Prof AJ (André) van der Walt (1956 – 2016)

Dit is met groot hartseer wat die Regsfakulteit moet afskeid neem van 'n geliefde kollega en rolmodel, Prof André van der Walt, wat op 4 November 2016 oorlede is. Prof Van der Walt was ‘n Uitgelese Professor in die Departement Publiekreg en bekleër van die Suid-Afrikaanse Navorsingsleerstoel in Sakereg.

Prof Van der Walt was een van die voorste regsakademici nie net in die Stellenbosse Regsfakulteit nie, maar in Suid-Afrika sowel as internasionaal. Sy statuur as ‘n navorser van die hoogste gehalte is bevestig deurdat hy reeds sedert 2002 ‘n A gradering van die Nasionale Navorsingstigting (NNS) geniet. Die NNS omskryf navorsers met ‘n A gradering as ‘Researchers who are unequivocally recognised by their peers as leading international scholars in their field for the high quality and impact of their recent research outputs’. Prof Van der Walt was een van die eerste vyf akademici vanuit die geesteswetenskappe landwyd om ‘n A gradering te ontvang, die eerste een in regsgeleerdheid nasionaal en die eerste een in geesteswetenskappe aan die Universiteit Stellenbosch. Nie-verbasend was hy een van die eerste groep ontvangers van die hoogste toekenning wat die Universiteit Stellenbosch aan personeel toeken, die Kanselierstoekenning, in 2014.

Tydens ‘n onlangse evaluering van Prof Van der Walt se leerstoel is sy statuur deur ‘n groot getal vooraanstaande internasionale navorsers bevestig. Professor Vincent Sagaert van die Katholieke Universiteit Leuven skryf byvoorbeeld dat Prof Van der Walt is ‘undoubtedly the leading academic in the field of constitutional property law’ en dat Prof Van der Walt se boek *Constitutional Property Law* (3de uitgawe 2011) ‘is the most authoritative book in the field, on an international level’. Professor Susan Bright van Oxford voeg by dat ‘Professor van der Walt’s leadership in building the South African Research Chair in Property Law has put Stellenbosch University on the map as one of the leading centres of property law scholarship internationally’ en dat die Leerstoel ‘would be the envy of many international law schools – a vibrant and intellectually engaged graduate community of scholars in the field of property law. This is rare, perhaps unique’. Professor Laura Underkuffler van Cornell University in die VSA verklaar dat ‘Professor Van der Walt is the leading scholar on questions of the protection of property, constitutionalism, and regime change in the English-speaking world … there is no other scholar who has, single handedly, done what he has. His contribution has been immense.’ En professor Brendan Edgeworth van die University of New South Wales in Australië stel dit dat ‘I can say without doubt that he is one of the leading academic property law scholars in the Anglophonic world, as well as across the Civil Law jurisdictions’ en voeg by dat Prof Van der Walt se navorsing die laaste paar jaar hom in die top rang van sakereg professors internasionaal plaas.

Prof Van der Walt se navorsing het gefokus op sakereg en in besonder op grondwetlike sakereg. Hy het sy aandag veral gefokus op die rol van die regulering van eiendom in grondwetlike transformasie in Suid-Afrika en in sosiale geregtigheid in ‘n breër konteks. In Suid-Afrika het sy werk reeds ‘n baie groot invloed gehad in die ontwikkeling van sakereg binne ‘n grondwetlike bestel en het die Konstitusionele Hof meermale op sy insigte gesteun in hierdie veld. Maar ook op internasionale vlak was hy ‘n leier in die ontwikkeling van ‘n begrip van sakereg ter ondersteuning van progressiewe sosiale ontwikkeling. In 2014 het die *Association for Law, Property & Society (ALPS),* gebasseer in die VSA, sy *Annual Excellence Award* aan Prof Van der Walt toegeken – die eerste keer dat ‘n nie-Amerikaner hierdie toekenning ontvang. Ter motivering van die toekenning veklaar die ALPS dat “Professor van der Walt receives our Annual Excellence Award for his many significant contributions

to property law and comparative property law and theory, and for his extraordinary mentorship of property scholars around the world."

