From the dean’s desk
Van die dekaan se tafel

Prof D Titus
Acting Executive Dean:
College of Law

News from departments

School of Law

1 Department of Criminal and Procedural Law

Prof Dana van der Merwe het gedurende 2007 in samewerking met proff Sieg Eiselen, Anneliese Roos en Tana Pistorius ’n boek oor Information and Communications Technology (ICT) Law volttoi. Die boek sal vroeg in 2008 deur LexisNexis gepubliseer word.

Prof Van der Merwe is verder direkteur van Freedom to Innovate South Africa (FTISA). Die oogmerk van die organisasie is om te help verhoed dat die firma Microsoft sy monopolie op sagteware uitbrei.

Professor Stephan Terblanche kept himself busy with research based on the Law Commission’s proposals, in 2000, for sentencing reform. Sentencing reform is quite topical, as regional magistrates will in all probability have the power shortly to impose life imprisonment. In September 2007 he visited the Max-Planck-Institut für ausländisches und internationales Strafrecht in Freiburg, Germany for the second time in this year. This time his research dealt with the day-fine system as it is used in Germany.

Prof John Faris has designed a new LLB-elective module known as “Trial Advocacy”. The module is being presented by the Department of Criminal and Procedural law in conjunction with the Unisa Legal Aid Clinic.

Prof Bobby Naudé visited the University of Miami in September 2007 to do research on the impact of the constitution on certain aspects of the law of evidence.

Prof Sanette Nel, Prof Omphemetse Sibanda and Mr Anton Welgemoed attended The International Law and Trade Conference, hosted by the Istanbul Bilgi University of Information Technology in Turkey from 10-12 May 2007. They delivered papers at this conference.

On the 8th of February 2007 Prof Sanette Nel and Mr Anton Christo Welgemoed attended the “Electronic Communications Act workshop on broadcasting in South Africa” held at Radio Park, SABC. On the 9th of February 2007 Prof Nel and Mr Welgemoed
attended a workshop in Pretoria and provided commentary on the consultation document of the Department of Environmental Affairs and Tourism in preparation for the third meeting of the Open-Ended Ad Hoc Working Group of Legal and Technical Experts on Liability and Redress in the Context of the Cartagena Protocol on Biosafety that took place thereafter in Montreal, Canada (19-23 February 2007). During this workshop Mr Welgemoed delivered a paper on the liability, redress, damage and transboundary transport of genetically modified organisms.

From the 4th of April until the 5th of May 2007 Prof Nel and Mr Welgemoed did research in the US at the Harvard School of Law in Massachusetts and the Stanford Law School in California. Their research was focused on media law, internet law and environmental law. During this research trip they also visited CNN in Atlanta, Georgia, to obtain firsthand experience of journalism and international media law.

2 Department of Jurisprudence

In August this year Prof Irma Kroeze took over as head of department of Jurisprudence from Prof Christa van Wyk. Prof Christa van Wyk will be on Research and Development leave from 1 October 2007.

Prof Rena van den Bergh received an award for the Unisa female researcher who obtained the highest NRF rating during 2006. Congratulations Rena! Prof Van den Bergh attended the Société Internationale pour l'Histoire des Droits de l'Antiquité (SIHDA) conference in Catania, Italy from 24 September to 30 September 2007. A Special edition of Fundamina, “The Selective Voet” which consists of a translation of and a commentary on Paulus Voet’s De Statutis Eorumque Concursu Liber Singularis was published this year under Prof van den Bergh’s editorship.


Prof Anél Ferreira-Snyman participated in an international law seminar on “The role of public international law in the creation of a new world order” hosted by the Law Faculty of the North-West University, on 18 May 2007 in Potchefstroom. Prof Ferreira-Snyman delivered a paper at the seminar titled “The limitation of state sovereignty: Towards a world law?” From 27-29 August 2007 Prof Ferreira-Snyman attended an international conference on “Good governance and non-state actors in international law: An African perspective” hosted by the South African Branch of the International Law Association (SABILA). Prof Ferreira-Snyman delivered a paper on aspects of state sovereignty and human rights in the context of good and global governance.

Prof Nazeem Goolam was on Research and Development leave for the first six months of 2007, during which time he pursued his Ph.D research. In June 2007 he spent three weeks in Spain visiting a number of libraries housing medieval Arabic manuscripts. These included the National Library in Madrid, the Escorial Library at the San Lorenzo Monastery and the Escuela de Etudios Arabes in Granada.
Mr Frans Mahlobogwane, our street law officer, was engaged in various street law projects this year. A series of community workshops were presented to the communities throughout Gauteng, KwaZulu-Natal and Limpopo respectively. Institutions that stand to benefit include schools, colleges and prisons. On 13 September street law students were presented with certificates of participation at a year end function. The invited guest speaker was Adv Peter Makhambeni (a member of the Pretoria Bar Association who is also a UNISA graduate).

Ms Marlene Wethmar-Lemmer presented a departmental lecture on 19 September 2007. The title of her lecture was “The relationship between uniform substantive international sales law and private international law: the CISG, the 1980 Rome Convention and the 1955 Hague Sales Convention”.

