

FACULTY OF LAW  
STELLENBOSCH UNIVERSITY  
**LLM BY COURSE WORK**  
**2011**



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## HISTORY OF THE LAW FACULTY

Stellenbosch University traces its origin back to the opening of the Stellenbosch Gymnasium in 1866. The Gymnasium subsequently gave birth to the “Arts Department” which became “Stellenbosch College” in 1881. In 1887, the golden jubilee of Queen Victoria’s reign, the Stellenbosch College was transformed into the “Victoria College” in honour of the Queen. The possibility of the establishment of a single national university in Cape Town after the unification of South Africa, seriously threatened the continued existence of the College and the status of Dutch as an official language of the Cape Colony. The Victoria College, however, was not prepared to give up its heritage. By April 1918 it had managed to convince the Government of the need for the institution, and Victoria College then became Stellenbosch University.

At the centre of Stellenbosch, at the corner of Victoria Street and Ryneveld Street, is the Old Main Building, home to the Stellenbosch Faculty of Law. Inaugurated in 1886 as the main building of the Victoria College, this building also serves as a monument to commemorate the 200th anniversary of the establishment of the town by Simon van der Stel in 1686.

The Stellenbosch Law Faculty itself was established in 1921. Initially the Faculty focused on LLB degrees, training and equipping students, not merely as legal practitioners, but also as jurists. Graduates of the Faculty include judges, advocates, attorneys, business people, politicians and academics. In 1976 the LLM degree (by thesis) was awarded for the first time to two students. The Law Faculty introduced the Master of Laws programme (LLM by course work) in 1995. A wide variety of modules is offered (see paragraph 16 below). The purpose of our LLM is not only to enable law graduates to specialise, but also to afford them an opportunity to concentrate on current issues brought to the fore by societal transition and constitutional and other recent developments, including South Africa’s resurgence as an important trading nation.

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## **I. The LLM Programmes at Stellenbosch**

- 1.1 Stellenbosch University offers two LLM programmes by course work, namely a general LLM and a LLM in International Trade Law.
- 1.2 The curriculum for the general LLM by course work is not formally organised on a departmental basis, and there is no uniform set of prescribed modules. Instead, students are invited to compile a curriculum from modules offered by the Faculty. Selections must meet the formal degree requirements and are subject to approval by the Faculty Board. The timetable also restricts the options available to the student. This is inevitable. The timetable, while leaving room for interdisciplinary choices, permits student specialisation by the selection of modules within the broad areas of either Private, Mercantile or Public Law. In addition to the modules a research paper must be completed. For more information on the research paper see paragraph 17 below.
- 1.3 The LLM in International Trade Law comprises the two modules, International Business Transactions A and B, International Commercial Arbitration and one of the following two semester modules: International Tax Law or Public Law Aspects of International Trade (All modules from the Department of Mercantile Law). In addition to the modules a research paper must be completed. For more information on the research paper see paragraph 17 below.
- 1.4 The timetable for 2011 is set out in schedule A of this prospectus. Seminars are usually presented after normal working hours to accommodate part-time students.
- 1.5 With exception of the LLM in International Trade Law, under university regulations, the degree certificate will not reflect any chosen field of specialisation.
- 1.6 The LLM by course work is not a correspondence course. Class attendance at Stellenbosch is required.

## **2. Combined degree programmes (Labour Law) and registration of some modules elsewhere**

- 2.1 The Universities of Stellenbosch, Cape Town (UCT) and the Western Cape (UWC) offer a combined LLM degree in Labour Law. Students registering for the LLM degree at Stellenbosch may be permitted to enrol as students for one module in Labour Law at UCT or UWC in addition to the modules in Labour Law enrolled for at Stellenbosch.

Recognition of a module followed at another university is however subject to prior approval by the Faculty Board of Stellenbosch University. Such recognition may be given on condition of additional work being done.

