

# **COMPARATIVE AND INTERNATIONAL LAW JOURNAL OF SOUTHERN AFRICA (*CILSA*)**

## **General**

The Comparative and International Law Journal of Southern Africa (*CILSA*) was established in 1968 and is published by The Centre for Foreign and Comparative Law at the University of South Africa (Pretoria).

*CILSA* is devoted to comparative and international law, with particular reference to the Southern African context. Each edition contains approximately five full-length, in-depth articles by Southern African and international authorities, covering a wide range of topics from both international and comparative perspectives.

## **Editorial policy**

### **Conditions for publication**

Authors acknowledge that contributions have not been published in part or in whole elsewhere or sent for publication elsewhere.

Authors acknowledge that contributions will be sent for review to one or two expert referees.

The decision to publish contributions reside with the editors.

Editors reserve the right to make changes to copy:

- according to house style,
- to ensure clean and clear copy free of grammar, spelling, punctuation, syntax and idiomatic errors,
- to produce accuracy, coherence and clarity, and
- to avoid possible liability.

## **Guidelines to authors**

### **Contributions considered for publication**

#### **Journal notes, case notes and book reviews**

Ideally main articles should be between fifteen and thirty-five pages.

Journal notes should not exceed 3 000 words.

Book reviews should be between two to three pages.

## **Submission of contributions**

- All contributions must be sent via email to the address [ebothat@unisa.ac.za](mailto:ebothat@unisa.ac.za) in a Microsoft Word document. No pdf documents will be accepted.
- All contributions must adhere to the *CILSA* house style.
- The name of the author, his/her academic qualifications, job description and institution, should be indicated by an asterisk at the beginning of the footnotes, for example: BA LLD. Associate Professor of Law, University of Johannesburg.
- An abstract of roughly 200 words is needed for a short summary of the article which is published at the beginning of the article.

## ***CILSA* house style**

### **General**

In the interests of editorial consistency, the editors work within the parameters of an official style sheet. *CILSA* house style is based on *New Hart's Rules: The Oxford Style Guide* (second edition 2014), and the *Oxford English Dictionary* for spelling. The *Oxford University Standard for the Citation of Legal Authorities* (OSCOLA) ([www.law.ox.ac.uk](http://www.law.ox.ac.uk)) is used for citing references in footnotes.

### **Formatting**

The margin parameters of the journal are 4.7cm (top and bottom margins) and 4.3cm (left to right margins).

Main heading 21 pt Times New Roman

Body text 11 pt Times New Roman

Set off quotations 10 pt Times New Roman

Footnotes 9 pt Times New Roman.

Alignment is justified full

Line spacing is 1.3pt for body text and 1pt for footnotes.

Page numbering is top right using plain numbers.

### **• Heading levels**

First-level headings are bold and capitals; second-level headings are bold and lower case; third-level headings are italic and sentence case; and fourth-level headings are italic and right justified.

Please note that no numbering but rather bullets are used for setting out lists, unless they form part of a quotation.

## **Style**

- Avoid ampersands except in established combinations (e.g. *R & B*) and in names of firms that use them (*Mail & Guardian*). The use of ampersands in case names is acceptable:

*Chairperson of the Immigration Selection Board v Frank & Another.*

- In text, emphasise words by using italics only sparingly. Italicisation should otherwise be reserved for titles and words from a language other than that of the text. Latin/foreign words and phrases that are common in legal English are set in roman, for example, *de jure*, *stare decisis*, *obiter dicta*, *ratio decidendi*, *a priori*, *prima face*, *inter-alia*, *dictum* and *dicta*.
- Italicised words/phrases in another language are glossed by an equivalent word/phrase in the language of the text in single inverted commas placed in brackets, e.g. ...*Indoda* ('a man'). Words well-known in South African English are set as roman, for example, *lobola*, *ubuntu*, *indaba*.
- The names of parties in case names are cited in italics, separated by an italic 'v' with no full point.
- Words/terms that need to be singled out as being 'borrowed' from another author/source may be placed in single inverted commas.
- The names of books and non-law journals and reports should be in italic. Abbreviated references to reports and reviews should be in roman. Full names of law journals and reports are in roman (see OSCOLA).

## **Acknowledgements**

- Acknowledgements should be brief and recognise sources of financial and logistical support and permission to reproduce materials from other sources. Enclose a copy of documentation granting such permission. Adherence to copyright rules remains each author's sole responsibility.

## **Quotations**

- When quoting from a source, use ‘single inverted commas’.
- To quote within a quote, use “double inverted commas”.
- When quoting more than five lines, indent. Do not print indented text in italics and do not use quotation marks. Place indented quotes in 10 pt Times Roman.
- When quoting within an indented quotation, use single inverted commas.
- Commas and full points are set inside the closing quotation mark regardless of whether they are part of the quoted material.
- When the quoted sentence ends with a question mark or exclamation mark, this should be placed within the closing quotation mark, with no other mark outside the quotation mark.
- When a quoted sentence is a short one with no introductory punctuation, the full point is generally placed outside the closing quotation mark:

Hereafter ‘SALC report’.

