, Social Sciences and Education, a College of Economic and Management Sciences, a College of Science, Engineering and Technology, a College of Law and Justice and a College of Agriculture and Environmental Sciences.

The Faculty of Law of the ‘old’ UNISA became part of a newly established College of Law. Included in this new college are also from the ‘old’ UNISA the Department of Criminology and the Institute for Criminological Studies, from the former Technikon SA the Programme Group Law as well as the Programme Groups Police Practice, Correctional Service Management and Security Management. With effect from 2 March 2004 I was appointed Executive Dean of the College of Law and Prof Danny Titus from the former TSA as Deputy Executive Dean.

The first challenge facing the new college is to establish a management and academic structure. The College of Law consists of the School of Law and the School of Criminal Justice. At present, Professor Peter Havenga is the director of the School of Law and Professor Singh is the director of the School of Criminal Justice. The Faculty of Law and the programme group Law of the former Technikon SA will form the School of Law and the Department of Criminology, the Institute for Criminological Sciences and the Programme Groups Police Practice, Correctional Service Management and Security Management will form the School of Justice. The present departments and units of the former institutions migrated ‘as is’ to the new college. We believe that the final restructuring of the college should be based on academic principles. A process of programme and module integration and articulation is one of the first tasks of the new college, and the final structure will largely be determined by the outcome of that process.
As a comprehensive institution the college will offer university as well as technikon qualifications. This opens up new and exciting possibilities for the College and for our students. The School of Law will, for example, continue to offer the LLB degree and the postgraduate degrees of LLM and LLD, but will also offer qualifications such as a BTech in Deeds Administration and a Diploma in Corporate Governance. New avenues for articulation and access to university programmes may eventually be developed and new opportunities for students may open up.

We are excited and positive about the future of our college and about our academic offerings. The Law Faculty of the old UNISA brings to the new college and to the School of Law its academic standing and expertise, as do the other units of the college. Together we will go from strength to strength to serve our students and the community and to create new knowledge through a sustained research programme.

2 Vudec incorporation

The incorporation of Vudec, the distance education arm of Vista University, did not pose serious problems for the School of Law. The Law Department of Vudec offered only the LLB degree. This is a professional qualification whose outcomes and content are to a very large extent determined by the demands of the legal profession. The four-year LLB was instituted by all universities after the syllabus of the degree was extensively debated and agreed upon at a number of legal forum meetings during the latter half of the 1990s. All universities and the legal profession were represented on the legal forum.

Closer scrutiny revealed that the Vudec LLB was very similar to the UNISA LLB. With the exception of two modules, UNISA offers equivalent modules for all the Vudec modules. The Vudec students are now allowed to complete their Vudec degree, but register for the equivalent UNISA modules instead of the Vudec modules. Only the two unique modules are offered as Vudec modules.

Two permanent staff members of Vudec joined the School of Law. They are Mr TL Mabusela in the Department of Criminal and Procedural Law and Ms TT Nonvela in the Department of Private Law. Mr NS Mabote, a contract employee, is appointed in the Department of Mercantile Law.

3 BJuris and BProc degrees

The BJuris and BProc degrees were offered for the last time in 2003. Unfortunately, there were some students who still had a few modules outstanding to complete the degree. The management of the university approved that students who had a limited number of outstanding modules and who pass these modules during the May/June 2004 examination will be awarded the degree. We were able to stretch the deadline slightly due to the fact that students who obtained
supplementary or aegrotat examinations were required to write these examinations during the May/June 2004 examination. The BLuris and BPoc degrees are not part of our approved qualifications for 2004 and students who fail to complete these degrees in May/June 2004 should convert to the LLB degree.

4 National Research Foundation researchers

The School of Law is proud of its 13 National Research Foundation-rated researchers. Highest rated is Prof Johann Neethling, former Dean of the Faculty of Law, with a B2 rating, followed by Prof JT Pretorius and Prof AEAM Thomashausen with a C1 rating. The following colleagues obtained a C2 rating: Prof GTS Eiselen, Prof MK Havenga, Prof PH Havenga, Prof JG Hund, Prof HCAW Schulze, Prof SJ Scott, Prof AMA van Wyk, Prof CW van Wyk and Prof JP van Niekerk. Prof WG Schulze obtained a C3 rating.