3 Department of Private Law

The Department of Private Law had occasion for both celebration and sadness. Cause for celebration was the appointment of Professor Luanda Hawthorne as Affiliated Professor to the University of Haifa in Israel by the president of the university, Professor Aaron Ben Ze’ev and the rector Professor Yossi Ben-Artzi. The department is proud of this international recognition bestowed on Luanda. Further cause for celebration was the inaugural lecture of Professor Chris-James Pretorius. It was titled “Deliberate third party conduct in the creation of obligations”, and was delivered on 30 August 2007. The department looks forward to a fruitful contribution by Chris in his capacity as full professor.

Together with the joy of a new professor in the department, came the sadness of having to say farewell to another, Professor Boyce Wanda. Boyce was born in Malawi, and had a long academic career, of which he describes his stay at Unisa as a highlight. He joined the Department of Private Law in May 2001 as Professor of Private Law. He taught Private Law Perspectives of Human Rights, Private Law Perspectives of Education Law for LLB students, Education Law for students studying for the Masters in Education Management, Delict, and Law of Succession. He acted as external examiner in various law subjects for the Wits Law School, the University of Swaziland and the University of KwaZulu-Natal. In 2003 he was Acting Head of the Department of Private Law. In a farewell message to the Department, Boyce writes about this period in the following words: “It was a most challenging time having to preside over colleagues who knew their Department inside-out… As a relatively new person I could afford to make (silly) mistakes and blame them on innocent ignorance! But, on reflection, this was a most interesting time and I grew to know colleagues in the Department more closely. I am most grateful to all my colleagues, both academic and administrative, for the co-operation that they gave me. I obviously would not have been able to function without their unstinting support.” When he joined the Department, Boyce was already serving as member and Chairperson of the Standards Generating Body for Legal Education and Training (SGB for LET). He chaired this body from its inception in 2000 until 2005. Boyce’s colleagues got to know him as a soft-spoken and good-natured person, a true gentleman of Africa. We shall miss him and bid him all the best for a fulfilling and restful retirement.

Quite a number of staff members have been on overseas visits for research and other purposes. Professor Johan Potgieter travelled to Australia and New Zealand, visiting the Sidney University, the Griffith University in Brisbane, the University of Western Australia in
Perth, the Auckland University and the Canterbury University in Christchurch. Professor Johann Neethling visited the Max Planck Institute in Munich and the University of Harvard in Boston; while Professor Sieg Eiselen visited the Wuhan University in China. Ms Mitzi Wiese visited the University of Leuven, where she liaised with Prof Eric Dirix, who is a research fellow of Unisa. She also attended a conference at the University of Lleida in Catalonia, Spain on European Private Law beyond the CFR.

Staff members who were on Research and Development Leave include Professor Juanita Jamneck, who researched intention in wills and intention in terms of section 2(3) of the Wills Act, and Professor Leentjie de Jong who conducted comparative research on the outcomes of traditional divorce and mediated divorce. Also on the local front, Professors Jackie Heaton and Hanneretha Kruger, Dr Pieter Bakker and Mrs Sandra Ferreira attended a certificate course on aspects of the Children’s Act 38 of 2005 held at the University of Pretoria, while Professors Susan Scott, Jeannie van Wyk, Mr Paul Brink, Mrs Ina Knobel and Ms Mitzi Wiese attended a property law colloquium in Potchefstroom.

4 Department of Constitutional, International and Indigenous Law

The Verloren Van Themaat Centre for Public Law Studies in the Department presented the Soobramoney retrospective on 10 September 2007 (the third such 10 year retrospective organised by the Centre) during which papers were presented on the legacy of the Soobramoney judgement for the development of a truly transformative socio-economic rights jurisprudence in post-apartheid South Africa. Papers were presented by academics and legal practitioners from Durban, Pretoria and Johannesburg.

Engela Schlimmer lectured at the International University in Germany in Bruchsal during June and July. She also attended a meeting of the Committee on International Law on Foreign Investment of the International Law Association in Vienna during September and gave guest lectures at the Universities of Pretoria and Johannesburg during the second semester.

Wessel le Roux presented a paper on memorial constitutionalism as a strategy of refusal at the Annual Law and Society Association Conference in Berlin, Germany, 28 July 2007. On 28 June 2007, Prof Andre Mbata B Mangu presented his inaugural lecture entitled "Assessing democracy and good political governance under the African Peer Review Mechanism in African Union member states." During 18-19 June 2007, Prof AMB Mangu attended a conference organised by the Law Faculty of the University of Kinshasa, Democratic Republic of Congo, on "Participation and actors' responsibility in the context of an emerging democracy in the Democratic Republic of Congo". He served as the General rapporteur of the conference and co-edited the book which contains the proceedings of the conference. Prof AMB Mangu also attended a Research methodology Workshop organised by Human Sciences Research Council (HSRC) and Council for the Development of Social Science in Africa (CODESRIA) on "South Africa's role in Africa". The workshop was held in Johannesburg, South Africa from 11-12 October 2007. Prof AMB Mangu participated in the 4th Africa Governance Forum (AGF VIII) organised by the United Nations Development Programme (UNDP) in Ouagadougou, Burkina Faso, on the theme "Building the capable state in Africa". He presented a paper entitled "State legitimacy and leadership development
in Africa”. The forum took place during 22-26 October 2007. In November this year, Prof AMB Mangu will be attending the 2007-2011 Strategic Planning Meeting organised by CODESRIA in Cairo, Egypt, on the theme “Consolidation and renewal in African Social Research”.

Mzondi Molapo resigned from 1 September 2007 after working in the Department for 7 years. He took up a post in Human Resources at Unisa.