

Editorial

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This volume marks a milestone in the journal's history. It is not only the largest yet but also the one that, by and large, enabled the journal to be indexed in two major databases: EBSCOhost and the Directory of Open Access Journals (DOAJ). These indexings came shortly after the journal was included in African Journals Online (AJOL), another reputable African database. We value these recognitions, as they reflect our commitment to international standards. The journal is also being reviewed by other indexers. The DOAJ listing is especially significant, as it is approved by South Africa's Department of Higher Education for research subsidy eligibility.

Getting the journal listed in accredited indices is a significant achievement; it marks a turning point. It is a mix of pride and responsibility: while it is a major milestone, it also brings a strong sense of duty. Indexing organisations have specific standards that are very demanding for scientific journals. Meeting these standards and earning accreditation may seem challenging, but the greater challenge lies in managing a scientific journal that consistently adheres to these global benchmarks. This is the real challenge that confronts us, and the one we are ready to take up.

The TLJ long-term vision is to create a platform for original research that diverges from dominant research patterns. As a journal originating from a historically disadvantaged institution in South Africa – the University of Limpopo – it aims to affirm African scholarship and support the broader decoloniality project. The journal seeks to provide a rare space for alternative scholarly views that challenge mainstream ideas across law and related fields of study. It naturally serves as a home for a new generation of scholars, often disillusioned with dominant research trends - those from South Africa, Africa, and beyond - who have long desired academic platforms that differ from the mainstream and genuinely want to contribute to critical and alternative thought.

This volume exemplifies the core journal vision outlined above. It includes articles by scholars from across Africa addressing challenging questions in South Africa and other African countries. In their article titled 'The Efficacy of Arbitration as a Tool for Resolving Employment Disputes in Nigeria: Lessons from South Africa,' Oluwayemi Ogunkorode, Kemisola Akanle, and Tayewo Adewumi examine arbitration, the employer-employee relationship, and dispute-resolution processes in Nigeria and South Africa, drawing lessons from South Africa's approach. They assess the effectiveness of arbitration as a dispute-resolution mechanism in both countries and conclude that South Africa's strong arbitration provisions could serve as a model for Nigeria.

In the article titled 'An Examination of the Legal Framework for Parties' Rights when Mortgaging Land under Nigerian Property Legislation,' Busari Morufu Salawu examines



the complex conveyance of rights in Nigeria. The Nigerian system relies on various land tenure types that generally follow the principles set out in the Land Use Act of 1978. The article examines how mortgage deeds over land are drafted in Nigeria, discusses the rights and obligations of the parties, and evaluates the legal and judicial attitudes that shape them.

Ferdinand Temba offers a Tanzanian perspective in an article titled ‘The Legal Framework of the Commission of Mediation and Arbitration in the Settlement of Labour Disputes in Tanzania.’ The article reviews the legal status of the Commission of Mediation and Arbitration (CMA) in resolving labour conflicts in Tanzania. It discusses how labour disputes are settled through mediation and arbitration under the Employment and Labour Relations Act, Cap 366 RE 2019 (ELRA), and the Labour Institutions Act, Cap 300 RE 2019 (LIA). The focus is on the CMA’s legal and institutional structure, the authority of mediators and arbitrators, and court rulings regarding the CMA’s scope.

In their article titled ‘The Land Question, Economic Collapse and the Right to Development in Zimbabwe,’ Carol Chi Ngang and Garufu Paradzai analyse ongoing land conflicts in Zimbabwe. They outline twenty years of economic decline, emphasising core and surrounding issues, especially overlooked land disputes and the tendency to blame political leaders for the nation’s slide into failure. While the land repossession movement triggered major socio-economic upheaval, the authors argue that the economy might have collapsed anyway due to conflicting interests.

In a comparative study of three countries - Nigeria, Ghana and Kenya – Obinna Nnanna Okereke, Uche Nnawulezi Septhian, and Eka Adiyatma focus on gender discrimination in bail suretyship. In the article titled ‘Comparative Analysis of Gender Discrimination in Bail Suretyship in Nigeria, Ghana and Kenya: A Review of *Ken Nwafor v Economic and Financial Crimes Commission* (2021),’ they contend that male sureties are often preferred in bail proceedings across many African criminal justice systems, including Nigeria, Ghana, and Kenya. This preference persists despite the absence of explicit legal provisions preventing women from assuming this role. This practice is rooted in cultural biases that view women as the ‘weaker sex,’ and these biases are reflected in legal practice. This case review examines the legal implications of denying women the right to act as sureties, focusing on the Nigerian case of *Ken Nwafor v Economic and Financial Crimes Commission* (2021).

In an article titled ‘Registration of Health Professionals in the United Kingdom and Botswana: A Comparative Analysis of the Overarching Principles,’ Patrick Masokwane assesses the laws governing the registration of health professionals in Botswana and compares them with those in the United Kingdom (UK). The article discusses the legal framework for the overarching functions of regulatory bodies and the governance arrangements in both jurisdictions. In the UK, professional registration has advanced significantly since the 18th century, whereas in Botswana it remains in its early stages. The primary intention of the law is to protect the public as users of health services; as such, these provisions represent a public good. The article examines several leading cases in health registration and emphasises the need to safeguard the public without disadvantaging professionals.

