Committee on Scholarly Publishing in South Africa

Report on Grouped Peer Review of Scholarly Journals in Law and Related Legal Fields

science
& technology

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Science and Technology
REPUBLIC OF SOUTH AFRICA

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The Academy of Science of South Africa (ASSAf) was inaugurated in May 1996. It was formed in response to the need for an Academy of Science consonant with the dawn of democracy in South Africa: activist in its mission of using science for the benefit of society, with a mandate encompassing all fields of scientific enquiry in a seamless way, and including in its ranks the full diversity of South Africa's distinguished scientists.

The Parliament of South Africa passed the Academy of Science of South Africa Act (*Act 67 of 2001*), as amended, which came into operation on 15 May 2002.

This has made ASSAf the official Academy of Science of South Africa, recognised by government and representing South Africa in the international community of science academies.

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Table of Contents

Acronyms/Abbreviations	5
Preface	7
Foreword	9
1. Periodic Peer Review of South African Scholarly Journals: Approved Process Guidelines and Criteria	11
1.1 Background	11
1.2 ASSAf Peer Review Panels	11
1.3 Initial Criteria	11
1.3.1 Editorial Process-related Criteria: Generally based on the Code of Best Practice in Editorial Discretion and Peer Review developed by ASSAf	11
1.3.2 Business-related criteria	12
1.3.3 Bibliometric assessments	12
1.4 Process Guidelines for setting up the Panels, Peer Reviewers, Panel Meetings and Reports for the Subject Peer Review of Journals	12
1.4.1 Setting up Panels	13
1.4.2 Setting up and Organising the Panels	13
1.4.3 Panel Meetings and Procedures	14
1.4.4 Post-meeting Procedures and Panel Reports	15
2. Special Considerations Concerning South African Law and Related Legal Fields Journals	17
2.1 Considerations Relating to Legal Scholarship in General	17
2.2 Specific Comments	17
3. Panel Members	19
4. Consensus Reviews of Journals in the Group	21
4.1 Multi-disciplinary A	21
4.1.1 <i>South African Law Journal</i>	21
4.1.2 <i>De Jure</i>	24
4.1.3 <i>Potchefstroom Electronic Law Journal</i>	26
4.2 Multi-disciplinary B	29
4.2.1 <i>Speculum Juris</i>	29
4.2.2 <i>Journal of South African Law</i>	33
4.2.3 <i>Journal of Contemporary Roman Dutch Law</i>	35
4.3 Multi-disciplinary C	37
4.3.1 <i>Journal for Juridical Science</i>	37
4.3.2 <i>Obiter</i>	39
4.3.3 <i>Stellenbosch Law Review</i>	41
4.4 Human Rights A	43
4.4.1 <i>African Human Rights Law Journal</i>	43
4.4.2 <i>South African Journal on Human Rights</i>	47
4.4.3 <i>SA Public Law</i>	49
4.5 Human Rights B	53
4.5.1 <i>Law, Democracy and Development</i>	53
4.5.2 <i>Child Abuse Research in South Africa</i>	56
4.6 Specialised A	58
4.6.1 <i>Annual Survey of South African Law</i>	58
4.6.2 <i>Acta Juridica</i>	60
4.7 Specialised B	63
4.7.1 <i>Fundamina: a Journal of Legal History</i>	63
4.7.2 <i>The South African Journal of Environmental Law and Law Policy</i>	66

4.8	Criminal	70
4.8.1	<i>Acta Criminologica</i>	70
4.8.2	<i>South African Journal of Criminal Justice</i>	72
4.9	Comparative and International Law	74
4.9.1	<i>Comparative and International Law Journal of Southern Africa</i>	74
4.9.2	<i>South African Yearbook of International Law</i>	77
4.10	Mercantile/Labour Law	80
4.10.1	<i>Industrial Law Journal including Industrial Law Reports</i>	80
4.10.2	<i>South African Mercantile Law Journal</i>	82
Appendix A: Questionnaire sent to each Editor of Journals being Peer Reviewed		85
Appendix B: Requests to Independent Peer Reviewers.....		87

