

FACULTY OF LAW RESEARCH OUTPUTS 2014

ARTICLES PUBLISHED IN ACCREDITED JOURNALS (INDICATE WHETHER INTERNATIONAL JOURNAL)

David Abrahams "The criminalization and prosecution of sexual-violence offences at national level: The need for legislative reform in South Sudan" *Obiter* 2014 35 (3) 467.

Badenhorst PJ and Olivier NJJ "Conversion of jointly-held mining rights: An all or nothing ruling? *Minister of Mineral Resources of RSA v Sishen Iron Ore* (394/12 [2013] ZASCA 50 (28 March 2013) *Journal of Contemporary Roman Dutch law* 2014 77 (1) 145 – 155.

Badenhorst PJ "Security of mineral tenure in South Africa: Carrot or stick? *Natural Resources Law, International Bar Association, London, England* 2014 32 (1) 5 - 40.

Badenhorst PJ "Onteiening van onbenutte ou-orde regte: Het iets niets geword? *Agri SA v Minister of Minerals and Energy* 2013 4 SA 1 (KH)" *Journal of Contemporary Roman Dutch law* 2014 77 (2) 313 - 333.

Badenhorst PJ "A tale of two expropriations: *Newcrestia* and *Agrizania*" *De Jure* 2014 Vol 2.

Botha J and Govindjee A "Regulating cases of extreme hate speech in South Africa: A suggested framework for a legislated criminal sanction" *South African Journal of Criminal Justice* (2014). **(Listed under Govindjee A below as well).**

Coetzee L & Van Tonder J "The fiduciary relationship between a company and its directors" *Obiter* 2014 Vol 35 2.

Delport, HJ "Problematic aspects of the Consumer Protection Act 28 of 2008 in relation to property transactions: linked transactions, fixed-term contracts and unsigned sale agreements" 2014 *Obiter* 60-81.

Delport, HJ "Sale of land agreements entered into by companies under the Companies Act 71 of 2008" 2014 26.1 *SA Merc LJ* 138-149.

Botha J and **Govindjee A** "Regulating cases of extreme hate speech in South Africa: A suggested framework for a legislated criminal sanction" *South African Journal of Criminal Justice* (2014).

Chetty and **Govindjee A** "Freedom of religion of children in private schools" accepted for publication in *South African Journal of Juridical Science* (2014) (page numbers being finalized).

Du Plessis, **Govindjee A** & van der Walt "Saviour siblings" and "benefactor children" in South Africa: A legal analysis" *Obiter* (2014) 224-253.

Botma-Kleu and **Govindjee** "The role of reasonableness in the review of CCMA arbitration awards in South Africa: An English law comparison" *Industrial Law Journal* (vol 35, July 2014) (1749-1776).

Du Plessis, van der Walt G & **Govindjee A** "The constitutional rights of children to bodily integrity and autonomy" *Obiter* (vol 35(1) 2014) 1-23.

Van Heerden, **Govindjee** and Holness "The constitutionality of statutory limitation to the right of access to information held by the state in South Africa" *Speculum Juris* (2014, vol 1) 27-54 (accessible at www.speculumjuris.co.za)

Knoetze E "Value (X 2) + Fine = Damages? Notes on the imposition of sanctions by the courts of chiefs (senior traditional leaders) and headmen" *Obiter* 2014 Vol 35 3.

Knoetze E "Legislative Regulation of the Developmental Functions of Traditional Leadership - In Conflict or Cohesion with Municipal Councils?" *Speculum Juris* Vol 28 1

Lawack V "The legal and regulatory aspects of international remittances and their impact on migrant workers and asylum seekers in South Africa" *Obiter* 2014 Vol 35 3 357 -370.

Mukheibir A "Vonnisbespreking: Kan repudiëring ooit aanvaarbaar wees?" *Litnet Akedemies (Regte)* 2014 Vol 11 (3) 53.

Mukheibir A " Social Justice and the Changing Role of the Law of Delict in South Africa" *De Iure Gentium et Civili Festschrift in honour of Eltjo Schrage* eds Carnelley, Hoor, Mukheibir (2014).

Ndimurwimo LA and Mbaio MLM “Challenges of Development in Burundi: A Case study of Protection of Refugees and IDPs in Post-conflict Reconciliation and Transitional Justice” 2014 *US-China Law Review* 11 (9) 2014. **(International Journal)**

Nel E “Two sides of a coin: Piercing the veil and unconscionability in Trust Law” *Obiter* 2014 Vol 35 3.

Nel E “An interpretive account of unconscionability in Trust Law” *Obiter* 2014 Vol 35 1.

Tait AM and Newman S “Exemption provisions and the Consumer Protection Act, 2008: Some preliminary comments *Obiter* 2014 Vol 35 (3) 629 – 643.

Van der Walt A & Cole ECL “The Effect of Labour Legislation in the Promotion and Integration of Persons with Disabilities in the Labour Market” *Obiter* 2014 35 (3) 506.

Van der Walt A & Musukubili F “The Namibian Labour Dispute Resolution System: Some lessons from South Africa” *Obiter* 2014 Vol 35 1.

Van der Walt G “The History of the Law of Adoption in South Africa” *Obiter* 2014 35 (3) 421.

Du Plessis, **van der Walt G** & Govindjee A “The constitutional rights of children to bodily integrity and autonomy” *Obiter* (vol 35(1) 2014) 1-23. **(Listed under Govidjee A above as well).**

Vrancken P “The role of the African Union in combating piracy” (2014) spec ed 1 *Acta Criminologica* 53-75.