- 2.2 In addition to the combined degree in Labour Law, students registering for a LLM degree at Stellenbosch may be allowed to enrol – subject to the prior approval of the respective Faculty Boards and subject to paragraph 4.2 below – for a maximum of one approved module from the LLM programme at UCT or UWC. The practical legal training course will not be accredited as a LLM module at Stellenbosch.

Recognition of such module followed at other universities is however subject to prior approval by the Faculty Board of Stellenbosch University. Such recognition may be given on condition of additional work being done.

- 2.3 Students who decide to enrol for a module at UCT and/or UWC, should note that registration as a special student at those universities would also be required.

*For more information contact:*

Mrs Sheryl Ronnie at UCT;  
tel +27 (0)21 650 2997 or e-mail: sheryl.ronnie@uct.ac.za  
or Ms D Snyders at UWC;  
tel: +27 (0)21 959 3292 or e-mail: dsnyders@uwc.ac.za.

### 3. Exchange programme with Utrecht University

The faculty of law has an exchange agreement with Utrecht University. According to this agreement South African citizens following the LLM programme at Stellenbosch University may complete two LLM modules at Utrecht University during the second semester of the academic year. Interested candidates may apply with the LLM coordinator, before 25 February 2011.

### 4. Completion of degree

- 4.1 A student will be awarded the LLM degree after
- the successful completion of prescribed curricula in four modules; and
  - the acceptance of a research paper, prepared under supervision, of 10 000 to 15 000 words on a topic approved by the Faculty Board.
- 4.2 Students will be required to complete and submit their research papers at the university where they are registered for degree purposes. See paragraph 17 below for more information on the research paper.

#### *New regulations for 2012*

*Students are advised to take note that the credits awarded for the research paper will be increased in 2012. Accordingly the word limit of the research paper will be upwardly adjusted and students will be required to participate in research training at the beginning of the year before the general start of classes. The new regulations will apply to all students graduating from 2012 onwards.*

### 5. Module selection: some limitations

- 5.1 The availability, presentation and structure of modules in a given year may be affected by the absence of faculty members on leave. It is therefore also important for students who commence with their studies during the July intake of an academic year to consult the

prospectus for the academic year that starts in January of the *following year*, as soon as it becomes available.

- 5.2 A minimum enrolment of five students is required for a module to be presented.
- 5.3 The timetable as set out in schedule A also restricts the available options.

### 6. Duration of the programme

- 6.1 Full-time students are required to satisfy the prescribed requirements within one academic year (consisting of two semesters of 13 weeks each). Two modules must be followed in each semester, and students will be examined on a semester basis.
- 6.2 The Faculty Board may allow students to extend their studies over a period of two years. Such students will be required to follow at least one module per semester. In such a case class fees will depend on the number of modules followed in a given semester.
- 6.3 Full-time and part-time students may elect to commence their studies at the beginning of the first or second semester.
- 6.4 Students are not permitted to register for more than two modules per semester.

### 7. First meeting

All students are required to attend the first meeting at the beginning of the academic year. This meeting is scheduled for Wednesday 26 January at 18:00 at the Old Main Building. The purpose and details of this meeting are set out in a further notice, which can be obtained from Karin Wiss (karinwiss@sun.ac.za). A separate informal meeting will be arranged for students who only commence with their studies in the second semester.

## 8. Medium of Instruction

The language of instruction is English. Yet assignments, research papers and examinations may be written in Afrikaans or English.

## 9. English Proficiency

Students of the Faculty of Law have to be proficient in English and must be able to study, write exams and compile research papers effectively in English. International students applying for admission to the LLM Programme are required to submit proof of their current level of proficiency in English (i.e. TOEFL or IELTS scores).

Please note that, where appropriate, the Faculty will refer students to various support services offered by Stellenbosch University in this regard.

## 10. Method of instruction

- 10.1 Modules will be presented by means of seminar sessions based on prescribed material. Active student participation is required.
- 10.2 There will be one session of 2 hours in each module per week, or as otherwise arranged with students (e.g., one 4-hour session every second week).