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Acronyms/Abbreviations

AB	Advising board
AGM	Annual general meeting
AJOL	African Journals Online
ASSAf	Academy of Science of South Africa
CALS	Centre for Applied Legal Studies
CCMA	Commission for Conciliation, Mediation and Arbitration
CHE	Council on Higher Education
CREST	Centre for Research on Science and Technology
CRIMSA	Criminological and Victimological Society of Southern Africa
CSPiSA	Committee on Scholarly Publishing in South Africa
DHET	Department of Higher Education and Training
DST	Department of Science and Technology
FHU	Fort Hare University
HESA	Higher Education South Africa
HEQC	Higher Education Quality Committee
IAB	International advisory board
IBSS	International Bibliography of the Social Sciences
ISAP	Index to South African Periodicals
LNB	LexisNexis Butterworths
NEPAD	New Partnership for Africa's Development
NMMU	Nelson Mandela Metropolitan University
NWU	North-West University
RU	Rhodes University
SABILA	South African Branch of the International Law Association
SAPSE	South African Post Secondary Education
SASPAC	South African Professional Society on the Abuse of Children
SU	Stellenbosch University
UCT	University of Cape Town
UJ	University of Johannesburg
UKZN	University of KwaZulu-Natal
Unisa	University of South Africa
UWC	University of the Western Cape
VVT	VerLoren van Themaat
Wits	University of the Witwatersrand

Preface

Committee on Scholarly Publishing in South Africa (CSPISA)

Discipline-grouped Peer-review Reports on South African Scholarly Journals

This report marks the fifth in the series of discipline-grouped evaluations of South African scholarly journals. Ultimately, it is intended that all scholarly journals in the country will have been subjected to independent, multiple peer review as part of a quality assurance process initiated by the Academy of Science of South Africa (ASSAf). The quality assurance process is a precursor to the identification of journal titles to be loaded on to the open access platform, Scientific Electronic Library Online (SciELO)-South Africa. Only journals of a sufficiently high quality will be included in this fully indexed, free online, multi-national platform, now also directly featured on the Thomson-Reuters Web of Knowledge portal.

The traditional focus of peer review is on a single journal article, book chapter or book. It is less common to subject journals to independent, multiple peer review, as these are usually evaluated in qualitative, reputational terms, or, bibliometrically, by means of impact factors.

Peer review of South African scholarly journal titles thus required the development of a new methodology that was piloted successfully with the first two discipline-grouped peer-review reports, published in 2010 on *the Social Sciences and Related Fields*, and the *Agricultural and Related Basic Life Sciences*. This has not been achieved without difficulty, as the process is unfamiliar to reviewers accustomed to reviewing single articles.

ASSAf has confidence in this ambitious programme aimed at assuring that the bulk of South African scholarly journals is of a high quality. The process goes beyond the above-mentioned familiar journal assessment approaches by providing concrete recommendations to enable the editor(s) of journals not deemed to be of a sufficient standard to take corrective action and to reapply for evaluation.

In summary, the process was centred on multi-perspective, discipline-based evaluation panels appointed by the Academy Council on the recommendation of the Academy's Committee on Scholarly Publishing in South Africa (CSPISA); journal editors were requested to complete specially designed questionnaires, and peer reviewers were selected from a spectrum of scholars in the fields concerned. Each was asked to provide answers to a set of questions, which addressed the quality, scope and focus of the peer-reviewed articles in the journals under review, the authorship generally, and the presence or absence of enrichment features, such as editorials, topical reviews, book reviews and 'news and views' articles. [The editors' questionnaire and peer reviewers' set of questions are provided as appendices to this report.]

Each discipline-based evaluation panel met to discuss the individual peer reviews and questionnaires and consolidated them into a consensus review for each journal. Final formulations and recommendations were prepared, including suggestions for improvement from both the peer reviewers and the panel. The responsible editors were given an opportunity to check the accuracy of the information in each individual journal report, and the final version of the report was submitted for approval to the ASSAf Committee on Scholarly Publishing in South Africa and the Council of the Academy of Science of South Africa.

As the fifth in the series of reports, it is evident that much has been learned from the two pilot discipline groups and that going forward; the process will become more streamlined such that subsequent reports will follow in rapid succession.

