

Universiteit van Pretoria Jaarboek 2018

LLM Ontginningsbedryfsreg in Afrika (Gedoseer) (04252018)

Minimum duur van studie 2 jaar

Totale krediete 200

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Programinligting

Hierdie inligting is slegs in Engels beskikbaar.

Closing date for applications: SA applicants – 30 November; non-SA applicants – 31 August.

A limited number of approximately between 10 and 20 students are selected per year according to the general selection guidelines.

In addition to the general admission requirements, the following specific selection criteria are used in combination to select the eligible students:

- i. a demonstrated professional, academic and personal interest in and commitment to extractive industry law in Africa;
- ii. an indication that the applicant would be likely to put the qualification to good use in his or her future career, preferably in his or her country of origin (the 'multiplier effect');
- iii. geographic representation (in the sense that an overrepresentation of students from a particular African country will be avoided, given the pan-African scope and ambitions of the programme);
- iv. gender representation (in the sense that an equitable balance between women and men is sought);
- v. equitable representation of persons from vulnerable communities (such as persons with disabilities, persons belonging to indigenous communities and LGBTI persons).

The LLM (Extractive Industry Law in Africa) is presented in alternate years.

The curriculum will generally consist of:

- Three modules counting 30 credits each (at least one of these modules must be completed during the first year of registration).
- A module in research methodology (RHP 801 - 5 credits) (this module must be completed during the first year of registration).
- A research proposal (RHP 803 - 5 credits). The student must submit the research proposal to the supervisor no later than the end of the first semester of the second year of registration for the degree, prior to commencing with the writing of the mini-dissertation. This period may be extended with the approval of the head of department.
- A mini-dissertation. The mini-dissertation must deal with the subject content of one of the modules or a combination of the modules registered for by the student for his/her LLM/MPhil degree. Any request for an extension of the period for submission of the mini-dissertation may only be granted by the Postgraduate

Committee on recommendation of the head of department.

Toelatingsvereistes

In addition to an LLB, BProc or equivalent qualification from a foreign university that allows the applicant entrance to the formal legal profession, the following requirements are set for admission of a prospective student to the LLM Coursework programme:

A minimum average mark of 65% with respect to the prescribed final-year modules of the undergraduate programme is required for admission to an LLM coursework programme.

Where an average of below 65% is achieved, the student may be admitted on recommendation of the relevant head of department after consultation with the programme coordinator and consideration of other merits (e.g. relevant professional experience; the applicant's performance in undergraduate modules related to the particular LLM; the candidate's performance in independent research essays or similar components) and/or an admission examination.

Linguistic competence, primarily in English; foreign applicants who did not complete undergraduate studies through the medium of English must show proof of competence in English at a minimum average level of 6 out of 10 for IELTS or a minimum total score of 83 in TOEFL calculated as follows: reading 21, listening 17, speaking 23 and writing 22. In any other instance where there is doubt as to the English linguistic competence of an applicant, the Dean may require the same proof as prescribed for foreign applicants.

Foreign qualifications are subject to SAQA evaluation. (Some LLM coursework programmes or modules as indicated in the yearbook may only be available to students who hold a relevant South African legal qualification.)

Even though a student may comply with the above requirements, the Dean may, on the recommendation of the head of department presenting a specific degree or module, refuse to accept a prospective student for any LLM programme if such a student's performance in the chosen modules or field of study during undergraduate study was not satisfactory. Alternatively, the Dean could set additional requirements with a view to admission.

An admission examination may also be required in respect of a particular programme or module.

Ander programspesifieke inligting

Mini-dissertation

- The mini-dissertation must comprise 13 000 – 15 000 words – including footnotes but excluding the list of contents and the bibliography
- The examination copies of the mini-dissertation to send out to the external examiners must be submitted to Student Administration not later than the end of October for the Autumn Graduation Ceremony, end of April for the Spring Graduation Ceremony. A final electronic version must be submitted to Student Administration on or before 15 February for the Autumn Graduation Ceremony, 15 July for the Spring Graduation Ceremony after the evaluation of the examination copies of the mini-dissertation to comply with degree requirements.

Eksamens en slaagvereistes

In the event of having failed all modules during a particular year of study, a student will only be allowed to continue with his/her studies with the consent of the Postgraduate Committee.