Congratulations to these colleagues. We are pleased that years of dedicated work is acknowledged.

5 News from the departments

5.1 Dean’s Office

Ms Adri Tolmie was appointed marketing officer with effect from 1 October 2003.

5.2 Department of Private Law

Professor Annél van Aswegen van die Departement Privaatreg het vanaf 1 Januarie 2004 ’n aanstelling as Direkteur: Menslike Hulpbronne aan die Universiteit van Pretoria aanvaar en sodoende die Universiteit van Suid-Afrika (UNISA) verlaat na dertig jaar van onvermoeide diens aan die Departement Privaatreg, die Regsfakulteit en die Universiteit. Prof Van Aswegen se loopbaan aan UNISA het in 1974 begin en sy was onder meer Professor in Privaatreg sedert 1991 en Hoof van die Departement Privaatreg van 1995 tot 1998. Vanaf 1998 tot 2001 was sy Waarnemende Registrateur, Professionele Dienste en een van die sewe lede van die Hoofbestuurspan van die

Professor MK Havenga

Professor Annél van Aswegen
Universiteit van Suid-Afrika. Gedurende 2002 en 2003 was sy weer terug in die Departement Privaatreg as Professor, tot met haar aanstelling by die Universiteit van Pretoria. Aan Unisa het prof Van Aswegen verskeie Raads- Senaats- en Bestuursposisies bekle. Sy was in leierskapshoedanigheid by talle transformasieaktiwiteite betrokke, het baanbrekerswerk gedoen in ’n groot getal akademiese en personeelverwante universiteits- en fakulteitskomitees en was die ontvanger van ’n indrukwekkende lys akademiese en ander toekennings. Daarbenewens het sy ook ’n groot aantal publikasies die lig laat sien en was sy die outeur of medeouteur van verskeie verslae vir die Suid-Afrikaanse Regskommissie en UNISA.

Sy was ’n gereelde spreker by nasionale en internasionale kongresse. Prof Van Aswegen was ’n veelsydige dosent: In die Departement Privaatreg het sy onder meer Personereg, Familiereg, Kontraktereg, Deliktereg, Skadevergoedingsreg en Estoppel met ewe veel bekwaamheid en gesaghebbendheid gedoseer, maar haar belangstellingsvlak het selfs wyer gestrek en het dit Menseregte en die invloed van die Grondwet op die Privaatreg, Arbeidsreg en Vroueregte ingesluit. Sy was ’n bekwame promotor en medepromotor wat verskeie doktorale en ander nagraadse studente gepromoveer het.

Maar die Departement Privaatreg sal Annél van Aswegen veral onthou as hulle vriendelike en gulhartige kollega, as die vurige en onvermoeide kampvegter vir wat sy geglo het reg is, en as onverskrokke en meedoënlose teenstander van onregverdighed, onbillikheid en onbekwaamheid. Annél was in ’n instelling in hierdie Department. Ons sal haar mis, maar wens haar net die beste toe met haar nuwe loopbaan by Tukkies.

The Department of Private Law is extremely proud of its five members – more
than 20 per cent of its permanent academic staff complement – who completed their doctoral degrees during a single year. In 2003, Prof Chris Pretorius and Prof Leentjie de Jong obtained their LLD degrees. Now Prof Anneliese Roos, Ms Hanneretha Kruger and Mr Pieter Bakker also completed their doctoral theses and their LLD degrees will be conferred during 2004. The topic of Prof Roos’s thesis is ‘The law of data (privacy) protection: A comparative and theoretical study’. Professor Johann Neethling was her promoter. Ms Kruger’s thesis is entitled ‘Judicial interference with parental authority: a comparative analysis of child protection measures’ with Prof Annél van Aswegen as promoter. Mr Bakker wrote his thesis on ‘Huwelikspluralisme in Suid-Afrika’ and his promoter and co-promotor were Prof JMT Labuschagne and Prof LN van Schalkwyk (University of Pretoria) respectively.