I would like to thank the Chair of the Panel, Prof David Woods, members of the evaluation Panel and particularly Prof Wieland Gevers, who oversees ASSAf's peer-review panels' activities for his leadership in this quality-assurance process. I acknowledge the important role played by the staff of the Academy in supporting the process; Mrs Susan Veldsman, Director of the Scholarly Publishing Unit, and the Project Officers who worked under her direction over the years, namely, Mr Thabo Radebe and Ms Gugulethu Mtsweni. Ms Patricia Scholtz and Mr James McFarlane are thanked for copy editing. Finally, I acknowledge the contribution of the many individual peer reviewers who have each contributed towards strengthening the quality of South African scholarly journals.

Prof Roseanne Diab

Executive Officer: Academy of Science of South Africa

Foreword

Department of Higher Education and Training (DHET)

University Policy and Development Support

On 1 February 2013, the Department of Higher Education and Training published a call for public comments on the proposed improvements to the Policy and Procedures for Measurement of Research Output of Public Higher Education Institutions, 2003 in the *Government Gazette*. Publication was part of a consultative process with the higher education sector. The Department welcomes inputs and comments made on the proposed improvements to the policy which aim to increase research productivity and reward high-quality research published in accredited journals, books and published conference proceedings. There can be no doubt that the policy has propelled the performance of the sector on research outputs and that momentum has to be sustained and improved further. Thus, the proposed improvements are meant to propel the sector further in this regard.

In terms of the proposed improvements, the policy seeks to include additional journal lists and/or indices for purposes of subsidy allocations. Moreover, all indices or lists will be communicated separately and well in advance, rather than included in the actual policy. The Department will determine, in consultation with the sector, which journal lists and indices will be approved each year. As it is the current practice, the Department will issue the indices and the approved List of South African Journals on or before 31 January of every year. In an attempt to improve quality of local journals, the policy seeks to encourage all journals in the Approved List of South African Journals to develop to international standards, in order to apply for listing on accredited international lists or indices.

A decline in scholarly book publications and a report on *Scholarly Books: Their Production, Use and Evaluation in South Africa Today* in 2009 by the Academy of Science of South Africa, resulted in the policy proposing that a book be subsidised to a maximum of ten units or a portion thereof, based on the number of pages being claimed relative to the total number of pages of the book. The policy further suggests the improvement in the number of units for book publications in order to encourage production of, and publications, in books. The assumption is that academic books are important.

The Department seeks to develop a list of reputable publishers as it is difficult for academics or researchers to obtain evidence of peer review from the publishers, both locally and internationally.

The Department has improved the processes and procedure by which published conference proceedings are subsidised. More improvements in this regard are addressed in the policy. All the approved indices carry a large number of published conference proceedings which undergo quality scrutiny.

The Department welcomes suggestions on the improvement of its work and that of this policy, in particular.

The overall objective has to be that of constantly improving the performance and measurement of the sector. Most importantly, the quality of research outputs needs to be improved.

It is anticipated that the quality of research outputs, in order to enhance and reward where measurable, will be emphasised over the next few years.

The policy will be focused on quality research output measurements and reward to the institutions. It is important that universities recognise all outputs, including those not addressed by this policy.

Additions to the policy regarding the recognition of creative outputs is currently undertaken. While textbooks and other outputs are important, universities are urged to put systems in place in order to include these.

Mr Mahlubi Mabizela

Chief Director: University Education Policy and Development

Mr Walter Ntuli

Senior Administrative Clerk: University Education Policy and Development

1. Periodic Peer Review of South African Scholarly Journals: Approved Process Guidelines and Criteria

1.1 Background

During the launch meeting of the ASSAf-led National Scholarly Editors' Forum held on 25 July 2007, the 112 participants supported ASSAf and its Committee on Scholarly Publishing in South Africa (CSPiSA) taking the lead in the implementation of Recommendation 5 of the 2006 ASSAf Report on *A Strategic Approach to Research Publishing in South Africa*. This recommendation dealt specifically with the need for a system of quality assurance for the over 260 of the country's journals that are accredited by the Department of Education:

Recommendation No 5: that ASSAf be mandated jointly by the Departments of Education and Science and Technology to carry out external peer review and associated quality audit of all South African research journals in 5-year cycles, probably best done in relation to groups of titles sharing a particular broad disciplinary focus, in order to make recommendations for improved functioning of each journal in the national and international system.

