

Editorial

The last issue of 2013 consists of fourteen contributions dealing with a potpourri of topics. The first two articles are both by the same author. In the first one, [André Louw](#) addresses the recent, sometimes deplorable conduct of intellectual property (or IP) lawyers, and in the second one, [André Louw](#) explores the proper role and meaning of good faith (or *bona fides*) in contract law, and the approach of our courts to the application of this principle in individual cases involving claims of unfairness and the like. The third article, by [Rufaro Mavunga](#), critically assesses the *Minimum Age Convention* 138 of 1973 and the *Worst Forms of Child Labour Convention* 182 of 1999. [Nicholas Orago](#), in the fourth article, discusses socio-economic rights in Kenya and proposes that if the entrenched socio-economic rights are to achieve their transformative objectives, Kenyan courts must adopt a proportionality approach in the judicial adjudication of socio-economic rights disputes. The fifth article, by [Oliver Fuo](#), explores and critically investigates the relevance and potential of integrated development planning in contributing towards the achievement of social justice in South Africa. Next, [Michaela Young](#) discusses the fate of informal fishers in the context of the *Policy for the Small-Scale Fisheries Sector* in South Africa. The second-last article, by [Hermanus van der Merwe](#), provides a historical and teleological overview of the crime of direct and public incitement to commit genocide under international law, as well as the definitional elements thereof as interpreted and applied by the International Criminal Tribunal for Rwanda, before he continues to examine it in contemporary South African law. The last article, by [Chuma Himonga](#), [Max Taylor](#) and [Anne Pope](#), explores the scope and content of the ever elusive concept of *ubuntu*, as pronounced on by the judiciary in various cases, and demonstrates that its fundamental elements of respect, communalism, conciliation and inclusiveness enhance the constitutional interpretation landscape.

The first note in this issue, co-authored by [Amos Saurombe](#) and [Happy Nkabinde](#), focuses on the future of global economic governance in the light of the current state of multilateral trade negotiations. The authors provide recommendations on how reform of the multilateral decision-making structures should focus on promoting the interests of developing countries that have historically been marginalised, especially those making up BRICS. In the second note, [Zsa-Zsa Boggenpoel](#) discusses the effect of the decision, *Roseveare v Katmer Roseveare v Katmer, Katmer v Roseveare* 2013 ZAGPJHC 18, which has opened the door for courts to create servitudes in instances where encroachments are left intact based on policy reasons. Thirdly, [Louis Harms](#), a judge emeritus of the Supreme Court of Appeal, gives his views on the meaning of the concepts "originality" and "reproduction" in copyright law with special reference to photographs. [Philip Stoop](#) and [Crizell Chuir](#), in the fourth note, discuss the scope and application of the *Consumer Protection Act* 68 of 2008, which came into effect on 1 April 2011. [Loretta Feris](#) considers in the fifth note the potential conflicts that may arise between customary rights and environmental rights in the face of dwindling marine resources in the context of the unreported judgment of *S v Gongqose* Case No. E382/10. The last note, by [Joel Modiri](#), draws on critical race theory and critical legal theory in order to read and critique the Supreme Court of Appeal judgment of Erasmus AJA in *BoE Trust Limited* 2013 3 SA 236 (SCA). The author argues that certain aspects of the Court stand in tension with the project of transformative constitutionalism, which prevents the coming into being of a more critical race jurisprudence for post-apartheid South Africa.

Editor:
Prof C Rautenbach