Although no supplementary examination will be granted with regard to LLM and MPhil modules, the General

Regulations and rules apply with regard to special and ancillary examinations.

Navorsing

The relevant head of department must recommend a supervisor and title for a mini-dissertation and these must be approved by the Postgraduate Committee. The mini-dissertation must be assessed and finalised as set out in the Faculty Board-approved LLM/MPhil Policy Document of the Faculty.

Mini-dissertations, where required, must be submitted in the format determined by the supervisor and approved by the Postgraduate Committee. The supervisor may likewise, subject to the approval of the Postgraduate Committee, also determine the research topic and the scope of the proposed research. (Refer to the [Faculty of Law regulations regarding mini-dissertations](#) and also [Postgraduate administrative processes brochure for the Faculty](#))

Slaag met lof

For the degree to be awarded with distinction a student must obtain an average of at least 75% for all the coursework modules, as well as a minimum of 75% for the mini-dissertation. The modules must have been written for the first time.

Algemene inligting

Period of registration

The duration of the programme will in general be four semesters (2 years) but may be completed within two semesters (1 year) where possible, subject to fulfilment of all the requirements for the degree and payment of the full amount prescribed for the LLM degree. Programmes may also be structured to allow for one year of study only. The one- or two-year period may only be extended by the Postgraduate Committee on recommendation of the Head of Department based on good reason shown and if it is clear that the student will be able to complete the programme in a further year of study.

Kurrikulum: Jaar 1

Kernmodules

Die reg tot, en regulering van natuurlike hulpbronne 801 (EIL 801)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1

Module-inhoud

*Hierdie inligting is slegs in Engels beskikbaar.

The objective of this module is to equip students with a thorough understanding of the legal and policy aspects of natural resources and the regulation of natural resources and industries to extract natural resources. Topics include: (a) Industry background such as the extractive industry value chain and the role of extractive industries in national, regional and global economies, basic extractive industry business and project feasibility metrics, typical national public policy priorities, the differences between the mining and oil and gas industries, gas industry specifics, the various downstream industries (smelters, refineries and petrochemical and energy industries and policy issues pertaining to renewable energy and unconventional extraction methods such as hydraulic fracturing ("fracking"); (b) Natural resource and extractive industry policy concepts and regulatory options; (c) Ownership of mineral rights dispensations (state versus private ownership of mineral rights), the legal position of the owner of the land and the owner of the products of extraction; (d) The advantages and disadvantages of the main granting methodologies applied by host governments including concessions, production sharing agreements, participation agreements, services agreements and hybrid methods; (e) Typical conditions to obtain, renew or transfer exploration or extraction rights and the veracity of the public policy basis of such requirements; (f) Agreements and transactions to transfer rights to prospect and/or to extract; (g) Constitutional and administrative law aspects of relevance in dealing with extractive industry legislation and regulation including the legality of administrative processes governed by an Act such as the MPRD Act and related regulation, the right of third parties to be heard in applications by resource companies under the MPRD Act and the constitutionality of the conversion of "old order mineral rights" to "new order mineral rights".

Volhoudbaarheidsaspekte van ontginningsbedrywe 802 (EIL 802)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1 of Semester 2

Module-inhoud

*Hierdie inligting is slegs in Engels beskikbaar.

The objective of this module is to equip students with a thorough understanding of the sustainability aspects of extractive industries. Topics include: (a) A general introduction to sustainability, sustainable development, corporate social responsibility, good governance as it pertains to governments and good corporate governance; (b) International, regional and national instruments related to sustainability aspects of extractive industries such as the protection of human rights, forced labour, inappropriate security practices, "conflict minerals" and "blood diamonds" (including the Kimberley Process Certification Scheme and the US Dodd-Frank Act and SEC disclosure requirements); the Extractive Industry Transparency Initiative (EITI) and the UN Global Compact; [US Dodd-Frank Act; (c) Safety, health and environmental (SHE) aspects of extractive industries including emerging issues such as climate change and personal criminal liability of directors and officers for SHE contraventions; (d) Corporate governance and company law developments of relevance to sustainability including the King 3 Code and similar Codes internationally, Responsible Investment Codes, the role of Social and Ethics Committees as required by the Companies Act 2008, sustainability indexes of the stock exchanges such as the JSE SRI Index and the Dow Jones Sustainability Index, public reporting on sustainability and international reporting guidelines such as the Global Reporting Initiative

Die Suid-Afrikaanse Wet op die Ontwikkeling van Minerale en Petroleum 803 (EIL 803)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1 of Semester 2

Module-inhoud

*Hierdie inligting is slegs in Engels beskikbaar.