Prof Van der Walt het in sy loopbaan meer as 25 doktorale kandidate afgelewer, 'n geweldige hoë getal in regsgeleerdheid. In hierdie opsig het hy bes moontlik die grootste hedendaagse invloed gehad op die regsakademie in Suid-Afrika. Studente wat hul nagraadse kwalifikasies onder sy leiding verwerf het doseer vandag in regsfakulteite aan 9 Suid-Afrikaanse universiteite, 'n noemenswaardige aantal as professors. Buiten sy geweldige groot bydrae tot regswetenskap in die vorm van navorsingsuitsette, sal Prof Van der Walt waarskynlik die beste onthou word vir sy onbaatsugtige en onvermoeide mentorskap aan student en jong navorsers. Geo Quinot, een van Prof Van der Walt se voormalige doktorale studente en nou professor en vise-dekaan aan die Stellenbosse Regsfakulteit vertel: "André was legendaries in sy aandag aan detail wanneer hy na jou werk gekyk het. Hy sou nie alleen uitwys waar jy 'n komma op die verkeerde plek geplaas het nie, maar soos met 'n skalpel die logika van jou argumente analiseer en oopsny op die punt waar dit nog nie heeltemal volg nie of daardie een uitspraak wat jy gemis het vir jou uitwys! Nie net was hy ongelooflik vrygewig in sy tyd om te luister en advies te gee nie, maar hy het nooit 'n oomblik geaarsel om sy netwerke te gebruik om geleenthede vir jonger navorsers te skep nie. Daar kan min twyfel wees dat André van der Walt se toewyding tot die akademie en sy voorbeeld die platform geskep het vir menigde akademiese loopbane."

As een van die mees senior lede van die Stellenbosse Regsfakulteit het Prof Van der Walt 'n leidende rol gespeel oor 'n wye veld in die Fakulteit en in die breër universiteitsgemeenskap. Veral in die gebied van navorsingsbestuur en –ontwikkeling het hy onskatbare bydraes gemaak. Oor baie jare was hy 'n helder en volgehoue stem ten gunste van transformasie van die Fakulteit en Universiteit en mees onlangs het hy sterk standpunt ingeneem ten gunste van 'n meer inklusiewe taalbedeling aan die Universiteit.

Prof Van der Walt laat 'n leemte in die Fakulteit en in die regswetenskap wat nie gevul kan word nie.

André van der Walt het die grade B Juris et Artium (1977); HonsBA (Filosofie) *cum laude* (1978); LLB *cum laude* (1980) en LLD (1985) aan die Potchefstroom Universiteit (nou Noordwes Universiteit), en LLM (Sakereg) (1986) aan die Universiteit van die Witwatersrand behaal. Hy het aan die Potchefstroom Universiteit doseer van 1981 tot 1986 as lektor en senior lektor; as professor aan die Universiteit van Suid-Afrika van 1987 tot 2000 en sedert 2000 as Professor en Uitgelese Professor aan die Universiteit Stellenbosch. Sedert 2008 beklee hy die Suid-Afrikaanse Navorsingsleerstoel in Sakereg. Hy was ook 'n Buitengewone Professor aan die Universiteit Pretoria sedert 2010. Oor die duur van sy loopbaan het hy 120 artikels in akademiese joernale, 19 boeke en 21 bydraes tot boeke gepubliseer.

Prof AJ (André) van der Walt (1956 – 2016)

It is with great sadness that the Law Faculty must say goodbye to a loved colleague and role model, Prof André van der Walt, who passed away on 4 November 2016. Prof Van der Walt was a Distinguished Professor in the Department of Public Law and incumbent of the South African Research Chair in Property Law.

Prof Van der Walt was one of the foremost legal academics not only in the Stellenbosch Law Faculty, but also in South Africa and internationally. His stature as a researcher of the highest calibre is confirmed by the A rating that he enjoyed from the National Research Foundation (NRF) since 2002. The NRF describes A rated scientists as 'Researchers who are unequivocally recognised by their peers as leading international scholars in their field for the high quality and impact of their recent research outputs'. Prof Van der Walt was one of the first five academics from the Humanities and Social Sciences nationally to receive an A rating, the first in law nationally and the first in Humanities and Social Sciences at Stellenbosch University. It was accordingly no surprise that he was one of the first recipients of the highest award made to staff at Stellenbosch University, the Chancellor's Award, in 2014.

