

ANTHEA-LEE SEPTEMBER VAN HUFFEL CURRICULUM VITAE



DR ANTHEA-LEE SEPTEMBER-VAN HUFFEL

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SHORT BIOGRAPHY

Anthea-lee is an academic staff member at the University of the Free State (UFS) since 2017, in the Law Faculty, Private Law department. She completed her doctoral research at the University of the Free State. Her LLD thesis is titled “A critical investigation of state custodianship and its implications for the South African Property Regime”. She has a solid record of engaged scholarship and postgraduate research supervision, and postgraduate module teaching. She continues to consult on security of tenure, constitutional property and land law. In addition to undergraduate and postgraduate teaching and supervision, she has experience in teaching of SLP’s. Anthea-lee holds a Bachelors in Law degree (LLB) which she achieved in 2009 and achieved her Masters in Law degree in 2010, both degrees were awarded by the University of the Western Cape (UWC), Cape Town. Anthea-lee obtained her LLM in International Humanitarian Law and Human Rights Law. She was admitted as an Attorney of the High Court of South Africa in 2013. She has several years practice experience in Property and Land Law. She completed her articles at Africa’s largest law firm Edward Nathan Sonnenbergs (ENS) in Johannesburg Sandton, where she practiced as an Associate in property law. Thereafter, she practiced as an Associate at Webber Wentzel (WW) Johannesburg. She has been involved in a number of prominent property and land matters.

Research area:

“I have researched extensively in land reform, governance, and property law constructs with particular emphasis on improving holistic security of tenure in rural communities. I have worked with rural communities as a legal expert/consultant on customary communal land and natural resource matters. I have, therefore, also worked closely with the Department of Agriculture, Rural Development and Land Reform both at provincial and national level to assist rural communities and their customary structures to resolve and navigate the complex land rights issues that inevitably arise between different property rights, whether it be customary *vis a vie* statutory law frameworks.”

1. Career background:

2008-2010: Anthea-lee obtained her Baccalaureus Legum (LLB) degree from the University of the Western Cape (UWC) in 2008. During the study of her LLB, Anthea-lee was employed by the Child and Youth Research Development Institute at UWC as a Legal Research Assistant. Anthea-lee obtained her Magister in Legum (LLM) degree in 2010 in International Humanitarian Law and Human Rights Law. During which she was employed in the Graduate Lecturing Assistant Programme at UWC and was appointed as the Faculty Co-ordinator of the

prestigious International Howard Program (a postgraduate level program between UWC and the Law Faculty of Howard University in USA, which involved the coordination of all aspects of the postgraduate programme).

2010-2017: Anthea-lee commenced Articles at ENS in 2010. After completion of her articles at ENS she was admitted as an Attorney of the High Court of South Africa. She practiced as an Associate at ENS working with various national and international client matters of a varied legal nature. As an Associate she was recruited by WW and she accepted the offer to join their commercial property law department where she was responsible for contracts involving property on a wide range of commercial land and property matters.

2017 to present: Anthea-lee was appointed as a permanent academic staff member at UFS in the Private Law Department. Anthea-lee has a consistent record of postgraduate and undergraduate student research supervision, she has a number of scholarly engagements with other universities, government departments and NGO bodies relevant to her fields of research.

She has acted as external examiner, external moderator, expert panel responder, as well as a reviewer for a number of accredited journals, she is a NRF grant recipient and has provided a peer rating review in her field. She serves on a few institutional leadership and management forums such as, UFS Senate; Employment Equity Committee; Institutional Multi-Stakeholder Committee and has served on the Faculty Research Committee. She is a post-doctoral candidate for the UFS Emerging Scholar Accelerator Project & Professoriate Programme (2023-2024) and she is a candidate of the UFS Article Refinement Programme.