Professor Loma Steynberg and Prof Leentjie de Jong were both promoted to Associate Professor on 1 January 2004.

Four members of the department were rated for their research by the National Research Foundation in 2003. They are Prof Johann Neethling (B3 rating) and Profs Susan Scott, Jeannie van Wyk and Sieg Eiselen (C2 ratings).

Professor Boyce Űanda acted as Head of Department of the Department of Private Law in 2003 during the absence of Prof Johan Potgieter who was on Research and Development Leave. During his leave, Prof Potgieter worked on the second editions of *Visser & Potgieter’s Law of Damages* and *Skadevergoedingsreg*, which were published by Juta Law during 2003, and on the third edition of *Visser and Potgieter Law of damages through the cases*, which will be published during the first quarter of 2004. Prof Loma Steynberg and Prof Tomas Floyd both contributed to the two law of damages textbooks.

The Property Law group held their annual Property Law Seminar at Unisa on 17 October 2003. This seminar has become an institution where Property Law lecturers from most universities in South Africa gather for a day to discuss topical issues, to catch up on news and to enjoy one another’s company! Members of the group who presented introductions to discussions were Ms Ina Knobel who spoke on the case of ‘Eight Kaya Sands v Valley Irrigation Equipment 2003 2 SA 495 (T)’ and Prof Jeannie van Wyk whose topic was ‘The rocky road to restitution for the Richtersvelders’.

Professor Jeannie van Wyk again presented a two-day course on ‘Land law – the changing face of South African land ownership’ with Kevin Hopkins from the University of the Witwatersrand on 26 and 27 February 2003 at the Centre for Management Development in Johannesburg. She will also be teaching Planning
Law and Development Planning Law at the University of the Witwatersrand as well as presenting Planning Law and Environmental Law lectures to LLB and LLM students at the University of Pretoria. Jeannie also gave a presentation on Land Reform to attorneys at Edward Nathan & Friedland in Johannesburg in February.

Professor Susan Scott acted as host for Prof Eric Dirix from the University of Leuven in Belgium during his recent visit to South Africa and Swaziland. Prof Dirix is also a judge of the Belgian Appeal Court and a Research Fellow in the Department of Private Law. On 15 January 2004 Prof Dirix addressed the faculty on the following topics: ‘Towards a new European Civil Code’, ‘A recent decision of the French court on wrongful life’ and ‘The latest developments in the law of cession in Europe’.

Professor Johann Neethling het op uitnodiging ’n strategiese werkswinkel oor die publikasie van hofverslae deur LexisNexis Butterworths van 6±7 Desember 2003 by die Mabula Lodge bygewoon. Van 17–19 April vanjaar het hy sy betrokkenheid voortgesit by die European Group of Tort Law – ’n groep Europese delikteregdeskundiges wat ten doel het om ’n stel algemeen aanvaarbare delikteregbeginsels vir Europa te ontwikkel – toe hulle in Wenen, Oostenryk byeengekom het. Die groep is tans besig om hul kommentaar op die beginsels af te handel. Twee verdere publikasies van hierdie groep, Unification of Tort Law: Liability for Damage Caused by Others (onder redakteurskap van prof Jaap Spier van Holland), en Unification of Tort Law: Contributory Negligence (onder redakteurskap van prof Ulrich Magnus van Duitsland en prof Miquel Martin-Casals van Spanje), is einde 2003 en begin vanjaar respektiewelik gepubliseer. Terwyl prof Neethling in Wenen was, het hy ook die 3rd Annual Conference on European Tort Law van 15-16 April bygewoon. As verteenwoordiger van die Vereniging van Regsdosente op die Regterlike Dienskommissie het hy voorts twee sittings van die kommissie in Kaapstad op 21 Februarie en 5–8 April bygewoon. Intussen is Issue Paper 24 van projek 127 van die Suid-Afrikaanse Regskommissie oor Privacy and Data Protection – waarvan prof Neethling die projekleier is – vir kommentaar vrygestel. Laastens het hy opgetree as gasheer van prof Helmut Koziol van Oostenryk wat die Fakulteit as gasdosedent van 2–6 Februarie 2004 besoek het. Prof Koziol het twee voordragte gelewer: ‘The new Austrian draft on tort law’ op 3 Februarie en ‘Banking law and consumer protection’ op 5 Februarie.