During a recent evaluation of Prof Van der Walt's research chair, his stature was confirmed by a large number of leading international scholars. Professor Vincent Sagaert of the Katholieke University Leuven wrote for example that Prof Van der Walt is 'undoubtedly the leading academic in the field of constitutional property law' and that Prof Van der Walt's book *Constitutional Property Law* (3rd ed 2011) 'is the most authoritative book in the field, on an international level'. Professor Susan Bright of Oxford added that 'Professor van der Walt's leadership in building the South African Research Chair in Property Law has put Stellenbosch University on the map as one of the leading centres of property law scholarship internationally' and that the Chair 'would be the envy of many international law schools – a vibrant and intellectually engaged graduate community of scholars in the field of property law. This is rare, perhaps unique'. Professor Laura Underkuffler of Cornell University in die USA stated that 'Professor Van der Walt is the leading scholar on questions of the protection of property, constitutionalism, and regime change in the English-speaking world … there is no other scholar who has, single handedly, done what he has. His contribution has been immense.' And Professor Brendan Edgeworth of the University of New South Wales in Australia declared that 'I can say without doubt that he is one of the leading academic property law scholars in the Anglophonic world, as well as across the Civil Law jurisdictions'. He added that Prof Van der Walt's recent scholarship placed him in the top tier of property law professors internationally.

Prof Van der Walt's scholarship focused on property law and in particular on constitutional property. He applied his mind especially to the role that the regulation of property plays in constitutional transformation in South Africa and in social justice more broadly. In South Africa his work has had significant influence in the development of property law in the constitutional dispensation and the Constitutional Court has relied on his insights on numerous occasions in this field. But also at international level he was a leader in the development of an understanding of property law in support of a progressive social agenda. In 2014 the *Association for Law, Property & Society (ALPS),* based in the USA, bestowed its *Annual Excellence Award* on Prof Van der Walt – the first time that a non-American received this award. In the commendation for the award ALPS stated: "Professor van der Walt receives our Annual Excellence Award for his many significant contributions to property law and

comparative property law and theory, and for his extraordinary mentorship of property scholars around the world."

Prof Van der Walt supervised more than 25 doctoral candidates to graduation, a very high number in law. In this respect he has probably had the biggest contemporary impact on legal academia in South Africa. Students that obtained their postgraduate qualifications under his supervision today lectures at law faculties in 9 South African universities, a noteworthy number as professors. Apart from his tremendous contribution to law as a discipline in the form of research output, Prof Van der Walt will probably be best remembered for his tireless and generous mentorship of students and young researchers. Geo Quinot, one of Prof Van der Walt's past doctoral students and current professor and vice-dean of the Stellenbosch Law Faculty, says "André was legendary in his attention to detail when he looked at your work. He would not only point out where you placed a comma in the wrong place, but would analyse the logic of your arguments as with a scalpel and cut it open exactly on the point where the argument did not yet follow or where you missed that one important judgment! Not only was he amazingly generous with his time in listening and giving advice, but he did not hesitate for a moment to use his networks to create opportunities for younger researchers. There can be little doubt that André van der Walt's commitment to academia and the example he set created the platform for many academic careers."

As one of the most senior members of the Stellenbosch Law Faculty, Prof Van der Walt played a leading role across a wide field in the Faculty and in the broader university community. Especially in the field of research management and development he made invaluable contributions. Over the years he was also a clear and consistent voice for transformation in the Faculty and University and most recently expressed strong views in support of a more inclusive language approach at the University.

Prof Van der Walt leaves a void in the Faculty and legal scholarship that cannot be filled.

André van der Walt obtained the degrees B Juris et Artium (1977); HonsBA (Philosophy) *cum laude* (1978); LLB *cum laude* (1980) and LLD (1985) from the Potchefstroom University (now North West University), and LLM (Property Law) (1986) from the University of the Witwatersrand. He lectured at the Potchefstroom University as lecturer and senior lecturer from 1981 to 1986; as professor at the University of South Africa from 1987 to 2000 and since 2000 as Professor and Distinguished Professor at Stellenbosch University. Since 2008 he also held the South African Research Chair in Property Law. He was and Extraordinary Professor at the University of Pretoria since 2010. Over the course of his career he published 120 articles in academic journals, 19 books and 21 contributions to books.