1.2 ASSAf Peer Review Panels (PRPs)

The quality assurance system for journals is conducted primarily through discipline-grouped peer reviews carried out by a series of purpose-appointed peer review panels (PRPs) drawn from the ranks of researchers and other experienced scholars in and around the fields concerned in each case, as well as persons with practical (technical) publishing experience. The proposed ASSAf PRPs are overseen by the CSPiSA, but appointed by the Academy Council. Their draft reports are sent to relevant stakeholders for comment and relevant inputs, before finalisation by the PRP concerned, and final consideration sequentially by the CSPiSA and the ASSAf Council.

The following quote from the ASSAf Report clarifies the approach to be followed in the review of the journals and some aspects of the approach proposed:

*"The periodic, grouped **quality assurance-directed peer review of South African research periodicals** would function analogously to the quality audits of the CHE/HEQC, would be developed as an outcome of the Editors' Forum, and would focus on: the quality of editorial and review process; fitness of, and for purpose; positioning in the global cycle of new and old journals listed and indexed in databases; financial sustainability; and scope and size issues. The **ASSAf Panels** carrying out the reviews would each comprise 6-8 experts, some of whom would not be directly drawn from the areas concerned, and would require data-gathering, interviews, and international comparisons, before reports with recommendations are prepared, approved, and released to stakeholders such as national associations, the Departments of Science and Technology and of Education, the CHE/HEQC, the NRF and HESA."*

It must be emphasised that the main purpose of the ASSAf review process of journals is to improve the *quality* of scholarly publication in the country in a manner that is consonant with traditional scholarly practices, primarily voluntary peer review; it is not an attempt to control these publications in any way. ASSAf respects the independence and freedom of researchers and of the research process itself as important preconditions for the critical and innovative production of new knowledge. At the same time, the work of South African researchers has to be assessed, both qualitatively and quantitatively, as part of the global community of scholars and scientists, and in this respect ASSAf has an obligation to contribute to the improvement of quality of such work where possible.

1.3 Initial Criteria

A number of criteria were explored in the part (Chapter 4) of the ASSAf Report that dealt with the survey of the over 200 then-current editors of accredited South African scholarly journals. Other possible criteria were proposed in other sections of the Report, or have since been suggested by members of the CSPiSA or the National Scholarly Editors' Forum. These are grouped and listed below (they have been consolidated in the Questionnaire presented in Appendix A):

1.3.1 Editorial Process-related Criteria: Generally based on the Code of Best Practice in Editorial Discretion and Peer Review developed by ASSAf:

- Longevity of the journal (continuous or discontinuous), in years?
- Number of original peer-reviewed papers published per year during the last 5 years, plus number of manuscripts submitted, plus number rejected out-of-hand or after peer review? Average length of published papers? "Author demography" of papers submitted and published?

- Number and nature of peer reviewers used per manuscript and the overall number per year, including institutional and national/international spread, plus quality (as per code of best practice) and average length of peer review reports?
- Average delay before publication of submitted manuscripts? Frequency of publication?
- Professional stature and experience of the editor? How selected? How long in service? Success or otherwise in addressing the major issues in the field, through commissioning of reviews/articles, editorial comment, etc?
- Number and professional stature/experience of editorial board members, plus selection processes, turnover, and nature of involvement in handling of manuscripts or in other functions? If international members serve on the board (desirable), are they a mix from developed or developing countries?
- Existence and nature of editorial policy/guidelines, plus how often revised/updated? Conflict-of-interest policy (e.g. how manuscripts are assessed when submitted by an editor or board member as author/co-author?)
- Errata published – how many per year?
- Value-adding features, such as editorials, new and views, correspondence on papers, reviews, policy/topical fora, etc. – how many, and how generated? What proportion of total pages in journal issues?
- Any peer review process of journal already in place (e.g. by professional association)

1.3.2 Business-related Criteria

- Frequency and regularity (“on time”) of publication?
- Print runs? (Redundant stock? Direct *versus* indirect distribution to readers?)
- Production model and service provider(s)?
- Paid and unpaid advertising?
- Sponsorship? What *quid pro quos*?
- Paid and unpaid subscription base? How marketed? Cost level of print and (if applicable) e-subscriptions?
- E-publication? If so, what website/portal, and access possibilities for users? What evaluation is done, especially in respect of tagging and searchability?
- Are there html/xml and pdf versions, or only pdf? Are multimedia used?
- What portals for open access, if provided? If not e-published, is this being considered, and how?
- Total income and expenditure per annum?
- Distribution to international destinations?
- Indexed in Thomson ISI and/or IBSS, or any other international database? If so, for how long and how continuous?
- Offers to purchase from multi-national publishers?
- Copyright arrangements?