## 11. Examinations

- 11.1 Formal examinations will be conducted in all modules. The research paper will be evaluated by a supervisor in conjunction with an internal and external moderator.
- 11.2 Written examinations may be combined with oral examinations and/or assignments.
- 11.3 In addition to any other requirements which apply to the calculation of the final mark for a module (for example

those stated in the module framework) a final mark of less than 50 must be allocated if a student obtains a mark of less than 40 in the written examination.

- 11.4 There are no supplementary examinations for LLM modules. However if a student has failed only one module, and has passed the other three modules, such student may, at the discretion of the Dean in consultation with the relevant academic department, be permitted to write a dean's concession examination. The pass mark for such examination is 50%.

## 12. Admission requirements

A student with an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the Bluris degree) and who has attained an average of 60% in the final year of this degree or a comparable achievement in another (for example, foreign) qualification, or a student who has attained a level of proficiency or accomplishment in Law which, in the judgement of the Senate, is regarded as adequate for this purpose, may apply in writing to read for a Master's degree in Law. The Senate will consider every application on merit.

## 13. Admission procedure

- 13.1 By written application to the Faculty Officer, Faculty of Law, University of Stellenbosch, Private Bag X1, Matieland 7602. South African students must apply before 15 January of the year of registration and foreign students before 30 September of the year before registration. However, late applications will also be considered. Application forms may be obtained at [www.sun.ac.za](http://www.sun.ac.za).
- 13.2 Applications for registration for the second semester have to be submitted by 15 July in the case of South African students and 30 April in the case of foreign students. However, late applications will also be considered.

## 14. Tuition fees (approximate)

- 14.1 Although the tuition fees for 2011 have not yet been finalised, they will amount to approximately R5 669 per module and R1 623 for the research paper. Fees for the full complement of modules may accordingly amount to R24 300.
- 14.2 International students are also required to pay an international registration fee. Please contact the Postgraduate and International Office at [interoff@sun.ac.za](mailto:interoff@sun.ac.za) for more information.
- 14.3 The onus is on the student to establish the fees prior to registration. Students should note that student fees might be amended annually. This will affect students who decide to complete the LLM programme over two years instead of one, as well as students who enrol in the LLM programme during the second semester, thereby completing the degree over two academic years.
- 14.3 The tuition fees do not include the cost of textbooks, notes or other materials prescribed for the specific modules.

## 15. Financial assistance

Consult Part 2 of the Yearbook of Stellenbosch University.

## 16. Modules

### DEPARTMENT OF MERCANTILE LAW

#### **Advanced Company Law**

*Prof AH van Wyk (Second semester)*

The corporation or company has been the vehicle for wealth creation in all modern economies. However, the company form has often been abused to the detriment of investors, employees and the general public. Since the turn of the 21st century this was spectacularly illustrated by the Enron and Worldcom scandals in the United States and also by the events at Parmalat in Italy. Corporate governance concerns the structures and practices that must be in place to ensure that all stakeholders in a company are fairly treated and that their interests are properly guarded. The student who completes this module successfully will have an understanding of international trends in Company Law and the most important international documents on corporate governance from a comparative point of view.

The module has the following content: Introduction to comparative company law; company structures and principles in common law systems (including South Africa); company structures and principles in other European legal systems. Corporate Governance: corporate governance issues with examples from South Africa, the UK, USA, Germany, France and the Netherlands; self-regulatory codes; accounting, accountants and analysts; conflicts of interest; corporate governance and corporate reconstructions. Other *capita selecta* in the field of company law may also be covered.

