

A Tribute to Charl Francois Hugo

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A Festschrift is a collection of essays and other contributions in honour of a scholar by friends, colleagues and students to celebrate his or her achievements, most often when he or she approaches or reaches retirement. It is a *liber amicorum*. I am a friend of Charl Hugo, and our friendship and academic cooperation have enriched my life and those of his colleagues and students. It is a singular honour to participate in this celebration of Charl Hugo's work. The brevity of my tribute should not detract from my appreciation for his contribution to our rich and growing literature on banking law.

A Festschrift for South African legal scholars is a comparatively new phenomenon, but recent times have seen an increasing number of them. They are important sources of law and, generally, the contributions are peer-reviewed. Often they centre on the honoree's work but also contain essays on various subjects. They are primarily published separately in a single or, in some cases, several volumes. Still, as in this case, they can also be found in legal journals dedicated to the person honoured. The Festschrift is an opportunity to demonstrate admiration for a colleague and to appreciate his or her achievements. Although its purpose is to show appreciation for the person it is dedicated to; it is also an honour to contribute to it.

Charl Hugo's life and career are well documented. His extensive and foundational publications on what may be loosely termed banking law can be found in foreign and local journals, books, Festschriften and treatises. He wrote not only on documentary credits but also on other forms of payment and especially on the many kinds of guarantees for payment. He touched on money laundering, negotiable instruments, their history, and much else. He also produced a host of postgraduate students, and his contributions to conferences and teaching are impressive. I want to single out his involvement as Director of the Centre for Banking

Law at the University of Johannesburg as one of the high points of his career.

The Centre is the successor of the CSD RAU Research Unit for Banking Law which was funded by the then HSRC for ten years and by some of the major clearing banks. The proceedings and activities of the Research Unit in 1992-4 and part of 1995 were reviewed by Professor Joseph J Norton, then Sir John Lubbock Professor of Banking Law (London) and Distinguished Faculty Fellow in Financial Institutions Law (Dallas), who remarked that –

the Unit has evolved beyond simply being a 'research unit' of high national quality into a true 'academic centre' with broad regional and international dimensions and connections.

He referred to the "high academic standards" and "quality academic activity" of the members and supporters of the Unit (which included Charl Hugo). He was impressed by the conferences organised by the Unit, especially the *Annual Banking Law Update* to which Charl Hugo was a regular contributor. Joe Norton applauded the efforts of the Unit to establish meaningful relationships with international institutions in Europe, North and South America and Africa.

Charl Hugo participated in all the early activities of the Unit and the subsequent Centre. As its director since 2013, he added additional value and ensured the continuation and expansion of the Centre as an institution of excellence. The publication of the *Annual Banking Law Update*, the result of cooperation between the Centre, the University of Johannesburg and Juta & Company, contributed significantly to the status of the Centre. The *Update* is Charl's crowning achievement. It publishes the papers read at the annual conference, and their scope and depth are astonishing. The papers are by academics and practitioners, both local and international, and encompass the whole of banking law. They show an awareness of recent and future developments and an appreciation of the increasingly digital future. The *Update* has become a mirror of contemporary banking law. Charl Hugo has been instrumental in bringing it all together. He is like the advocates whom Piero Calamandrei (*Lof van de Rechter geschreven door een advocaat* (2004), translated and cited by Marcel Storme in the foreword) described as "de fijne voelsprietten van de justitie", a lawyer with his acute

antennae ("voelsprietten") aware of the nuances of banking law and sensitive to its future course. He is a friend of mine. I am proud to be one of the *amici* paying tribute to him.

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