2. Summary of recent scholarly research and community engagements:

- Paper: State regulation and misconstructions of customary land tenure (2023) (Submitted *African Human Rights Law Journal*).
- Paper: The evolving developmental role of the state as public trustee of South Africa's natural resources and property (2023) (Submitted *Law, Democracy and Development Journal*).
- Paper: A failure to perform contractually due to Covid-19 regulations: A post-state of national disaster reflection (Submitted *Potchefstroom Electronic Law Journal* 2023)
- Paper: An ideological land reform policy shift of state custodianship and 'transforming the rural land economy' (2023) (Submitted *Journal for Juridical Science*)
- Paper: South Africa's property regime conundrum and reconceptualising property rights for regulation (Pending presentation at the Property Law Teachers Colloquium 2023)
- Paper: The state as 'trustee' or 'custodian' of natural resources: should land be next? Presented at Southern Law Teachers of Africa Conference, international conference: *Enforcing accountability, Social justice and Sustainability* (2022) (Accepted for publication in special book edition, *Speculum Iuris Journal*).
- Paper: Revisiting the *commodus usus*: Profitmaking as a consequence of exclusive rights in contract law (Published in the *South African Law Journal*, 2022) and presented at the South African Property Law Teachers Colloquium, hosted by UWC (2018).
- Paper: A transformative constitutional approach to the culture of judicial legal interpretation of 'context' and 'purpose' in statutes for social and economic (Pending presentation at the Legal Culture 25 years on conceived, perceived and lived UWC Colloquium hosted by the Research Unit for Legal and Constitutional Interpretation in collaboration with the FSCHR)
- STIAS Conference: Compensation through Expropriation without Compensation? Constitutional Amendment, Land Reform, and the Future of Redistributive Justice in South Africa (2022)
- Expert responder: UWC 23rd Annual Doctoral Colloquium (2022) and (2023).
- Expert guest of the Department of Agriculture, Land Reform and Rural Development Ministerial Oversight Visit to the Free State on Communal Property Associations (2022).
- Published Legal Opinion piece on the Land Court Bill (*Cape Argus, Cape Times, the Star, Daily News and the Daily Dispatch* 2021)

- Interview on OFM radio on the Land Court Bill (2021)
- Guest Speaker for the Department of Justice (2012) on estate transfers in relation to the process and operation of the Deeds Registries Act, No. 47 of 1937, in conjunction with the Administration of Estates Act, No. 66 of 1965
- Guest Speaker on Alex FM radio: Community engagement on the status of property ownership in informal settlements and their housing rights (ownership versus leasehold) (2013)
- UFS Business School, SLP presenter on Trends in South African law (2017 - 2020)
- Rapporteur for the Parallel Session on Land Reform, Property Rights and Distribution of Assets at the 3rd Annual Social Justice Summit and International Conference, The Law Trust Chair in Social Justice, Faculty of Law, Stellenbosch University (2021)
- Chairperson and Facilitator for the South African Property Law Teachers Colloquium, UFS Law Faculty, Private Law Department (2021)
- Published: The Expropriation Bill: An Inappropriate Expropriation, Without Prejudice, (2013).
- Published: The New Rental Housing Amendment Bill, Property Law Digest, LexisNexis (2014).
- Paper: The girl-child as uniquely vulnerable: legislative protection developments (2007).
- Submission to the Committee on the Rights of the Child: on the proposed South African Child Justice Bill (2008).
- Paper: Gender persecution in refugee status determination (2009).