#### **Competition Law**

*Prof PJ Sutherland (convenor) and various other guest lecturers (Second semester)*

In this module, South African competition law is studied from a comparative perspective. The main jurisdictions for comparison are the European Union and the United States but passing reference will be made to German, Canadian, Australian and UK law. In most legal systems the focus of competition law now is on interests of consumers in productive dynamic and allocative efficiency. The first part of the module considers

the goals of South African competition law against this backdrop. The next section concerns the economics of competition. Economics is central to the resolution of competition law issues and this part of the module is intended to provide the student with the basic economic skills that are needed for this purpose. Thereafter the jurisdiction of competition authorities and the international dimension of competition are studied. Next comes the central part of the module. The substantive competition law, that is the law regarding horizontal and vertical restrictive practices, abuse of dominance and mergers, is evaluated in detail. Finally, a brief survey of the institutions responsible for regulating competition law and the remedies available for breaches of competition will be done.

### **Corporate Acquisitions – This module will *not* be offered during 2011**

This module will deal with the legal aspects of corporate acquisitions: the principal types of acquisition and the regulation of such transactions.

A large part of the module will be dedicated to the acquisitions of public companies and the regulation thereof pursuant to the Securities Regulation Code on Take-overs and Mergers. Although the course will principally be concerned with South African law, references will be made to, and comparisons will be drawn with, the position under UK and US law.

### **Equality in the workplace**

*Prof OC Dupper (Second semester)*

This module focuses on the emerging field of employment discrimination law in South Africa. The Labour Relations Act of 1995 (LRA) and the Employment Equity Act of 1998 (EEA) prohibit discrimination against employees and extend that protection to applicants for work. The EEA also makes provision for the implementation of affirmative action measures to redress the disadvantages in employment experienced by black people, women, and the disabled. The module will be divided into two parts: The first part will concentrate on the prohibition of discrimination. Issues such as the meaning of discrimination, the structure of a discrimination claim, the difference between direct and

indirect discrimination, justification and proof and evidence will be examined. Attention will also be paid to some of the typical areas of application, such as pregnancy, sexual harassment and equal pay claims. In the second part of the module, affirmative action will come under the spotlight. South Africa's Constitution breaks ranks with many legislative provisions elsewhere in the world by making explicit provision for affirmative action policies. In this regard, it is asserted that the South African Constitution embraces a substantive or asymmetrical – rather than a formal or symmetrical notion of equality. In order to give effect to the Constitution, the EEA places an obligation on 'designated employers' to implement affirmative action measures to redress the disadvantages in employment experienced by black people, women and people with disabilities. Against this background, we will examine the response of the South African judiciary and arbitrators to challenges launched against affirmative action practices and policies, and evaluate the principles that have crystallised against the framework of the constitutional commitment to substantive equality. Even though the focus will be on South Africa, the module will be approached from an international and comparative perspective..

### **Employment Rights**

*Mr C Garbers (First semester)*

In this module we will evaluate the interaction of the three main sources of labour law and of terms and conditions of employment, namely the Constitution, legislation and the contract of employment (as influenced by collective agreements). Once the scene has been set with an overview of the interaction between these three sources, attention will shift to the examination of selected issues under each of the three headings. Although the emphasis of the module is on individual labour law (i.e. the relationship between the individual employee and his or her employer), the principles of collective labour law will also be addressed and incorporated where necessary. Students who complete the module will have a sound understanding of South African labour law in general, as well as an advanced understanding of some of the more important issues in individual labour law (many of which have proved to be problematic in other jurisdictions). Note, however, that some issues – such as discrimination

and the individual rights underlying collective labour law (e.g. freedom of association and the right to strike) – will not receive detailed attention in this module, simply because these topics are dealt with in other LLM-modules in labour law to which students have access (see page 7).

### **International Tax Law**

*Lecturer to be announced (Second semester)*

The tax implications of cross-border transactions are examined. Topics covered include the bases of taxation, unilateral relief from double taxation, double taxation agreements; transfer pricing, thin capitalisation and similar techniques; certain aspects of customs and excise; controlled foreign company legislation; and the taxation of trusts.