- When adding notes to a quote or changing a quotation, use square brackets, e.g. [own translation/emphasis]/[t]oday.

## Numbers

- Oxford style is to use words for numbers below 100. At the start of a sentence all numbers are in words.
- Use figures for ages expressed in cardinal numbers, and words for ages expressed as ordinal numbers or decades:

girl of 15

a 33-year-old man

between her teens and twenties

in his thirty-third year

in the twenty-first century

- In brackets all numbers are in digits, as for numbers of tables, figures and chapters.
- Note that *per cent* rather than % is used in running text. Decimal fractions are always printed in figures. They cannot be plural, or take a plural verb.
- The letters in ordinal numbers should not appear as superscripts (e.g. 122nd and NOT 122<sup>nd</sup>).
- References to decades may be made in either words or figures: ‘the sixties’ or ‘the 1960s’, not ‘the ’60s’.
- Oxford style is to use words to refer to centuries: ‘the nineteenth century’.
- Figures are used for days and years in dates. Use cardinal numbers not ordinal numbers for dates:

12 August 1960

2 November 2003

- For times of day the twenty-four-hour clock is used separating hours and minutes with a colon; 12:00 is noon and 24:00 is midnight.

### **Abbreviations and acronyms**

- Abbreviations that begin and end on the same letter as the word do not get a full stop (Mr/Dr/Eds) but Prof./Ed.
- Degrees: (Preferably without any punctuation)  
BProc; LLB; LLM; BA; DPhil; MSc
- Spell out abbreviations at first mention, adding the abbreviation in parentheses after it:  
University of South Africa (Unisa).
- The use of abbreviations in footnotes is encouraged (consult OSCOLA).

### **Ellipsis**

- An ellipsis is a series of points signalling that words have been omitted from quoted matter.
- Insert a normal word space before and after the ellipse.
- An ellipsis at the end of an incomplete sentence is not followed by a fourth full point.
- A comma immediately before or after an ellipsis can be omitted.
- Sentence ending with a question mark or exclamation mark retain these marks before or after the ellipsis:  
Could we ...?  
Could we do it? ... It might just be possible ...!

### **Dashes**

- Use the en rule (–) [Alt+0150] closed up in elements that form a range:  
Page numbers 23–36; dates 1939–45
- The en rule is used closed up to express connection or relation between words; it means roughly ‘to’ or ‘and’:  
editor–author relationship
- The em rule (—) [Alt+Ctrl+Num-] is used closed up as a parenthetical dash. No punctuation should precede a single dash or the opening one of a pair. Do not capitalise a word, other than a proper noun, after a dash, even if it begins a sentence.

### **Capitalisation**

- Proper nouns and initials are capitalised (omit the full points and spaces):  
PJ Smith
- In British English, matter following a colon begins with a lower-case initial, unless it is a displayed quotation or extract.
- Capitalise the names of institutions, organisations, societies, movements, and groups:  
the World Bank                      the House of Lords  
the United Nations
- Capitalise ‘Article’ when it refers to supranational legislation e.g. conventions and treaties. Write ‘article’ in lower case when it refers to national legislation. The word ‘section’ is always lower case.
- Capitalise historical periods and geological time scales:  
the Dark Ages                      the Renaissance
- Capitalisation of work titles (article titles for submission as well as titles of all cited works in footnotes).

Oxford style is to give maximal capitalisation to titles of works. Capitalise the first letter of the first word and all other important words. Nouns, adjectives and verbs are capitalised. Pronouns and adverbs are capitalised. Articles, conjunctions and prepositions are left uncapitalised.

## Footnotes

- Footnotes with references in Arabic numbers (1,2,3) are allowed (do not use i,ii,iii).
- Footnotes are typed in 10pt Times Roman font and single spacing; hanging indent 6mm.
- **Endnotes are not allowed.**
- Refer to citation guidelines for footnotes on the **OSCOLA** style guide.
- Footnote numbers are preferably placed at the end of a clause, and after any punctuation (with the exception of the dash).
- The number normally follows a quotation. Relative to other punctuation, the number follows any punctuation mark except for the dash, which it precedes. **Examples are:**  
‘This,’ wrote George Templeton Strong, ‘is what our tailors can do.’<sup>1</sup>  
The bias was apparent in the Shotwell series<sup>2</sup> —and it must be remembered that Shotwell was a student of Robinson’s.
- Though a note number normally follows a closing parenthesis, it may on rare occasion be more appropriate to place the number inside the closing parenthesis—if, for example, the note applies to a specific term within the parentheses. **Examples are:**

(In an earlier book he had said quite the opposite.)<sup>3</sup>

Men and their unions, as they entered industrial work, negotiated two things: young women would be laid off once they married (the commonly acknowledged ‘marriage bar’<sup>4</sup>), and men would be paid a ‘family wage.’