3. Prominent legal practice and expert advisements / community engagement offerings:

◦ AECL Ltd to Zendai - in relation to the disposal of approximately 1 600 ha of land and buildings (including related lease agreements) situated in the Modderfontein area through due diligence review and assisting the drafting of lease and legal opinions. As well as general lease review for the AECL properties, 2014. ◦ SA Corporate Real Estate Fund, assisting in the conclusion of a conditional sale and purchase agreement in terms of which it will acquire all the issued shares of Afco Holdings, 2014. ◦ Tsogo Sun Holdings due diligence, in respect of the ZAR 11 billion disposal by SAB Miller of its 39.6% stake in Tsogo Sun, 2014. ◦ Massmart (Pty) Ltd -due diligence, in respect of the licensing and permits for their properties, 2014. ◦ Communal Property Associations OCPA: legal consultant (DRDLR, LCC mediations 2015 to 2017: Land claim and ancillary matters) ◦ LCC High Court – land claim matter Mwale Bienta / F Opperman (2018) ◦ CPA / Jacquire CCMA matter – legal expert (2018) ◦ IDC/UFS Faculty of Agriculture – legal expert and mediator (2018) ◦ Solar Capital De Aar (RF) (Pty) Ltd, acting for the lenders (Standard bank) advising on bankability provisions, 2014 and 2015. ◦ Mulilo Sonnedix (De Aar) and (Prieska), acting for the lenders for the IPP project in respect of bankability provisions, 2014 and 2015. ◦ Xina Solar One, acting for the project company for the IPP project in respect of bankability provisions 2014 and 2015. ◦ Enel Tom Burke and Pulida projects, acting for the project company in the IPP bid in respect of all land related matters, 2013 and 2014. ◦ First Solar (Pty) Ltd -Aggenys Solar PV Project, acting for the project company in the IPP bid in respect of all land related matters, 2014. ◦ Transfer and lease of over 200 Impala Platinum (Pty) Ltd, Rustenburg properties to Friedshel 1226 (Pty)Ltd, 2014. ◦ Transfer of various plants between BP and SASOL companies, 2014. ◦ Legal consultant for communal property associations on land reform (2014 – 2020); ◦ Guest of the Department of Agriculture, Land Reform and Rural Development Ministerial Oversight Visit to the Free State on Communal Property Associations (2022).

4. Highest Qualifications

- [Bachelors in law degree \(LLB\), University of the Western Cape, 2008.](#)

Modules: Law of Persons and Marriage; Contract Law; Property Law; Law of Delict; Corporate Law; Law of Negotiable Instruments; Insolvency Law; Comparative Legal History; Critical Analysis; Foundations of South African Law; Public International Law; Customary Law; Law of Succession; Jurisprudence; Gender Law; Labour

Law; Interpretation of Statutes; Criminal Law; Criminal Procedure Law; Administrative Law; Law of Evidence; Introduction to Advocacy; Legal Process. Advanced final year courses completed: Advanced Labour Law; Advanced Criminal Law; Juvenile Justice; Alternative Dispute Resolution; Preparing for Legal Practice Non-Legal Courses completed: English Literary Studies I; African Literature and Language Studies II (Post-colonialism in Post-Apartheid South Africa: identities in performance); English Literary Studies II Shakespeare; Text in Context Critical Text Analysis; Quantitative Literacy for Lawyers.

- o Masters in law degree (LLM), University of the Western Cape, 2010.

Modules: International Humanitarian Law and Human Rights Law; Advanced Gender Equality and Women's Rights; Alternative Dispute Resolution and Child Justice.

Thesis: "Trafficking in Persons: Working toward a Comprehensive approach to Combatting Trafficking of the Girl-child in Africa". The thesis is a critical analysis of the unique socio-economic and gender related vulnerabilities of the girl-child in Africa and looks at the protections, preventions and prosecution in both national and international laws that are aimed at protecting her unique vulnerability.

- o Doctorate in law degree (LLD), University of the Free State, awarded 2023.

Thesis: A critical investigation of state custodianship and its implications for the South African property regime.

The research investigates state custodianship of rural agricultural land, particularly within the context of land reform initiatives and increased regulatory controls over natural resources like water and minerals for public interest; and the efficacy of the construct of state custodianship should it be applied to land as a natural resource. In so doing, she considers the socio-political basis for the legal construct of state custodianship and whether this novel construct has yet proven capable of delivering transformative outcomes. The original contributions highlighted are the comparison of public trusteeship with state custodianship and that of rural land tenure; the implications of a state custodianship model to rural communal land tenure; and the efficacy of a state custodianship approach as a tool for transformative constitutionalism.