*Note: A prior knowledge of South African tax law is recommended*

### **International Business Transactions A**

*Dr J Coetzee and Prof S Eiselen (First Semester)*

This module deals with international sales law and related issues. The following topics are dealt with: the structure of the international sales transaction and its context; salient features and problems requiring legal regulation; the documentary nature of the transaction; trade terms (with special emphasis on the ICC's Incoterms 2000); the role of private international law; the evolving international law; the need for a uniform law of international sale, and the agencies involved therein; an overview of the structure and general characteristics of the Vienna Convention for the International Sale of Goods, 1980 (CISG); factors relevant to the decision of a state to accede to the convention; criteria governing the application of the convention; the formation of contracts of sale under the CISG; the substantive sales law under the CISG including the duties and remedies of the parties, remedial provisions common to the parties, exemption from liability, and the passing of risk; evaluation of the CISG with reference to the needs and concerns of international trade and the extent to which it succeeds in striking a balance between divergent principles of the important legal families of the world.

### **International Business Transactions B**

*Prof CF Hugo (convenor) (Second Semester)*

This module deals with the instruments of payment and guarantee encountered in international business transactions (50% of the module), as well as with aspects of the contract of carriage (50% of the module). The following issues are addressed: problems and risks relating to payment in international business; different payment mechanisms with the emphasis on documentary collections and documentary credits and their regulatory frameworks (the ICC's Uniform Rules for Collections (URC) and Uniform Customs and Practice for Documentary Credits (UCP) and its addendum the eUCP, as well as Article 5 of the American Uniform Commercial Code; independent guarantees and standby letters of credit and their regulatory frameworks (the United Nations Convention on Independent Guarantees and Standby Letters of Credit, the ICC's International Standby Practices 98 (ISP98), the ICC's Uniform Rules for Demand Guarantees (URDG)); the relationships between the different parties in abstract payment and guarantee relationships; the documents and their presentation with special emphasis on the doctrine of strict compliance; the principle of independence of the different relationships and the exceptions to this principle; the frustration of payment especially in the context of fraud (by injunctions and attachments); discounting arrangements. With regard to the contract of carriage the emphasis falls on Admiralty Jurisdiction, contracts of affreightment within the context of international trade; regulatory materials regarding charterparties, bills of lading and waybills; carrier liability; and the limitation of liability of the international carrier of goods.

*Note 1: International Business Transactions A is not a prerequisite for International Business Transactions B.*

*Note 2: Students who wish to register for the programme in International Trade Law must enrol for International Business Transactions A, International Business Transactions B and International Commercial Arbitration (Department of Mercantile Law), as well as for one of the following two modules: International Tax Law (Department of Mercantile Law) and Public Law Aspects of International Trade (Department of Public Law).*

**Note 3:** Students who prefer to enrol for only one of the International Business Transactions modules are free to do so. Such students can also focus their studies largely on international trade law by combining the International Business Transactions module of their choice with other modules relating to international trade. However, such students must register for the general LLM by course work programme.

### **International Commercial Arbitration**

*Prof DW Butler (First semester)*

This module focuses on the law and practice of international commercial arbitration, with specific reference to disputes involving South African, SADC and European parties. It includes the UNCITRAL Model Law on International Commercial Arbitration, which is to be adopted by South Africa; the role of national courts in the international arbitration process; the evaluation of international arbitral institutions and their rules (particularly the ICC and LCIA); choice of law in the context of international arbitration (including the *lex mercatoria*); arbitrability; the drafting of an international arbitration clause or submission agreement; the appointment of the arbitral tribunal; competence/competence; a consideration of cost-effective arbitral procedures; interim measures; the award, including the challenge, recognition and enforcement thereof; ICSID arbitrations; and current issues in international commercial arbitration (e.g. confidentiality and consolidation). The use of ADR techniques like mediation as a prerequisite to arbitration and multi-tier dispute resolution clauses are also briefly considered.