1.3.3 Bibliometric Assessments

- Citation practice – how many authors listed?
- If applicable, ISI-type impact factors (and various derivatives) over last five years?
- Are reviews a regular/increasing feature?
- If articles are not in English, are English abstracts mandatory?

1.4 Process Guidelines for Setting up the Panels, Peer Reviewers, Panel Meetings and Reports for the Subject Peer Review of Journals

Background to ASSAf Peer Review Panels (PRPs)

The quality assurance system for journals is conducted primarily through discipline-grouped peer reviews carried out by a series of purpose-appointed peer review panels (PRPs) drawn from the ranks of researchers and other experienced scholars in and around the fields concerned in each case, as well as persons with practical (technical) publishing experience. The proposed ASSAf PRPs are overseen by the CSPISA, but appointed by the Academy Council. Their draft reports are sent to relevant stakeholders for comment and relevant inputs, before finalisation by the PRP concerned, and final consideration sequentially by the CSPISA and the ASSAf Council.

Role of the Scholarly Publishing Unit

An ASSAf Projects Officer of the Scholarly Publications Unit is assigned to support each Panel Chair, but reports to the Director of the Scholarly Publishing Unit in terms of review logistics and the production of draft and final review reports. The Project Officer is responsible for the following issues and activities:

- selection and appointment of the Panel members;
- obtaining completed questionnaires from editors;
- organising Panel activities, including meetings; selecting independent peer reviewers for each journal or groups of titles;
- drafting consolidated Version 1 reports;
- obtaining CSPiSA and ASSAf Council approval for final, publishable Panel Reports.

1.4.1 Setting up Panels

The proposed PRPs is chaired by an ASSAf Member, appointed by Council, who assumes accountability for the Panel's work in helping to developing a credible quality assurance mechanism for South African scholarly journals.

Selecting Panel Members

- The appointment process of PRPs members is managed by the Chair of the Committee on Scholarly Publishing in South Africa (CSPiSA) until the Panel and its Chair have been appointed.
- CSPiSA members are asked to assist in preparing a list of at least 12-13 names, of whom the last 4-5 shall be considered to be potential alternates to the first 7-8.
- A typical PRP consists of 6-8 members.
- Each name must be accompanied by critical personal and career detail, as well as by a brief motivation, to enable the CSPiSA, and later the ASSAf Council, to apply its mind to the question of constituting a best-possible, most-competent PRP.
- The draft list of potential members is published on the ASSAf website, and also circulated for comment to members of the National Scholarly Editors Forum, at least two weeks before the Council meeting where the appointments are to be made.
- All comments received will be noted in making the final decision.
- All provisionally listed persons are required to complete and submit conflict-of-interest forms prior to Council's consideration of the list in question.

Criteria for Membership

- The individuals selected to serve on a Panel should have experience and credibility in the disciplines under review, or in related disciplines, or must be senior scholars who may be from a completely different discipline. Generally, the composition should be a mix of disciplinary specialists, specialists in areas cognate to the broad disciplinary area concerned, and 'wise people' who are steeped in scholarly practices and are drawn from any broad disciplinary area (respectively in an approximate ratio of 3:3:2)
- The Panel members should have demonstrable expertise and experience in both the editing and peer review aspects of research journals.
- It is not necessary that all Panel members be experts in both editing and peer review aspects – a mix of senior academics and a few active editors (of journals not under review) is appropriate – but all should have some appreciation of both editing and peer review.
- At least one member should have direct practical (technical) experience of publishing.

Persons selected as Panel participants will typically be drawn from ASSAf members, academic institutions, science councils and consultants.

Conflict of Interest

- It will be necessary to take care to avoid real or perceived conflicts.
- Committee expertise, balance and conflict of interest are discussed at the first meeting (and may again be discussed at any later meeting) of PRPs, and recommendations to resolve problematic issues brought through the SPU (Secretariat) to the ASSAf Council for possible amendment of the composition of PRPs.
- Panel members are requested to submit written conflict of interest statements, and are bound to report any new potential sources of conflict of interest during the quality review process.