- Close footnotes with a full point.

## Citation guidelines: OSCOLA

### In text:

- Within the body of your text, footnotes are inserted as numbered notes that appear at the bottom of each page of your paper.
- Use Arabic numbers 1,2,3, not Roman ones—i,ii,iii.
- For the first footnote, insert a numeral and the system will continue numbering in this manner. Do not use superscript font within the footnote entry.

### Footnotes:

- **Citing cases**

When citing cases, give the name of the case, the neutral citation, and volume and first page of the relevant law report, and the court. In South African jurisdiction, cases are cited as follows:

<names of the parties in italics><year of the law report in which case is published>(<volume>)<reporter><page on which the case begins>(<court>) at <page>

*Fraser v Naude & Others* 1999 (1) SA 1 (CC) at 78

- **Subsequent citations and cross-references**

In a subsequent citation of a source, briefly identify the source and provide a cross-citation in brackets to the footnote in which the full citation can be found:

*Fraser* (n 21)

- Use ‘ibid’ for subsequent citations in footnotes immediately following the full citation.
- Abbreviations ‘ibid’ and ‘cf’ are not capitalised nor italicised.

### For example:

<sup>1</sup> Iain Currie and Johan de Waal, *The Bill of Rights Handbook* (Juta 2014) 250.

<sup>2</sup> ibid

<sup>3</sup> cf *S v Khan* 1997 (2) SACR 611 (SCA).

- References to notes are placed between parentheses in the footnotes e.g. (n 21).
- Avoid using Latin gadgets such as *supra*, *infra*, *ante*, *id*, *op cit*, *loc cit* and *contra*, which are not widely understood.
- Use as little punctuation as possible. Abbreviations, acronyms and initials in author's names do not take full stops:

*Malcolm v DPP* [2007] EWHC 363 (Admin), [2007] 1 WLR 1230
- Define unfamiliar abbreviations in a footnote. Do not define abbreviations that are part of everyday legal usage, such as 'DPP'. See OSCOLA s 4.2 for list of abbreviations.
- Judge's names—where reference is made to a judge in a case, use the judge's surname followed by the conventional abbreviation identifying their judicial office. Do not use honorifics such as 'the Honourable': 'Mr/Mrs Justice Smith' in text and 'Smith J' in footnote.
- **Legislation**

The title and number of a statute should not be italicised, except where the statute is used as a foreign statute in a different language, for example the Internal Security Act 74 1982, but *Bundesbeamptengesetz*.
- **Articles**

Titles of articles appear in single inverted commas, for example:

AJGM Sanders, 'How Customary is African Customary Law?' (1987) XX 3 CILSA 405 at 412–415.
- **Authors**

First name and surname followed by a comma.

More than one author use 'and', e.g. John Ross and Margaret Taylor, thereafter in footnotes cite only the surname of the first author with a pinpoint to the appropriate note e.g. Ross (n 3).
- **Books**

Titles of books are italicised and written in significant capitals. For example, Anthony Mathews, *Freedom, State Security and the Rule of Law* (UCP 1986).

Editions – omit abbreviations 'nd' and 'th' – write together in brackets with year of publication e.g. (2 edn 1990).
- **Journals**

Titles of journals are in roman. Recognised abbreviations of South African journals are used (e.g. SAJHR, SALJ, THRHR and CILSA), but the titles of foreign journals are



quoted in full (except for common abbreviations like Univ, LR and LJ—e.g. Univ Pennsylvania LR; Yale LJ).

Journal articles should ideally be referenced as follows:

AJGM Sanders, 'How Customary is African Customary Law?' (1987) XX 3 CILSA 405 at 412–415.

[Author, 'title' (year) volume journal name or abbreviation first page of article]

Page numbers – where not confusing use only number but where necessary use 'at'.

- **Newspapers articles**

Titles of newspapers are italicised. Titles of articles are placed in single quotation marks. The city of publication and the date is placed in brackets.

Mpho Raborife, 'State of the City wrap: Mashaba vows to focus on Joburg's "forgotten people"' *Mail & Guardian* (Johannesburg, 4 May 2017) 1.

- **Internet references**

Author, 'title' (website, date of publication) <url> accessed 4 May 2017.

Do not underline the url.

Mpho Raborife, 'State of the City wrap: Mashaba vows to focus on Joburg's "forgotten people"' (*Mail & Guardian*, 4 May 2017) <<https://mg.co.za/article/2017-05-04-mashaba-vows-to-focus-on-joburgs-forgotten-people>> accessed 4 May 2017.

- **Thesis and dissertation**

When citing an unpublished thesis, give the author, the title and then in brackets the type of thesis, university and year of completion:

Javan Herberg, 'Injunctive Relief for Wrongful Termination of Employment' (DPhil thesis, University of Oxford 1989).

Consult OSCOLA for a comprehensive guide on citing sources in footnotes.