**Note:** A prior knowledge of domestic arbitration law and practice is not a prerequisite for this module.

### **Information Technology Law**

*Lecturer to be announced (Second semester)*

The law relating to and legal issues arising from the use of electronic communications systems and computer systems is examined. Specific focus will be placed on the legal issues arising from the development, acquisition and use of computer programs and databases (particularly the intellectual property

and liability aspects thereof), data protection and privacy, computer crimes and evidentiary issues, the interception and monitoring of electronic communications, the law of telecommunications and the law pertaining to electronic commerce. In light of the international nature of the material, the module not only focuses on South African law, but compares and contrasts international trends, including the approaches taken in Europe (with particular focus on the United Kingdom) and the United States of America.

### **Intellectual Property Law**

*Prof O Dean (First semester)*

The module focuses on the law of intellectual property with special emphasis on copyright, trade marks and unlawful competition. While the module will provide a brief introduction to these areas of the law, it is predicated on the assumption that the student has a basic knowledge of the subject matter. The module will examine selected topics in depth and will draw on both South African and international authorities, in particular those of the United Kingdom and Australia, as sources. The module will be aimed at imparting knowledge which will qualify students to apply this area of the law in practice, while at the same time giving them a solid academic grounding.

### **Public Law Aspects of International Trade**

*Prof OC Ruppel (Second semester)*

This module deals with the Public International Law principles governing trade among states. The focus is primarily on the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). The treaties establishing them contain the principles and mechanisms regulating inter-state trade. The theory behind international trade is explained, as well as the present nature of the international economic order. This includes institutional arrangements and the dispute solving mechanisms of the WTO. The principles governing trade in goods (GATT), in services (GATS) and with respect to the protection of intellectual property (TRIPS) are discussed. Regional trade arrangements (for example SADC, SACU and COMESA) are examined with reference to, *inter alia*, South Africa's position. The constitutional provisions on

the incorporation of international trade obligations into the domestic sphere are explained.

### **Selected issues in International Labour and Social Security Law**

*Dr. K Calitz (Second semester)*

The purpose of this module is twofold. In the first instance, an advanced study will be made of a number of selected topics in labour law which students do not study in detail in the other two labour law LLM modules offered by the Faculty (Employment Rights and Equality in the Workplace). The selection will consist of issues which have proved to be of practical and theoretical importance such as, for example, transfers of businesses, restraint of trade agreements, employment across national borders, globalisation and the development of international labour standards (with specific reference to implications for Southern Africa), the distinction between private and public sector employees, privacy in employment, jurisdictional questions raised by the dispute resolution regime, the liability of trade unions and union security arrangements. The choice of topics may change depending on developments in the field. In the second place, students will be introduced to the law relating to social security and undertake an advanced study of selected issues in this field.

## DEPARTMENT OF PRIVATE LAW

### **Comparative Apartment Ownership**

*Prof CG van der Merwe (First semester)*

The module provides an international overview of apartment ownership (condominium, strata titles, Wohnungseigentum, propiedad horizontal, appartementeneigendom), which relates to residential, commercial, office and resort condominiums. The role of the developer in the establishment of apartment ownership; sales off building plans and developments in stages in order to finance the construction of the buildings comprised in the scheme; the subdivision of the buildings into units, common property and limited common property as well as the rights owners have with regard to these areas will be discussed. The importance of participation quotas as a formula to determine an owner's share in the common expenses, the common property and the value of his or her vote at general meetings will be investigated as well as the enforcement of financial and social obligations in order to prevent the condominium from degenerating into a slum, alterations and improvements and the importance of sound management of the scheme. The module concludes with a discussion of the conversion of rental buildings into apartment ownership schemes. This module provides an excellent background for students to evaluate apartment ownership schemes in their own countries.

### **Comparative Private Law**

*Prof JE du Plessis (Second Semester)*

This module – which is aimed at local as well as foreign students – first examines the method and purpose of comparative law in general, and then proceeds to focus on key issues of private law (most notably the law of obligations, i.e. contract, delict and unjustified enrichment) in the mainly Continental European civil law family and Anglo-American common law family. The specific issues vary from year to year, but usually include improperly obtained consent, breach of contract and impossibility or frustration, agreements in restraint of trade, the relationship between contractual and delictual liability; pure economic loss; the role of good faith in contract and different approaches to the law of unjustified enrichment. The purpose of this module is to promote an understanding

of the merits of, and relationship between, various systems of private law. Attempts at guiding their development by devising internationally acceptable sets of principles such as the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law, are also examined.