1.4.2 Setting up and organising the Panels

Organisation of the Panel is conducted by its Chair, supported by the assigned Project Officer. The activities related to organisation typically include:

- Planning and costing the review and Panel activities.
- Obtaining completed questionnaires from each editor/equivalent (publishing logistics focus).

- Identifying suitable peer reviewers for each journal or group of titles (content quality focus).
- Assembling hard copies of journals for use by the Panel.
- Establishing Panel meeting dates, assigning tasks, and collating materials.
- Preparing and distributing pre and post-meeting materials (Draft 'Version 1' Reports, i.e. assembled peer reviews and editor's questionnaires, in template form).
- Taking responsibility for post-meeting activities, including draft Version 2 report preparation, circulation for comment to Panellists and editors, and preparation and processing of final Reports.
- Evaluation of Panel processes.

Selection of Peer Reviewers (See above)

- At least two, but preferably three independent peer reviewers, as well as alternative reviewers must be agreed upon by the Panel for each title or group of similar titles.
- Members of the CSPiSA and the ASSAf Membership in general will be given an opportunity to volunteer through a specific written call.
- Other candidates will be sought from lists of NRF and MRC grant-holders and/or science council research-active staff.
- The process of selection is overseen by the Panel Chair. The final agreed appointments of willing volunteer reviewers are made by the Panel itself.
- Conflicts of interest must be avoided – thus current or former editors cannot become peer reviewers of the journals concerned; this also applies to current members of editorial boards.
- The projects officer must arrange access to hard or e-copies of the journals under review by independent experts.
- The core questions to be answered in each case must be provided to peer reviewers, who should be asked to ensure that these questions are all addressed in their reviews.

1.4.3 Panel Meetings and Procedures

Preparations

- The ASSAf Project Officer is responsible to draw up the Version 1 report of each journal. Each reviewer's answers should be consolidated under the standard headings of the draft; each input as a separate paragraph. The editor's questionnaire should also be inserted as a single item under "Business aspects".
- The documentation (editors' questionnaires, peer review reports) should be sent out by email to all Panellists at least two weeks prior to the Panel meeting.
- Conveners of sub-sets of journals should be alerted at this time to their role at the forthcoming Panel meeting – to present the journals in the set, and to make recommendations for discussion and elaboration. If unable to attend, they should be asked to submit written notes for presentation to the Panel by the convener.
- Ideally, hard copies of issues of journals to be considered should be available at the meeting, but if logistically impossible, this can be dispensed with.

- A quorum of at least two-thirds of the members of PRPs must be guaranteed at any meeting, otherwise a new date must be sought.
- Panellists should be informed at the same time that hard copies of all documentation will be available at the meeting, in bundles containing the completed editor's questionnaire and reviewers' reports for each journal title, for pick-up at the start of the meeting.
- The responsible Project Officer should ensure that at least two peer reviews, and preferably three, are in hand for each title by the time of the initial send-out of materials, or, by default, by the date of the meeting, for tabling on the day.

Meeting

- Journal titles should be considered in sub-sets, as per the above.
- Consensus answers to each of the criteria should be agreed *seriatim* as per a convener's spoken summary, and noted by the project officer in attendance.
- Particular attention should be paid to reaching agreement on recommendations in respect of:
 - (a) an invitation to the publisher/editor to join the SciELO platform (note the special criteria on frequency of publication and annual number of original peer-reviewed articles);
 - (b) a recommendation to the DoHET on accreditation in its list of S A journals in which any article is considered as a valid research output;
 - (c) if not recommended, suggestions for improvement that would make it possible to make an invitation and/or recommendation under 2 (iii) (a) or (b);
 - (d) suggestions for improvement or enhanced function, generally.

1.4.4 Post-meeting Procedures and Panel Reports

- When producing Version 2 report the three paragraphs in each item has to be consolidated to produce a consensus version.
- A detailed and motivated draft Version 2 report of each Peer Review Panel's findings and recommendations is prepared by the assigned Projects Officer, working closely with the Panel Chair.
- The Project Officer and convener should reach agreement on the record of the meeting in respect of all outcomes, within no more than two weeks.
- The meeting record should be sent for comment and ratification to all Panellists (including those who were not able to attend the meeting) and ask for replies within one week.
- The convener should prepare a final version of the meeting record, and submit a copy of each journal-specific item as a privileged communication to the editor concerned, for written comment within no more than two weeks.
- The convener should identify any editor's comment that might materially change the recommendations in the record, and submit these to the Panel for consideration and decision.
- The finally agreed upon record should be submitted to the CSPISA for approval, before submission in turn to the ASSAf Council, and public release.