ARTICLES PUBLISHED OR ACCEPTED FOR PUBLICATION IN NON-ACCREDITED JOURNALS

Govindjee “Social safety nets and youth job creation: The South Africa Case” in *Poverty in Focus* (a publication of the Institute of Applied Economic Research (the official Brazilian think-tank of BRICS) and the IPC-IG/UNDP) (2014) (accessible at http://issuu.com/ipc-ig_publications/docs/pif_brics_28_web).

Schrage ELJ Pontius Pilatus op de Lithostratos, in: Fundamina 20 (2) 2014 [= R. van den Bergh e.a., *Meditationes de iure et historia. Essays in honour of Laurens Winkel*, Pretoria 2014 vol II], p. 858-870.

Schrage ELJ Luther und das Kirchenrecht, in Paola Maffei / Gian Maria Varanini (ed.), *Honos alit artes*, Studi per il settantesimo compleanno di Mario Ascheri vol. I: La formazione del diritto comune [Reti medievail 19/1], Firenze 2014, p. 407-417.

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Schrage ELJ Niet bij wetenschap alleen. Over P.J. Verdam, I.A. Diepenhorst en W.F. de Gaay Fortman, , in J. de Bruin, S. Faber, A. Soeteman (red.), *De Juridische Faculteit van de Vrije Universiteit*, Amsterdam 2015, p. 215-236; voetnoten op 423-425.

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Schrage ELJ Schadevergoeding of voordeelsafgifte na wanprestatie? In: E. van Wechem (ed.) *Internationaal contracteren*, Deventer 2014.

Schrage ELJ In Memoriam Robert Feenstra, in *Zeitschrift der Savigny Stiftung für Rechtsgeschichte, Romanistische Abteilung* 2014.

BOOKS PUBLISHED, WHETHER AS SOLE OR CO-AUTHOR (PLEASE SPECIFY)

CHAPTERS IN BOOKS

Lawack V "The Trade-off between Financial Inclusion and Financial Integrity in the National Payment System" in Visser, C & Pretorius JT (eds) *Essays in honour of Frans Malan, former judge of the Supreme Court of Appeal* Lexis Nexis 2014 219 – 231.

Tait AM & Wagenaar T *Commercial Law Fresh Perspectives 2nd Edition* Co-author Chapter 17.

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Vrancken P & Pike A "Marine and Maritime Law in South Africa" in N Funke, M Claassen, R Meissner & K Nortje (eds) *Reflections on the State of Research and Technology in South Africa's Marine and Maritime Sectors* Pretoria: Council for Scientific and Industrial Research (2014) 18-42.

PAPERS DELIVERED AT INTERNATIONAL CONFERENCES

Govindjee 'Expanding the boundaries of social security protection for informal economy workers in South East Asia' co-presented at the *Second International Conference on Social Security* (SSRC, Malaysia, 3-5 December 2014).

Govindjee 'Protecting and integrating migrant workers in ASEAN social security systems' co-presented at the *Second International Conference on Social Security* (SSRC, Malaysia, 3-5 December 2014).

Govindjee “Critical factors in implementing the ISSA Guidelines on Return-to-Work and Re-integration in developing world contexts” co-presented at the *International Forum on Disability Management (IFDM) Conference*, (Melbourne, 16-19 November 2014).

Govindjee “Constitutional reflections on social protection for vulnerable workers and the unemployed: Perspectives from India and South Africa” co-presented at the *12th International Conference in Commemoration of Marco Biagi (on Employment and Social Rights: An Evolving Scenario)* (Modena, 18-19 March 2014).

Mukheibir A *Actio popularis* – past, present and future – presented at the Third Biennial Conference of the European Society for Comparative Legal History which was held in *Macerata, Italy on 8 and 9 July 2014*

Ndimurwimo LA and Mbao MLM “Rethinking Violence, Reconciliation and Reconstruction in Burundi” A paper presented to the 57th Annual Meeting of the African Studies Association, November 20-23, 2014, JW Marriott Indianapolis Hotel, Indianapolis, Indiana. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2415423.

Tait AM “Advances in the protection of consumers in South Africa” Published in the Conference Proceedings of a conference held on 25-27 June 2014 in Mauritius.

PAPERS DELIVERED AT NATIONAL/LOCAL CONFERENCES

Govindjee “Access to South African social security benefits: Challenges and prospects” co-presented at the SASPEN and FES *International Conference on Social Protection for Migrants in the SADC* (Johannesburg, 29-30 October 2014).

Govindjee “Youth unemployment in South Africa: Challenges to Social security and the Labour Market” presented at the Mail & Guardian Critical Thinking Forum (Johannesburg, 27 May 2014).

Mukheibir A The POPI Act and its Implications on Student Information 2014 ANNUAL Higher Education Faculty Administration Forum Conference and AGM 12 and 13 May 2014 (national conference)

Mukheibir A “Wrongful life - a decade after the Kelly Molenaar decision” First Annual Forum for Medicine and the Law, University of Johannesburg, November 2014.

Mukheibir A “Implications of the Protection of Personal Information Act for local Government: Possible consequences of non-compliance” Conference on Local Government Law, Port Elizabeth November 2014

Tait AM “The Impact of the Consumer Protection Act, 2008 on the Praetorian Edict *de nautius, cauponibus et stabulariis*” Private Law and Social Justice Conference August 2014.

Vrancken P ““Africa and the Law of the Sea” Abidjan Convention Panel of Experts meeting Cape Town, January 2014.