### **International Law and Children's Rights**

*Adv M Fourie (First semester)*

This module deals with the main international children's rights documents pertaining to children and their rights. The following aspects are covered: the status of international children's rights instruments in South Africa; the United Nations Convention on the Rights of the Child; the African Charter on Rights and Welfare of the Child; The Hague Convention on Inter-Country Adoptions and Children in Armed Conflict.

### **The Law of Trusts**

*Prof MJ de Waal (First semester)*

The origin, nature and development of the trust; the trust in legal comparative perspective; the formation of a trust and the requirements for a valid trust; the legal position of the trustee; the administration of the trust; the legal position of the trust beneficiary; the variation, revocation and termination of trusts; types of trusts; the trust and taxation; challenges and change in the law of trusts.

**Note:** *A prior knowledge of the South African law of succession and law of contract is recommended for this module.*

## **DEPARTMENT OF PUBLIC LAW**

### **Advanced South African Human Rights Law**

*Lecturer to be announced (First semester)*

An advanced study of: selected topics in human rights law under the 1996 Constitution, for example, interpretation of the Bill of Rights, the right to equality, socio-economic rights, religious freedom, the rights of cultural communities, and the horizontal application of the Bill of Rights; the role of international human rights law and comparative constitutional law in interpreting human rights guarantees under the Constitution; a number of contemporary issues in the field of the constitutional protection of human rights, for example, restitutionary equality, gender equality, the enforcement of socio-economic rights and the operation of the Bill of Rights in the private sphere.

**Note:** *Participants who have not completed an undergraduate module in South African constitutional law will be expected to do relevant background reading on South Africa's human rights jurisprudence.*

### **Aspects of Environmental Law**

*Prof J Glazewski, Prof OC Ruppel and Prof A Rabie (First semester)*

This module will provide an overview and insight into the relatively new and fast developing legal discipline of environmental law both from an international law as well as from a South African domestic law perspective. It will be set against the backdrop of both global and local environmental challenges including climate change, water scarcity and deteriorating water quality, loss of biodiversity, waste management and pollution control. As such the course will traverse principles and sources of international environmental law including select conventions such as the UN Framework Climate Change Convention & Kyoto Protocol, the Shared Water Courses Convention and the SADC Water Protocol, the Convention on Biodiversity, Convention on Transboundary Movement of Hazardous Waste and others. South African aspects which will be covered include the environmental right in the Bill of Rights, indigenous law and framework environmental legislation namely the National

Environmental Management Act, 73 of 1998 (NEMA) including environmental assessment law.

### **International Criminal Law**

*Prof GP Kemp (Second semester)*

This module comprises a study of both substantive and procedural issues in the emerging system of international criminal law (ICL). By way of introduction the sources of and basic principles underlying ICL will be discussed. In order to analyse the substantive issues in ICL a *capita selecta* of important international crimes such as aggression, war crimes, crimes against humanity, and genocide will be studied. In addition, we will also focus on some of the emerging transnational crimes like money laundering and corruption. In terms of procedural issues we will look at the most important aspects of direct and indirect enforcement of ICL. For this we will study the various international tribunals, with specific attention given to the permanent International Criminal Court. We will also look at the way ICL is enforced at national level through domestic legal systems.