2. Special Considerations Concerning South African Law and Related Legal Fields Journals

2.1 Considerations Relating to Legal Scholarship in General

The Panel is firmly of the belief that the standards for scholarly publications are generally universal, in the sense that they apply beyond the boundaries of disciplines or regions. It also accepts, however, that there are differences in the way scholarly research is conducted in disciplines, which affect their practices in scholarly publications, and hence the manner in which these practices should be evaluated.

More specifically, in the field of law, the substance or material that researchers have to deal with is often more 'local' in nature than in other disciplines: for example, statutes and judicial decisions often apply only to a specific geographic region, and more often in one country only. Some forms of legal research can be conducted more easily or even exclusively on an international level, such as those in comparative law, legal history and international law (See Suggested Improvement 2 at 4.1.2 below), but legal research is concentrated heavily on the law of a particular country or region.

This may have important implications for scholarly publication. It means that the number of researchers active in a particular local version of a field is often relatively limited, especially in countries with smaller academic communities. This, in turn, has an impact on the potential number of submissions to journals (especially specialised journals), the number of potentially qualified peer reviewers, as well as on the use of criteria, such as rejection rates or international citation frequency, in pronouncing on the impact or quality of a particular local or national journal.

A further special consideration relating to law is the manner in which legal research is conducted. While some disciplines may depend primarily on empirical methods in their research, this approach often has only limited relevance in the legal context. Furthermore, the impact of such research may not even depend on the perspectives of the scholarly community, but rather on the influence that it has on agents of legal change such as the judiciary, executive and legislature. Again, focusing on article citation frequency or journal impact factors will fail to capture the possible influence of published research on these agents of legal change, and hence on legal development.

A final special consideration that deserves mention is the measures already taken by southern African law journals to improve their standards of scholarly publication. In August 2008, the Forum of Editors of Law Journals in Southern Africa adopted a set of 'Guidelines for Best Practice in Editorial Discretion and Peer Review'. A concern existed at the time that applying identical criteria to all forms of scholarly publication could result in law journals being subjected to criteria of evaluation that were not relevant or appropriate to the type of research they publish. However, it was also felt that law journals could under no circumstances fail to comply with certain minimum standards of editorial conduct and peer review. The Forum consequently took as its point of departure the general guidelines for peer review adopted by ASSAf at the beginning of 2008 (See 1.3 above) and highlighted, supplemented and restated those aspects of the ASSAf *Guidelines for Best Practice in Editorial Discretion and Peer Review* which were regarded as particularly important in the publication of legal scholarship. The *Law Editors' Guidelines* were widely circulated and published in *De Jure* (See also <http://web.up.ac.za/default.asp?ipkCategoryID=14719&language=0>.)

There are indications that these measures have had a positive impact on the quality of scholarly publication in law (See for example the reports of the journals at 4.1.1, 4.1.2, 4.2.1, 4.3.3 and 4.6.2 below). It may therefore be that some of the comments in this report, which covers only the period 2007–2010, may be less up to date than would ideally have been desirable, inasmuch as journals have subsequently adopted practices that are more in line with the ASSAf and the *Law Editors' Guidelines*.

2.2 Specific Comments

The following remarks relate to aspects of the reports on the individual journals that may require further contextualisation or comment:

1. Sometimes a negative perception is created that a journal favours too many contributors from a specific institution. For example, the report on *SA Mercantile Law* is critical of the fact that most of the authors are from Unisa. However, Unisa has more lecturers in mercantile law than all the other universities combined – it is therefore only logical that more than half of the contributions of each journal are contributed by Unisa personnel. A similar remark was made with regard to *Fundamina*, in the context of which it is also important to note that Unisa has more lecturers in legal history than other universities, if these have lecturers at all. It

seems that lack of awareness of these facts may have played a role in the drafting of some of the peer-review reports.