The objective of this module is to equip students with a thorough understanding of conceptual and practical aspects of the South African Mineral and Resources Development Act and related jurisprudence.

Internasionale regsaspekte van ontginningsbedrywe 804 (EIL 804)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1 of Semester 2



Module-inhoud

*Hierdie inligting is slegs in Engels beskikbaar.

The objective of this module is to equip students with a thorough understanding of the international law aspects of extractive industries. Topics include: (a) Sovereignty in respect of legal regimes and laws governing extractive industries including the act of state doctrine, the doctrine of sovereign immunity and waivers of immunity and compensation for expropriation; (b) An overview of the most relevant treaties and conventions of relevance to extractive industries including the Convention on the Continental Shelf, the OILPOL convention, the UN Convention on Contracts for the International Sale of Goods, the UN Conventions of the Law of the Sea, the New York Convention, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, the Energy Charter Treaty to protect international energy investment and trade; international environmental law treaties and conventions and the Guiding Principles on Business and Human Rights. (c) Relevant aspects pertaining to the World Trade Organisation including extractive industry subsidies, environmental labelling and confiscatory taxation; (d) Direct and indirect forms of resource nationalisation and investment treaties to protect natural resource investors; (e) The legal status of offshore petroleum and mining installations and vessels including production platforms, floating production, storage and offloading (FPSOs) vessels and subsea pipelines as well as state jurisdiction in respect of such installations. (f) International dispute resolution mechanisms including enforcement of arbitration awards.

Miniverhandeling 800 (MND 800)

Modulekrediete	100.00
Voorvereistes	RHP 801 en RHP 803
Onderrigtaal	Afrikaans en Engels word in een klas gebruik
Departement	Regsgeleerdheid Dekanskantoor
Aanbiedingstydperk	Jaar

Module-inhoud

(a) Die student moet 'n navorsingsvoorstel gedurende die eerste jaar van registrasie ten opsigte van die LLM-graad by sy/haar studieleier inhandig alvorens daar begin kan word met die skryf van die miniverhandeling. (b) 'n Miniverhandeling (MND 800) moet bestaan uit 13 000 tot 15 000 woorde insluitend die voetnotas maar die inhoudsopgawe en die bibliografie uitgesluit. Die miniverhandeling moet by die promotor ingehandig word nie later nie as Augustus van die tweede jaar van registrasie vir die LLM-graad. Die miniverhandeling moet handel oor die vakinhoud van een of 'n kombinasie van die LLM-modules waarvoor die student geregistreer is. 'n Versoek ten opsigte van die verlenging van die tydperk vir indiening van die miniverhandeling kan slegs deur die Dekaan verleen word, op aanbeveling van die LLM-komitee.

Navorsingsmetodologie 801 (RHP 801)

Modulekrediete	5.00
Voorvereistes	Geen voorvereistes.
Kontaktyd	8 seminare
Onderrigtaal	Module word in Engels aangebied
Departement	Regsleer
Aanbiedingstydperk	Semester 1 of Semester 2



Module-inhoud

(a) Beplanning en organisering van 'n navorsingsprojek (b) Konsep navorsingsvoorstel: Hipotese en navorsingsvraag (c) Teorie in navorsing en metodologiese benaderings tot regsnavorsing (d) Taal (e) Verwysing en die etiek van verwysing (f) Konsephoofstukke en afronding

Navorsingsvoorstel 803 (RHP 803)

Modulekrediete 5.00

Voorvereistes Geen voorvereistes.