*Note: A prior knowledge of Public International Law is strongly recommended.*

### **Legal Medicine**

*Dr A le Roux-Kemp and guest lecturers (Second semester)*

An advanced study of selected topics in *Medicina Forensis*. The different themes to be discussed in this module will be based on the unique and reciprocal relationship that exists between medical science and the legal discipline. The following themes will be covered: death, dying and the moment of death; post-mortem changes in the human body, with specific reference to the medico-legal interpretation of external forces on the human body, death by anoxia (also known as death by asphyxia), thermal, electrical and radiation injuries, firearm injuries and explosives etc; the basic principles of human identification (including DNA samples and fingerprinting); toxicology (including carbon monoxide poisoning and intoxication by alcohol); and sexual offences. The module also deals with the procedural and evidential rules and principles governing expert testimony in this regard.

### **Public Procurement Regulation**

*Prof P Bolton (convenor) and guest lecturers (Second semester)*

All governments need goods and services in order to function and in many if not most instances, contracts are concluded with private parties for the provision of such goods and services. The process preceding the conclusion of contracts is generally referred to as 'procurement' and worldwide it represents significant portions of government spending. The field of law that governs the process of procurement is generally known as public procurement regulation and it is one of the fastest growing areas of legal interest in practice and academia. This module will expose students to an in-depth exploration of advanced topics in the area of public procurement regulation. Topics will include: international and comparative procurement regulation, including international instruments such as the UNCITRAL Model Law on Procurement and the WTO Agreement on Government Procurement; the use of regulatory techniques to address corruption and conflicts of interest; the use of procurement as a tool of transformation and development, the use of procurement as an environmental protection tool; the conclusion of public-private partnership agreements; the use of electronic procurement; and defense procurement regulation.

*Note: A prior knowledge of government contracts and procurement law is a recommendation, but not a prerequisite for this module.*

## **17. Submission of research paper: information and instructions**

- 17.1 A student will be awarded the LLM degree after successful completion of prescribed curricula in four modules and the acceptance of a research paper, prepared under supervision, of 10 000 to 15 000 words (excluding footnotes).
- 17.2 The research paper must be on a topic approved by the Faculty Board. Students are requested to take the initiative and make their own suggestions. The chosen topic need not necessarily be linked to one of the modules offered in the LLM programme. Should a student be registered

for the LLM degree in International Trade, however, such a student is required to complete a research paper on an approved topic in the field of International Trade Law. More information on the research paper, can be obtained from Karin Wiss (Tel: +27 (0)21 808 3780 e-mail: karinwiss@sun.ac.za).

## 18. Accommodation

18.1 Registration for the LLM-degree does not imply that a student automatically qualifies for accommodation in one of the official residences of the University. The Law Faculty is not responsible for arranging accommodation.

18.2 International students seeking accommodation must contact:

The Postgraduate and International Office

Private Bag X1

Matieland 7602

SOUTH AFRICA

Tel. no: +27 (0)21 808 4702

Fax no: +27 (0)21 808 3799

E-mail: interhouse@sun.ac.za

18.3 South African students seeking accommodation must contact:

Mrs D. Van Zyl (for men's residences)

at tel no: +27 (0) 21 808 2620

and fax no: +27 (0) 21 808 2847.

Mrs M. Hendrikse (for ladies' residences)

at tel no: +27 (0) 21 808 3892

and fax no: +27 (0) 21 808 2847.

### SCHEDULE A: Timetable for 2010

FIRST SEMESTER				
	Monday	Tuesday	Wednesday	Thursday
18h00 – 20h00	Law of Trusts	Employment Rights	Intellectual Property Law	International Business Transactions A
18h00 – 20h00	Aspects of Environmental Law	International Commercial Arbitration	Comparative Apartment Ownership	International Law and Children's Rights
18h00 – 20h00			Advanced SA Human Rights Law	

**SECOND SEMESTER**

	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>
<b>18h00 – 20h00</b>	Public Law Aspects of International Trade	International Business Transactions B	Information Technology Law	International Tax Law
<b>18h00 – 20h00</b>	Legal Medicine	Competition Law	Advanced Company Law	International Criminal Law
<b>18h00 – 20h00</b>	Comparative Private Law	Public Procurement Regulation	Equality in the workplace	Selected issues in International Labour and Social Security Law



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## CONTACT US

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