o **INTERNAL TEACHING & RESEARCH SUPERVISION ACTIVITY FOR THE PERIOD 2018-2023:**

MODULE CODE	DESCRIPTION APX. NR STUDENTS	LEVEL / YEAR	RESPONSIBILITIES	PERIOD
LLOC2605	Contract law (year module) 500-550	Undergraduate Core 2 nd year	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module, which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting.	2020 - 2023
LCON2614	Contract law (1 st semester) Phased out 500-550	Undergraduate Core 2 nd year	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module,	2020 - 2021

			which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting.	
LCSP4814	Capita Selecta: Law of Lease and Unjustified Enrichment Law (year module) 250-300	Undergraduate Core 4 th year	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module, which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting.	2018 – 2021 Internal moderator 2020-2021
LPIL4814	Private International law (1 st semester) 11-18	Undergraduate Final year elective 1 st semester	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module, which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting.	2018 - 2020
LPRC3722	Supervision: Research proposal writing (2 nd semester) Max 12	Undergraduate 3 rd year	Supervision: includes providing information, constructive feedback, consultation, writing guidance, and topic specific knowledge.	2018-2022
LTHE4804	Research report/thesis (year module) Max 12	Undergraduate 4 th year	Supervision: includes providing research support, teaching research skills and providing topic specific knowledge, developing written communication skills, providing constructive feedback, and constructive consultation.	2018-2022
LPRC7920	Contract law (2 nd semester) 7-10	Postgraduate	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module, which entails marking, queries, consultations, BB actions and announcements, assessment setting. Encouraging verbal	2021 – 2023 Internal moderator LPVT7900 for 2019-2020

			communication, written communication and research skills.	
LPRO3724	Property Law (2 nd semester) 300-310	Undergraduate Core 3 rd year	Module coordinator. Teaching the module, management and administration in the execution of the module, which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting.	2018 –2019 Internal moderator 2019-2022
LPPL7900	Advanced Property Law (2 nd semester) 5-7	Postgraduate	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module, which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting. Encouraging verbal communication, written communication, and research skills.	2018-2019 Internal moderator 2019-2022
LROM1524	Roman Law (2 nd semester) 600-750	Undergraduate Core module	Module coordinator. Development of the learning material & outcomes, teaching the module, management and administration in the execution of the module, which entails marking, venues, queries, consultations, BB actions and announcements, assessment setting.	2017-2018
STUDENT NR	FULL NAMES	POSTGRADUATE SUPERVISION	REGISTRATION	COMPLETION
2018460531	Christian Olivier	LLM dissertation	2023	In progress
	N Mitha	LLM dissertation	2023	In progress
2015129253	M Mokgoro	LLD thesis	2023	In progress
2012092553	Cohen Kally	LLM dissertation	2021	2022
2011011000	Zibusiso Hlongwane	LLM dissertation	2020	2021
2012137424	Sixolile Nose	LLM dissertation	2020	2021
2011047467	Siphesihle Kahla	LLM dissertation	2018	2019
2013008657	Johan Jooste	LLM dissertation	2018	2019

○ **EXTERNAL TEACHING AND RESEARCH ACTIVITY FOR THE PERIOD 2018-2023**

External institution / Peer Journal	Description of activity	Period
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The Journal of Contemporary Roman-Dutch Law/ Tydskrif vir hedendaagse Romeins-Hollandse reg	Editor	2023
UFS, Journal of Juridical Science	Reviewer	2023
University of the Western Cape, UWC	Expert panel reviewer/responder to LLD thesis	2023
University of the Western Cape, UWC	Expert panel reviewer/responder to LLD thesis	2022
University of South Africa, UNISA	External LLM thesis examiner	2021
UFS, Journal of Juridical Science	Reviewer	2021
North West University, NWU, Potchefstroom Electronic Law Journal	Reviewer	2021
North West University, NWU, Potchefstroom Electronic Law Journal	Reviewer	2020
UFS, Journal of Juridical Science	Reviewer	2020
North West University, NWU	External module moderator IURE421 Private international law	2018-2021
North West University, NWU	External examiner LLM dissertation	2021
University of the Western Cape, UWC	External moderator/remarking examiner for UNJ421 Unjustified enrichment law	2018-2021
University of the Western Cape, UWC	External examiner LLD thesis	2022
University of Pretoria, UP	External examiner PVR420 Unjustified enrichment law	2018