Professor Sieg Eiselen attended the Second Interantional Law and Commerce Conference entitled ‘Law, Commerce and Ethics’ from 8–10 December 2003 at the Victoria University in Melbourne, Australia. The conference was a joint venture between the University of Victoria and the International Islamic University of Malaysia. Prof Eiselen delivered a paper entitled ‘Unresolved damages issues of the CISG: A comparative analysis’. The paper dealt with interesting aspects of damages such as future damages, damages for a loss of a chance and the effect of contributory conduct of the aggrieved party by comparing
the Vienna Sales Convention of 1980 with the Unidroit Principles of International Contracts and the Principles of European Contract Law. Prof Eiselen was also invited to lecture on international trade law in the summer school programme of the Victoria University Law School. This programme is a voluntary programme for students wishing to earn additional credits. The class consisted of senior and postgraduate students. As the students were well prepared, he found the lecturing very enjoyable.

The following members of the department are on Research and Development Leave: Prof Jacqueline Heaton (1 January 2004 – 8 August 2004); Prof Tomas Floyd (1 April 2003 – 29 February 2004) and Prof Chris Pretorius (1 January 2004 – 30 November 2004).

5.3 Department of Mercantile Law

A number of members of the Department of Mercantile Law have been promoted: Professors TM Dooka and M McGregor to associate professor; and Mr MA Lepaku, Mr CS Makola, Mr EM Maleka, and Mr NR Nengome to senior lecturer. The department welcomed the following contract appointments: Mr NS Mabote (from Vudc) as lecturer in Commercial Law, Mr S Mashele as lecturer in Insolvency Law, and Mr SP van Zyl as lecturer in Tax Law. Mr PP Tjebane joined the department as an academic assistant.

Members of the department have been active internationally.

Professor RCD Franzsen participated in the fourth international conference of the African Real Estate Society. Professor Franzsen, an executive board member of the Society, and Prof WHA Olima of the University of Nairobi (who is also a research fellow of the Department) delivered a paper on property taxation issues in southern and east Africa. He presented a paper on local government finance in South Africa at a conference in Luanda, organised by the Angolan Fiscal Association; a paper on property tax reform in South Africa at the sixth international conference of the Institute of Revenues, Rating and Valuation, held in Tallinn, Estonia; and a paper on property taxation in the British Commonwealth at the Lincoln Institute of Land Policy in Cambridge, Massachusetts.
Professor T Pistorius attended the Training and Design Workshop for Distance Learning Tutors, organised by the World Intellectual Property Organisation Worldwide Academy in Geneva. Professors R Kelbrick, Pistorius, and CJ Visser all tutor the Introductory Course to Intellectual Property Law, presented online by the Academy. Professor Pistorius also attended a Symposium and Workshop in Turin, organised by the European Patent Office. The topic of the symposium was ‘Managing intellectual property rights in a knowledge-based society’, and of the workshop, ‘Intellectual property teaching and intellectual property training materials’. She also attended the conference of the Computer Law Association on mobile commerce, held in Munich.

Professor CJ Visser, head of the department, was appointed by the President of The World Bank as a member of an external advisory committee on the Bank’s new lending practices in Civic Engagement, Empowerment and Respect for Diversity. Civic Engagement, Empowerment and Respect for Diversity is a coalition effort among network anchors and the bank to support country teams in building capacity in bank lending for civic engagement in governance and public services, respect for diversity, and the empowerment of poor people. At the first meeting of the advisory committee, Professor Visser chaired the working group on Expanding Income and Labour Opportunities Based on Traditional Knowledge, Skills, and Intellectual Property Protection. He presented a paper on developing countries’ perspectives on the ‘Doha development agenda’ at the Eleventh Annual Conference on International Intellectual Property Law and Policy, at Fordham University in New York. He is an international adviser to The American Law Institute on the principles governing jurisdiction, choice of law, and judgments in transnational intellectual property disputes, and attended the meeting of the working group in Philadelphia.

