

## Editorial

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Editor-in-Chief

The *Turf Law Journal* is now in its fourth year of publication, having gone live for the first time in 2021. The journal has gone from strength to strength. True to its purpose of publishing high-quality articles that seek to reaffirm alternative thinking, the journal has thus far attracted contributions from across the continent. The current volume – volume 4 – is an incredible milestone for the journal. It is being published in the same year that the journal was indexed by African Journals Online (AJOL) under the two-star Journal Publishing Practices and Standards (JPPS). AJOL is a reputable indexer of African journals, offering a unique publication standards system to assess each journal based on relevant best practices and informed by globally, regionally and nationally accepted standards. Since AJOL indexed the *TLJ*, the journal's visibility has improved, resulting in more articles being submitted to the journal for consideration. This greatly encourages the editorial team to adhere to internationally acceptable publishing standards.

The current volume features carefully selected articles that showcase the journal's footprint throughout the continent. Voyo Peach's article, 'The Doctrine of Substantive Legitimate Expectation: A Missing Piece of the Puzzle in Modern South African Administrative Law', investigates an intriguing doctrine in South African public law: legitimate expectation. In particular, the author notes that legitimate expectation is well-established in South African administrative law as a double-pronged doctrine: with substantive and procedural aspects. A procedural legitimate expectation focuses on the procedure that a public authority follows before deciding, and a substantive legitimate expectation focuses on the actual decision made by a public authority. Since the doctrine was imported into South Africa by the celebrated decision in *Administrator Transvaal v Traub* 1989 (4) SA 731 (A), the doctrine has been accepted as fundamentally procedural. The author contends that the judiciary is uncertain about whether the second leg of the doctrine – substantive legitimate expectation – should form part of South African law. The article takes a cue from the much-touted tenets of transformative constitutionalism to advocate for the incorporation of substantive legitimate expectation into the evolving corpus of administrative law.

Noah Maringe's article, 'The Constitutional Protection of the Right to Collective Job Action in Zimbabwe: A Comparative Analysis', analyses a controversial notion in Zimbabwean labour law: the right to participate in collective job action. This is the most formidable weapon in employees' arsenal, without which workers' autonomy and democracy in the workplace would be under persistent onslaught. The author engages with the intractable question of whether Zimbabwe's constitutional protection of collective



job action accords with general trends in comparative jurisdictions such as South Africa, Kenya and Australia. While he lauds the relative progressiveness of the Zimbabwean jurisprudence on the matter, he also criticises it for failing to offer adequate constitutional protections and guarantees. There are also several discrepancies between the Constitution and the Labour Act. He finds further that Zimbabwe's legal and institutional framework does not keep up with other jurisdictions from which lessons can be drawn.

The article by Grace Arowolo, 'Children's Rights and the Pursuit of Intergenerational Climate Justice in Nigeria', grapples with the human tragedy of climate change, using Nigeria – Africa's most populous country – as a case study. The author notes that climate change is a significant challenge for environmental justice in general and environmental law in particular. It is an intergenerational problem that severely affects equity (justice) between present and future generations. Africa is one of the regions of the world most vulnerable to the impacts of climate change, owing to its high exposure and poor adaptive capacity. The author analyses the African continent, where climate change disproportionately affects vulnerable sections of society, resulting in food insecurity, population displacement, and a lack of water resources. The author cites the 2021 United Nations Children's Fund (UNICEF) report, one of many sources used in the article, which confirms that African children are most at risk of climate change. The report ranked Nigeria as second among the extremely high-risk countries where children are most at risk from climate change. Consequently, the author examines the impact of climate change on the rights of children in Nigeria and proposes measures for intergenerational climate justice, recommending, among others, adopting a children's rights-based approach to climate change mitigation and adaptation and integrating children's rights into Nigerian climate change responses.

The article by Obinna Emmanuel Nkomadu, 'The Impact of the Lomé Charter on Combating Trafficking in Persons at Sea: A South African Legal Perspective', analyses how the much-discussed Lomé Charter has addressed the problem of trafficking in persons ('TIP'). The author identifies a major maritime problem on the African continent as the widespread proliferation of threats to maritime security, including TIP at sea. To combat this scourge, South Africa promulgated the Prevention and Combating of Trafficking in Persons Act 7 of 2013. Other countries have taken varying measures, too. Nevertheless, the problem of TIP continues unabated. For that reason, and to address many other maritime security threats in Africa, in 2016, member states of the African Union adopted the African Charter on Maritime Security and Safety and Development in Africa ('the Lomé Charter'), which has yet to come into force. In this article, the author thoroughly analyses the relevant pre-existing international instruments, the TIP provisions of the Lomé Charter, and the South African legislation. Ultimately, the author recommends that legal steps be taken, such as adopting policies that guarantee the availability of resources, either from public funds or by forging public-private partnerships, to invest in equipment, operations and training to combat TIP at sea. In particular, the author recommends that South Africa join other state parties in adopting guidelines and modalities to assist them in fulfilling their obligations under the Lomé Charter.

Sabitiyu Abosedo Lawal and Abubakri Yekini, in their article, 'The Legal and Institutional Frameworks Aimed at Curbing Human Trafficking in Nigeria,' flag an

issue that is increasingly becoming a matter of global concern: human trafficking. The authors use Nigeria as a case study. They contend that many people find themselves vulnerable in the wake of overpopulation and unfavourable economic conditions that lead to unemployment and insecurity in Nigeria. They are easily pushed into seeking better opportunities in Nigeria and across the Nigerian borders. This unfortunate situation has become a happy hunting ground for human traffickers. The authors contend further that they examine the legal and institutional frameworks for preventing human trafficking in Nigeria. The article finds that the penal provisions in the Nigerian Child Rights Act of 2003 are more stringent than those in the Trafficking in Persons (Prohibition) Enforcement and Administration Act of 2015. Furthermore, the paper observes that while anti-trafficking agencies are trying to combat human trafficking, more action is needed to address the high-profile individuals involved in human trafficking who evade legal consequences.

The editorial team hopes that readers will feel intellectually nourished by our curated contributions.

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