In an article titled ‘The Influence of ChatGPT-generated Data on the Administration of Justice in South Africa,’ Isiphile Petse and Usenathi Phindelo argue that, as a medium for South African legal practitioners to conduct legal research, ChatGPT is a threat to the

courts and the administration of justice. ChatGPT has become a manipulative tool that deceives legal professionals. For instance, the chatbot has generated false or misleading legal documents. The information generated by ChatGPT not only misleads the court but also misleads legal practitioners who use it without verification. Failing to verify ChatGPT-generated information could result in a legal practitioner being found guilty of the common-law crime of perjury, especially when a legal practitioner presents incorrect information in court. This article examines the cases of *Mavundla v MEC: Department of Cooperative Governance and Traditional Affairs and Others*; *Michelle Parker v Amanda Forsyth NO and Others*, and *Roberto Mata v Avianca* to illustrate the impact of ChatGPT-generated information on the courts and the administration of justice.

In the article 'Delict in Cyberspace in South Africa: Reflection on Recent Judicial Developments', Desmond Oriakhogba and Nompumelelo Ndwandwe explore the judicial application of the law of delict to cyberspace issues in South Africa. This exploration takes place against the backdrop of the risks of harm, such as pure economic loss, occurring in cyberspace, especially those resulting from the exercise of professional duties. Specifically, the article examines how recent case law, such as *Edward Nathan Sonnenberg Inc v Hawarden* [2024] ZASCA 90, has addressed gaps in the law of delict regarding liability for patrimonial harm caused by third-party fraudsters in cyberspace. The article further examines the courts' application of the constitutional values of dignity, fairness and freedom to the development and application of the law of delict in addressing harms in cyberspace.

In the article titled 'Revisiting Vaccine Mandates and Human Rights in South Africa,' Slungu Joseph Thobela examines vaccine mandates, which have consistently sparked heated debates about human rights. These mandates gained prominence during the COVID-19 pandemic that affected the world in 2020. Different countries responded to the pandemic in various ways and at different times; there was no universal strategy. Each country tailored its response based on its legal framework. Implementing vaccine mandates became a common approach in combating the pandemic. Like many nations, South Africa adopted a series of restrictive measures, including lockdowns. Public institutions, such as universities, enforced vaccine mandates for access, raising concerns about their constitutionality. A key question was whether these mandates aligned with South Africa's 1996 Constitution.

In the article titled 'Water Resource Protection in Africa's Mining Sector: A Nigerian Perspective,' Oluwatosin Busayo Igbayiloye and Oluwabunmi Lucy Niyi-Gafar argue that mining extractives contaminate water sources in mine communities, leading to serious health issues for people, animals, aquatic life, and farmland. Mining often creates competition for water between local communities and companies, sparking social conflicts. Nigeria, heavily dependent on extractive industries, experiences this challenge. While mining is seen as a key economic sector for Nigeria's growth, it is crucial to weigh the potential benefits against the environmental and social costs. This article reviews the current water management in mining and explores how mining activities impact water resources, along with the obstacles faced in Nigeria.

In an article titled 'The Systematic Failure Surrounding Records of Proceedings in the Lesotho Court of Appeal,' Bokang Moshoeshe, Monaheng Rasekoai, and Mathalea

Ntaote address the enduring question of records for cases in the Court of Appeal of Lesotho. They contend that the preparation and filing of these records in the Court of Appeal have been marred by chronic dysfunction for decades. This article interrogates the enduring and institutionalised nature of this problem, one that has persisted unabated since the 1970s and continues to undermine justice to this day. Drawing on jurisprudence, historical analysis, and procedural rules, the article exposes the systemic failures that have allowed this problem to fester at the very apex of the country's judiciary. It attributes shared responsibility to litigants, legal representatives, judges of the High Court, registrars and other relevant court officers, all of whom have contributed, by action or omission, to a pattern of procedural decay. The result is delayed justice, denied appeals, and a crisis of confidence in the superior courts of record.

In the case comment titled 'Legal Challenges Faced by Accused Persons with Speech and/or Hearing Impairment in South African Courts: An Analysis of *Kruse v S* 2018 (2) SACR 644 (WCC)', Isiphile Petse examines the legal obstacles faced by accused individuals with speech and/or hearing impairments in South African courts. The note focuses on the specific difficulties SHI defendants face during court proceedings, with particular reference to the *Kruse v S* 2018 (2) SACR 644 (WCC) case. It highlights barriers that hinder SHI accused persons from fully comprehending court processes and considers possible legal remedies. Furthermore, the note offers recommendations to improve the treatment of SHI-accused individuals within South Africa's criminal justice system, particularly in courtroom settings.

We are proud to present this volume to our readers and sincerely thank all contributing authors, anonymous reviewers, editors, and typesetters. We truly value the collaborative effort that has gone into producing a volume of this quality and size, and we remain grateful.

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