A number of members of the department conducted research overseas. Ms W Jacobs visited the Max Planck Institute and University of Heidelberg in Germany; Ms N Locke, the Catholic University in Nijmegen, the Netherlands, the Max Planck Institute for Foreign Private Law and Private International Law, in Hamburg, and the Institute for Advanced Legal Studies in London; Prof M McGregor the International Labour Organisation in Geneva; and Ms SEM Tladi, the Centre for e-Commerce at the University of Leiden.

Nationally, Prof Franzsen participated in a two-day workshop, organised by the Parliamentary Portfolio Committee on Local Government, on the Local Government: Property Rates Bill. Professor Pistorius lectured on copyright and design protection to designers at training seminars held for the annual Anglo Gold
Jeweller Design Awards. She also lectured at the Rand Afrikaans University on contracting and dispute resolution, as part of that university’s Higher Diploma in Cyber Law. She delivered a paper on Information Security and the Law at ISSA 2003: The Future Secures, the Third Annual Information Security for South Africa Conference, held in Sandton. A number of members of the Department presented papers at the Annual Banking Law Update organised by RAU: Prof MK Havenga on Corporate Law and Prof JT Pretorius on the Law of Negotiable Instruments.

Last year, the department presented its annual showcase – the e-Commerce and Current Commercial Law Workshop, sponsored by Nedbank Professional Banking. Many members of the department took part in panel discussions: Ms Bourne, Ms Dekker, Prof Evans, Professors Franzsen and Havenga, Mr Hurter, Ms Jacobs, Prof Kelly, Ms Locke, Ms McGregor, Prof Pretorius, Prof Rutherford, Prof WG Schulze, Prof GJ Swart, Ms Tladi, Prof van der Merwe, Prof IL van Jaarsveld, Prof MI van Jaarsveld and Prof Visser. The topics covered included e-finance and banking, the future of e-taxation in South Africa, the interception of communications, the collapse of dotcom companies, STRATE, online lodgement and voting, business method patents, jurisdiction and the enforcement of judgments, international trends in e-contracting, online dispute resolution, and Website construction and design. International speakers were Mr JAE Faria, legal officer in the International Trade Law Branch of the secretariat of the United Nations Commission on International Trade Law, and Prof S Keating of Webster University in Geneva, Switzerland. Other outside speakers included Prof J Brink, partner in the law firm Brink Cohen Le Roux & Roodt Inc, Prof ED du Plessis, partner in the law firm Adams & Adams, Prof W Krüger, general manager legal and documentation at Nedcor, Dr VA Lawack-Davids, an LLD graduate of Unisa and Senior Payment System Analyst at the South African Reserve Bank, Prof PAK le Roux, partner in the law firm Brink Cohen Le Roux & Roodt Inc, and Mr Andrew Masters, manager of tax research at the South African Revenue Services. Professors Brink, du Plessis, Krüger and le Roux are all professores extraordinarii in the Department.

Members of the department also lend their professional expertise elsewhere. As its executive director, Professor Franzsen is also actively involved in the Southern African Tax Institute (SATI). The Institute was launched in June 2002 as an initiative of members of Harvard University’s International Tax Program, UNISA, the University of Pretoria, the University of the Witwatersrand, Rand Afrikaans University, and the National Treasury.

The international standing of the department has been enhanced by an invitation
to join the newly established Legal Network for e-Commerce. It is a network of legal scientists from leading universities worldwide, such as the Westfälische Wilhelms University in Münster and the Georg August University in Göttingen, Germany, the University of Copenhagen in Denmark, the Catholic University of Leuven in Belgium, Queen Mary College in the University of London, England, the University of Lisbon in Portugal, the Centre for Legal Informatics in Oslo, Norway, Leiden University, the Free University of Amsterdam in the Netherlands, and the Temple University School of Law in Philadelphia, United States. Within the network, legal scientists exchange ideas and collaborate for research purposes. The aim of this network is to facilitate comparative research on the law relating to e-commerce, and to produce high quality joint research projects and publications.

