

Editorial by Prof C Rautenbach

The first issue of 2013 contains fifteen contributions dealing with a potpourri of themes. The first contribution is an *oratio* presented by the retired Dean of the Faculty of Law of the NWU and former editor of PER, [Francois Venter](#), during his exodus in October 2012. He gave his presentation in his mother tongue, Afrikaans, and asks the question if one may assume that being a professor entails belonging to a profession, in other words, an *academic* profession. The second *oratio* was a keynote speech delivered by [Torsten Stein](#), the Director of the Institute of European Studies and holder of the chair for European law and European Public Law at Saarland University, Germany. He delivered his speech during November 2012 at the 3rd *Human Rights Indaba on The Role of International Law in Understanding and Applying the Socio-economic Rights in South Africa's Bill of Rights*, which was held by the Faculty of Law (NWU, Potchefstroom Campus) in collaboration with the Konrad-Adenauer Foundation. He shared some thoughts about the nature, development and implementation of socio-economic rights within an international and European setting. The next nine articles make up the bulk of this issue. The first one is by [Babatunde Fagbayibo](#), who gives an analytical overview of the common problems affecting supranational attempts in Africa. He argues that Africa's efforts to solidify its unity should be geared towards building on the experiences of past and present experiments at the sub-regional level. [Samantha Goosen](#) discusses the very thorny issue of battered women and the elements of self-defence if she has to stand trial for killing her husband. Recent developments in the area of *pro bono* legal services are the heart of [Dave Holness'](#) article. He focuses on legal service delivery for the indigent by attorneys in private practice acting *pro bono* in civil rather than criminal matters. [Henk Kloppers](#) discusses the very topical issue of corporate social responsibility. He gives an overview of the social and ethics committee created in terms of the Companies Act 71 of 2008 as a potential driver of corporate social responsibility. The always newsworthy theme of HIV/AIDS and the question of whether to disclose or not to disclose one's status forms the focal point of [Andra le Roux-Kemp's](#) contribution. [Chucks Okpaluba](#) gives an overview of South African and Commonwealth decisions dealing with the issue of reasonable and probable cause in the law of malicious prosecution. The never-ending problem of language diversity once again comes to the fore in the article by [Loot Pretorius](#). He asks the question if the recently adopted *Use of Official Languages Act 12 of 2012* complies with the normative instructions of the *Constitution of the Republic of South Africa, 1996*. In his second essay on the *Child Justice Act 75 of 2008*, [Stephan Terblanche](#) deals with a number of procedural issues related to the sentencing of child offenders. The last article, which is by [Bonnie Venter](#), deals with the ethical question of whether the payment of kidney donors could be regarded as constitutionally acceptable or not. In the first of five notes, [Ngobizwe Ngema](#) asks if the African custom *oftheleka* (the withholding of a wife by her father or guardian from her husband to coerce him to pay the outstanding *lobolo*) has an impact on the custody of children in the context of the best interest of the child. The central question [Phazha Ngandwe](#) asks is how states can discharge their duties and obligations *vis-à-vis* their nationals without perpetuating the bottlenecks to and the stigma that attaches to migration and thereby upsetting the international and regional integration objectives of the free movement of people. [Mzukisi Njotini's](#) note discusses the adequacy of South Africa's measures designed to protect critical information infrastructures. In the second last note, [Anthea Wagener](#) considers the practice of South African motor-vehicle insurers of using gender as a rating variable to classify risks into certain classes, thereby determining insurance premiums, and asks if this practice boils down to

unfair discrimination. The final note by [Anri Botes](#) deals with the history of labour hire in our neighbouring country, Namibia.

