

# Editorial: Celebrating the Legacy of Professor Willemien du Plessis in Customary Law and Land Issues

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In the world of academia, there are individuals who stand as beacons of inspiration, mentorship, and unwavering commitment to the pursuit of knowledge. Professor Willemien du Plessis, a stalwart in the field of law and an esteemed academic for over three decades at the North-West University, is unequivocally one such luminary. Her journey through the realms of land and customary law issues in South Africa has not only left an indelible mark on her students and colleagues but has also had a profound impact on the broader legal community. As she prepares to embark on a well-deserved retirement, we, the colleagues and peers whose lives she has touched, take it upon ourselves to celebrate her exceptional contributions with this special edition.

This collection is not merely an assemblage of academic articles; it is a testament to the reverence and gratitude we hold for Willemien. Within these pages, we explore the intricate nuances of land rights, customary law, and the socio-legal landscape in South Africa. It is a reflection of the multifaceted nature of Willemien's work, as well as the legacy she leaves behind. We are humbled to present this special edition, a token of our appreciation and admiration for a career marked by excellence and compassion.

The contributions in this volume offer a diverse tapestry of legal scholarship, each article a reflection of the profound influence Willemien has had on her colleagues and students. This special edition begins with a poignant tribute in Afrikaans (Willemien's mother tongue) from her former colleague, *Nic Olivier*, who played a pivotal role in shaping her early academic career. Following this heartfelt homage, the publication features two profoundly personal tributes from individuals deeply influenced by her wisdom and mentorship: *Elmarie van der Schyff* and *Paul Du Plessis*. These tributes, eloquently penned by both contributors, serve as compelling testaments to the enduring influence of

a teacher and mentor who not only fostered academic growth but also contributed significantly to character development.

Subsequently, our collection delves into scholarly analyses and discussions. The articles reflect the multidisciplinary nature of Willemien's work, showcasing the influence of her research in diverse legal arenas. These contributions span the legal landscape of South Africa, touching upon land use planning, property rights, customary law, and access to justice, all central themes in her extensive, especially earlier, career.

*Elmien Du Plessis* scrutinises the role of traditional authorities in land use planning, analysing their responsibilities in local land-use decision-making. Her work offers a critical lens through which we can better understand the intricate interplay of South Africa's spatial planning legislation.

*Allison Geduld* delves into the contentious issue of land rights, drawing attention to the plight of vulnerable individuals, as exemplified in *Grobler v Phillips* 2023 1 SA 321 (CC). Her critique of the legal approach to property rights is a call for a more inclusive and just society.

*Christa Rautenbach and Gerrit Ferreira* offer an examination of the intricate relationship between traditional authorities and state functions in South Africa. Their work not only analyses the dynamics but also explores the potential benefits of transforming traditional authorities into state organs.

*Gerrit Pienaar* scrutinises the legal intricacies surrounding the enforcement of sectional title rules. His insights into administrative action and common-law review serve as a guide for those navigating the complexities of sectional title schemes.

*Tshepo Aubrey Manthwa* provides a nuanced analysis of customary marriage practices, focusing on the "integration of the bride." He calls for the recognition of cultural nuances and emphasises the importance of consent, challenging conventional narratives in the process.

*Lerato Rudolph Ngwenyama* sheds light on the essential issue of access to electricity for occupiers under the *Extension of Security of Tenure Act* 62 of 1997, underscoring the impact of this basic amenity on human dignity and living conditions.

*Matthews Eddie Nkuna-Mavutane and Juanita Jamneck* offer a comprehensive appraisal of the evolution of customary marriage

requirements in South Africa, both before and after the *Recognition of Customary Marriages Act* 120 of 1998.

Beyond the borders of South Africa, the collection features contributions from *Kenneth Ferdie Mundia and Rebeka Haimbili*, who discuss the complex issue of land reform in Namibia. Their analysis of Namibia's land distribution system reflects the broader regional context and the ongoing quest for justice. *Kolapo Omidire* ventures into the realm of property schemes in Nigeria, drawing valuable lessons from the South African experience. His work highlights the significance of a well-defined legal framework for managing fragmented property schemes.

Each of these articles stands as a tribute to Professor Willemien du Plessis and her enduring influence. They also represent our collective endeavour to further her work by advancing knowledge, promoting social justice, and nurturing the careers of the next generation of scholars. In dedicating this special edition to Willemien, we recognise not only her contributions but also her legacy - marked by excellence, generosity, humility, compassion, and a steadfast commitment to justice.

As special guest editors of this edition, we can personally attest to the profound influence that Professor Willemien du Plessis has had on our academic careers. Her mentorship and unwavering support have been instrumental in shaping us into the successful scholars we have become today. Being classmates in the undergraduate law programme both authors were fortunate to be lectured by Willemien, at that time a young, upcoming scholar. That was the beginning of a long and fruitful relationship: initially that of lecturer and student and gradually developing into mentor and mentee, ultimately ending up as colleagues and dear friends. Juanita, now a professor at Stellenbosch University, and Christa, a professor at the North-West University, owe a significant portion of their scholarly direction and growth to Willemien. She has been more than a mentor; she has been a guiding light, opening doors and providing opportunities that have defined our academic journeys. This special edition is not only a tribute to her contributions to the field but also a heartfelt thank-you for the role she has played in our academic lives.

As a scholar Willemien has never shied away from contentious or difficult topics and themes. In the pre-constitutional era she was one of the first scholars probing the right to information, questioning and contesting extant views and perspectives. Her ability to expose and unpack dichotomies and incongruences also extended to land and land-related concerns, long before

it became fashionable in academic circles. In many respects Willemien was a trailblazer: as an academic and researcher scrutinising theory and information, but in particular, as role model and mentor.

In closing, we would like to express our heartfelt gratitude to our generous sponsors: the esteemed faculty of law at North-West University and the German-South African Lawyers Association ([www.dsjv.org/](http://www.dsjv.org/)). Their support is instrumental in subsidising a portion of the processing fees, which, in turn, empowers us to persist in our mission of disseminating high-quality scholarly contributions. These contributions not only enrich the academic discourse but also serve as a testament to the profound impact that Willemien has had on the academic landscape.

As we bid farewell to a remarkable academic, mentor, and friend, we extend our gratitude to Professor Willemien du Plessis for her tireless dedication to the pursuit of legal knowledge and social progress. We hope this collection serves as a testament to the profound impact she has had and will continue to have on the legal landscape, both in South Africa and beyond.

As you embark on this exciting new chapter of your life, Willemien, may your well-deserved retirement be as remarkable and inspiring as the career you've graced us with for all these years!

C Rautenbach

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