A number of books were published by members of the department. Professor JT Pretorius was the editor of the eighth edition of the *Companies and close corporations legislation handbook*, and the managing editor and co-author of the third edition of *Entrepreneurial law* (and its Afrikaans counterpart, *Ondernemingsreg*). Professors Pretorius, MI van Jaarsveld and CJ Visser were the co-authors of the eighth edition of *South African Mercantile and Company Law*. Professor Visser is the co-author of *Poor people’s knowledge: Promoting intellectual property in developing countries*, published by The World Bank.

### 5.4 Institute of Foreign and Comparative Law

During the last semester in 2003 (July to December), a particular highlight for the Institute of Foreign and Comparative Law was the arrival in August of the institute’s visiting researcher, Professor Bornito de Sousa from Luanda, Angola. Professor De Sousa, who is also the chairperson of the group of MPLA deputies in the Angolan Parliament, and an LLM student of Unisa, delivered an important guest lecture on ‘The New Angolan Post-War Constitution’ on 22 August 2003, giving first insights into the workings of the Angolan Constitutional Commission.

In September, Professor Thomashausen visited the island state of São Tomé and Príncipe to consult with Mr Patrice Trovoada, Special Advisor to President Menezes on law reform projects (São Tomé still applies the Portuguese codes from the colonial days) and foreign investment legislation. São Tomé also shows great interest in establishing regular co-operation with Unisa.

Professor Christian Schulze was involved as a legal expert in two ‘big-money’ divorce cases in the High Courts in Johannesburg and Namibia. In both cases he was called to give expert evidence based on his extensive knowledge of English and German family law. Both cases had plenty of ‘high-noon’ drama and were settled out of court just minutes before the start of trial.

Professor John Hund read papers on popular justice in September 2003 at the Critical Legal Studies Conference at Rand Afrikaans University and the Workshop on Law and Society at Wits. He also read a paper on witchcraft trials in September at UNISA’s Perspectives on African Indigenous Knowledge Systems Conference.
and in November he gave a talk at the Pretoria Theosophical Society titled ‘Meditation and the life of the mind’.

Mr ZN Jobodwana read a paper at UNISA’s Africa Week International Conference in September on the interface between NEPAD and the World Trade Organisation. As a founding member of UNISA’s Centre for African Renaissance Studies he has also served on the Centre’s Prepatory Committee and attended workshops on the training of post-graduate thesis supervisors and promoters. Since January 2004 he has been partly seconded to the Centre.

5.5 Department of Constitutional, International and Indigenous Law

The department is glad to welcome Prof Wessel le Roux, formerly from the Department of Jurisprudence here at UNISA. He joined the department on 1 January as an associate professor. He will be involved in the courses on Interpretation of Statutes and Constitutional Interpretation.

The Department of Constitutional, International and Indigenous Law has been very active in the past few months. Professor Henk Botha was invited to present a paper at the International Conference on Comparative Legal Cultures and Systems, organised by the Institute for Legal Studies, National Autonomous University of Mexico, 9–14 February 2004. His paper was entitled ‘Comparative Law and Constitutional Adjudication’ and was very well received; he was requested to send the article to a German law journal for publication.

Professor Elmene Bray was on long leave during 2003 and visited the Universities of Leiden in the Netherlands and Leuven in Belgium where she did research on aspects of global environmental governance and education law, particularly on the role of codes of conduct in public schools. During October 2003 she also presented a paper at a Human Sciences Research Council seminar on integration in South African public schools.

Professor Dire Tladi presented a paper at a conference in Scotland at the University of Aberdeen in April 2004. The conference is on ‘Global ethics, development, environment and the earth charter’. Professor Tladi will be speaking on ‘Strong sustainability, weak sustainability and the earth charter: towards a more nuanced ethical theory’.

Professor André Mangu delivered a paper entitled ‘Constitutionalism, democracy and human rights in precolonial and contemporary Africa’ at the Conference on ‘Perspectives on African Indigenous Knowledge Systems, organised by UNISA in Pretoria in September 2003. In addition, at the Council for Development of Social Science Research in Africa (CODESRIA) Subregional Conference for Central Africa, which was held in Cameroon in October 2003, he presented a paper entitled ‘Constitutions sans constitutionnalisme, ‘democraties autoritaires’ et responsabilite sociale des universitaires en Afrique centrale: quelle voie vers la Renaissance Africaine?’.