Onderrigtaal Afrikaans en Engels word in een klas gebruik

Departement Regsgeleerdheid Dekanskantoor

Aanbiedingstydperk Jaar

Module-inhoud

Ontwikkeling en voordrag van 'n navorsingsvoorstel. ('n Navorsingsvoorstel moet in die eerste semester van die tweede studiejaar by die studieleier ingedien en aanvaar word alvorens die student toegelaat sal word om vir die miniverhandeling te registreer.)

Kurrikulum: Finale jaar

Kernmodules

Die reg tot, en regulering van natuurlike hulpbronne 801 (EIL 801)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1

Module-inhoud

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Volhoudbaarheidsaspekte van ontginningsbedrywe 802 (EIL 802)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1 of Semester 2

Module-inhoud

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Die Suid-Afrikaanse Wet op die Ontwikkeling van Minerale en Petroleum 803 (EIL 803)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1 of Semester 2

Module-inhoud

*Hierdie inligting is slegs in Engels beskikbaar.

The objective of this module is to equip students with a thorough understanding of conceptual and practical aspects of the South African Mineral and Resources Development Act and related jurisprudence.

Internasionale regsaspekte van ontginningsbedrywe 804 (EIL 804)

Modulekrediete	30.00
Voorvereistes	Geen voorvereistes.
Onderrigtaal	Module word in Engels aangebied
Departement	Publiekreg
Aanbiedingstydperk	Semester 1 of Semester 2

Module-inhoud

*Hierdie inligting is slegs in Engels beskikbaar.

The objective of this module is to equip students with a thorough understanding of the international law aspects of extractive industries. Topics include: (a) Sovereignty in respect of legal regimes and laws governing extractive industries including the act of state doctrine, the doctrine of sovereign immunity and waivers of immunity and compensation for expropriation; (b) An overview of the most relevant treaties and conventions of relevance to extractive industries including the Convention on the Continental Shelf, the OILPOL convention, the UN Convention on Contracts for the International Sale of Goods, the UN Conventions of the Law of the Sea, the New York Convention, the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, the Energy Charter Treaty to protect international energy investment and trade; international environmental law treaties and conventions and the Guiding Principles on Business and Human Rights. (c) Relevant aspects pertaining to the World Trade Organisation including extractive industry subsidies, environmental labelling and confiscatory taxation; (d) Direct and indirect forms of resource nationalisation and investment treaties to protect natural resource investors; (e) The legal status of offshore petroleum and mining installations and vessels including production platforms, floating production, storage and offloading (FPSOs) vessels and subsea pipelines as well as state jurisdiction in respect of such installations. (f) International dispute resolution mechanisms including enforcement of arbitration awards.

Miniverhandeling 800 (MND 800)

Modulekrediete	100.00
Voorvereistes	RHP 801 en RHP 803
Onderrigtaal	Afrikaans en Engels word in een klas gebruik
Departement	Regsgeleerdheid Dekanskantoor
Aanbiedingstydperk	Jaar

Module-inhoud

(a) Die student moet 'n navorsingsvoorstel gedurende die eerste jaar van registrasie ten opsigte van die LLM-graad by sy/haar studieleier inhandig alvorens daar begin kan word met die skryf van die miniverhandeling. (b) 'n Miniverhandeling (MND 800) moet bestaan uit 13 000 tot 15 000 woorde insluitend die voetnotas maar die inhoudsopgawe en die bibliografie uitgesluit. Die miniverhandeling moet by die promotor ingehandig word nie later nie as Augustus van die tweede jaar van registrasie vir die LLM-graad. Die miniverhandeling moet handel oor die vakinhoud van een of 'n kombinasie van die LLM-modules waarvoor die student geregistreer is. 'n Versoek ten opsigte van die verlenging van die tydperk vir indiening van die miniverhandeling kan slegs deur die Dekaan verleen word, op aanbeveling van die LLM-komitee.

Die inligting wat hier verskyn, is onderhewig aan verandering en kan na die publikasie van hierdie inligting gewysig word.. Die [Algemene Regulasies \(G Regulasies\)](#) is op alle fakulteite van die Universiteit van Pretoria van toepassing. Dit word vereis dat elke student volkome vertroud met hierdie regulasies sowel as met die inligting vervat in die [Algemene Reëls](#) sal wees. Onkunde betreffende hierdie regulasies en reëls sal nie as 'n verskoning by oortreding daarvan aangebied kan word nie.