Another paper was presented at the ‘30 years of social science research and knowledge production in Africa’, anniversary
conference organised by the Council for the Development of Social Science Research in Africa (CODESRIA, 1973–2003), which took place in Dakar, Senegal, during December 2003. The title of the paper was ‘Contribution des intellectuels congolais au mouvement nationaliste, a la lutte pour l’indépendance et la démocratie au Congo-Kinshasa.’

Professor Engela Schlemmer was invited to join the Monetary Law Committee of the International Law Association and took part in their activities in Linz, Austria in September 2003. She took part in their meeting in Tokyo, Japan at the beginning of April 2004.

5.6 Department of Criminal and Procedural Law

The Department of Criminal and Procedural Law is now officially headed by Professor Johan Joubert. Professor Joubert has been appointed head of the department for the period 1 October 2003 until 30 September 2008 or until the faculty is restructured. Best wishes to Professor Joubert in his new position!

Die departement het op 22 Maart 2004 in samewerking met die Vereniging van Streeklanddroste van Suid-Afrika ‘n simposium oor die impak van die Grondwet op die Strafregsplegingstelsel gehou. Professor Kallie Snyman het oor die impak op die substantiewe Strafreg gepraat en professor Petro Swanepoel oor die impak op die voorverhoorprosedures. Professor Louise Jordaan was gemoeid met die reëlings.

Professor Stephan Terblanche was genooi om in November 2003 die jaarlikse kongres van die Vereniging van Streeklanddroste by te woon en ’n lewing te gee oor vonnisoplegging en herstellende geregtigheid. Professor Terblanche het ook ’n groep proefbeamptes voorgelig oor die ‘Wet op Minimum V onnis’ (Wet 105 van 1997). Voorts het die agtste diensuitgawe van die losbladwerk Praktiese Vonnisoplegging in November 2003 die lig gesien.

Professor Peet Bekker spent the period from August to October 2003 at the James E Rogers College of Law at the University of Arizona, Tucson, Arizona. He did research and wrote articles on the right to counsel at trial for a defendant in the criminal justice system of the
United States of America, including the right to effective assistance of counsel; the Constitutional privilege against compulsory self-incrimination; and a defendant’s right to silence in the criminal justice system of the United States of America and South Africa regarding a material difference between the evidence at a criminal trial of a witness and a previous statement made by him or her.

Sanette Nel and Bobby Naudé of the department were promoted to professors from 1 January 2004. Ms Fawzia Cassim completed her doctorate on ‘The right to meaningful and informed participation in the criminal process’ and the degree was conferred in April 2004. Our congratulations to our colleagues on their promotion and achievement.

Professors Dana van der Merwe and Sanette Nel are on research and development leave from January until 31 October 2004. For a period of six weeks starting 14 April 2004, Professor Nel will be visiting the United States and the United Kingdom where she will make contact with international experts in the fields of Internet Law and Media Law at Duke University, Harvard University, Boston University, Brooklyn Law School, the University of Strathclyde and the London Institute of Advanced Legal Studies. The purpose of the visits is to discuss and exchange ideas on freedom of speech on the Internet.

Professor Sunette Lotter was met navorsings- en ontwikkelingsverlof vanaf 1 Julie tot 31 Desember 2003 waarbydens sy navorsing gedoen het oor nuwe ontwikkelinge in die reg ten aansien van prostitusie.

Professor Estelle Hurter is mede-aanbieder van die sertifikaatkursus Women and the Law. Die gebruiklike werkswinkel word weer in die vooruitsig gestel vir later vanjaar.

Professor Omphemetse Sibanda attended the Africa Week Conference held at Unisa on 3 and 4 September 2003 and presented a paper entitled ‘AU-NEPAD in the multilateral trading system: constraints and challenges’ (ingesluit by hierdie uitgawe van Codicillus).

The merger between Unisa and Vudec brought a new member to the Department in the person of Advocate Oupa Mabusela. He brought with him three pipeline courses, namely Introduction to Legal Skills (LC5001-B), Arbitration (MW5511-J) and Mediation and Conciliation (MW5512-K). He joined Vista University (Mamelodi Campus) Law Faculty as a lecturer in 1998. In 2001 he was transferred to Vudec as a lecturer in the Department of Procedural Law. He was also the chairperson of the Vudec Law Faculty. He holds the degrees BJuris and LLB (Vista) and is currently enrolled for an LLM (research curriculum) at the University of Pretoria on the proposed fusion of the legal profession with reference to attorneys and advocates. A warm word of welcome to our new colleague!
5.7 Department of Jurisprudence

Three members of the Department of Jurisprudence were promoted: Professor Christa Roodt to full professor, Dr Rushiella Songca to associate professor and Ms Gugu Nkosi to senior lecturer. Congratulations! We trust that they will continue their good work in their new, more senior, positions.

Professor Christa van Wyk’s impressive research record culminated in a very good National Research Foundation rating and we would like to congratulate her. During November 2003 she gave a keynote address on ‘AIDS education in South African schools’ at a conference held by the Education Law Association at Manchester University in the United Kingdom. At the end of March she attended the African Human Genome Initiative Conference held in Cairo, Egypt, where she read a paper on the legal aspects of HIV vaccine research in South Africa.


Professor Christa Roodt visited the Institute for Private International Law in South Africa, RAU, on 15 April 2004, when she presented a paper dealing with the South African Law Commission’s proposal on consolidated legislation pertaining to international co-operation in civil matters.

Me Anel Ferreira-Snyman is amptelik deur die College voor Promoties van de Universiteit Leiden toegelaat om aan die Universiteit van Leiden te promoveer. Professor John Dugard sal as promotor vir haar proefskrif getitl ‘The erosion of state sovereignty in Public International Law: A new World Law?’ optree.

Professor Melodie Slabbert delivered a paper entitled ‘Justice and truth and a victimary hypothesis’ at the Law Teachers’ Conference in Windhoek during July 2003, and one entitled ‘Fiddling with values: The TRC’s concept of restorative justice, ubuntu and reconciliation’ at the Indigenous Knowledge Systems Conference held on the UNISA Main Campus in September 2003. In February 2004 she delivered a Departmental lecture on ‘Prosecuting animals in medieval Europe: Possible explanations’.

During October 2003 Mr James Matshekga undertook field trips to Botswana and Zimbabwe as part of his doctoral research. In November 2003 he attended a Labour Arbitration Workshop organised by the Centre for Business Law in the Department of Mercantile Law. He was also appointed as part-time Commissioner for the Commission for Conciliation, Mediation and Arbitration with effect from 1 March 2004.

Professor Nazeem Goolam will be teaching two UNISA courses offered by the Department of Jurisprudence at Lloyd’s Institute of Law at Forbes Lever Baker in Johannesburg. He has also registered for a Ph.D entitled ‘Islamic legal thought in the Middle Ages and its impact on European legal philosophy and international law’ at the Islamic University of Malaysia.
5.8 Legal Aid Clinic

The activities of the Legal Aid Clinic for 2004 are well on the way and this year promises to be a good one for the Clinic.

The number of personnel at the Clinic presently stands at 12 of whom 6 are professional staff members and 6 are administrative personnel.

Students who register for the course Introduction to Legal Practice will attend five seminars as well as the annual Moot Court which takes place in the high court during August. During these proceedings students are expected to argue an appeal before judges of the High Court. This is a very important exercise for the students, as participation is compulsory in the Gauteng province in order to qualify for admission to the examination and this also serves as the closing function for the year. Students also attend classes in Cape Town, Port Elizabeth and Durban.

During 2003 the clinic received 3 302 applications for legal assistance. There were 148 appearances in the High Court of South Africa and 127 appearances in the North Eastern Divorce Court.

Unisa personnel are also assisted at the clinic and several UNISA staff members were consulted and advised during 2003.

Two candidate attorneys, namely Michale Kabai and Mildred Baloyi were admitted as attorneys of the High Court of South Africa during 2003. Advertisements for candidate attorneys will be published soon in order to fill current vacancies at the Clinic.

Prof MC Maré
Executive Dean
College of Law and Justice