2. There are indications that some editors provided only the best article turnaround times in their reports; this does not necessarily reflect the reality experienced by contributors to the various journals in South Africa.
3. The fact that some editors indicated that they were not interested in joining SciELO should not bar a journal from being invited to join SciELO. SciELO will become an important tool for the Department of Higher Education and Training to consider articles for subsidy purposes.
4. Some law journals engage in the unusual practice of publishing their summaries/abstracts separately from the articles to which they relate; the Panel is of the view that it may be preferable routinely to publish this information with the article, since it would enhance indexability and harvesting. Furthermore, since citation and indexing is becoming more and more the standard practice in e-publishing, it is suggested that bibliographies be included at the ends of the articles, since citations are usually captured only from bibliographies and not from footnotes.
5. There is some uncertainty about the role and function of an editorial board in the peer-reviewing process. The Panel is of the view that all submissions must be subjected to anonymous ('blind') peer review by expert reviewers, i.e. the primary qualification of a reviewer must be expertise in the field. Membership of an editorial board does not automatically qualify a person to be a suitable expert reviewer for a particular article.

3. Panel Members

- I. Prof David Woods (Chairperson), Member of ASSAf, retired Vice-Chancellor of Rhodes University and former Deputy Vice-Chancellor at the University of Cape Town, Deputy Chairperson of the CSPiSA.
- II. Prof Jopie Pretorius, Admitted Attorney of the High Court of South Africa, Professor in Banking Law in the Department of Mercantile Law, University of South Africa (Unisa).
- III. Prof Oladejo Olowu, Research Professor of Public Law and Legal Philosophy at North-West University (NWU).
- IV. Prof Jacques du Plessis, Professor of Private Law and Head of the Department of Private Law at Stellenbosch University (SU).
- V. Prof Lourens du Plessis, Professor at the Faculty of Law, NWU (Potchefstroom Campus).
- VI. Prof Willemien du Plessis, Professor at the Faculty of Law, NWU (Potchefstroom Campus).
- VII. Prof Rena van den Bergh, Department of Jurisprudence, School of Law, Unisa.

Director of the Scholarly Publishing Unit: Mrs Susan Veldsman
Servicing Project Officers, SPU: Mr Thabo Radebe and Ms Gugulethu Mtsweni

Note: We wish to declare the conflict of interest of one of the Panel members, Professor Rena van den Bergh, whose current editorship of a journal in the reviewed group was not recorded as per guideline at the first meeting of the Panel; it became apparent during a later meeting. In view of the work she had already done, none of which affected the journal of which she is the editor, it was decided that she should remain on the Panel.

4. Consensus Reviews of Journals in the Group

4.1 Multi-disciplinary A

4.1.1 *South African Law Journal*

Focus and scope: The *South African Law Journal* (SALJ) is South Africa's premier law journal. It is a peer-refereed journal, which publishes articles, notes and case notes, as well as book reviews on all fields of law. Founded in 1884, it is one of the oldest law journals of its kind in the world. It provides a forum for scholars and practitioners from South Africa and elsewhere to reflect on issues that are internationally significant and locally relevant. The SALJ aims to be essential reading for those inside and outside South Africa who wish to keep abreast of the development of the South African legal order and its relationship to legal issues internationally.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editors have a broad range of institutional backgrounds and have national and international reputations. The editorial board consists of a broad range of South African and foreign legal academics and members of the judiciary. Some of the board members have a high international reputation, and most have very high local reputations.

Questionnaire: 2012 was the 129th year of publication. It is the second-oldest law journal in the world, after the *University of Pennsylvania Law Review*. The SALJ has never experienced any interruptions in publication, and has been published every year since 1884.

Law journals in South Africa generally publish work in three categories: (a) full-length articles [8 000 words plus]; (b) notes and comments [3 000–8 000 words]; and (c) book reviews. The SALJ publishes the following work:

- (a) Articles: on average 20 articles a year (about 60 in three years).
- (b) Notes and comments: on average 20 a year (about 60 in three years).
- (c) Book reviews: on average eight a year (about 24 in three years).

The rejection rate is approximately 50–55% of all receipts. As one of South Africa's premier law journals, the SALJ is fortunate to receive generally good contributions from authors who see publication in the SALJ as a significant achievement, and who submit only quality work.

Approximately five out of every 20 receipts are rejected outright. These are usually pieces that do not fall into the area of interest of the SALJ, which focuses on SA law and its comparison with, or relationship to, comparative and international sources. Hence, pieces received from obscure jurisdictions, and which have nothing at all to do with South African law, or would hold no interest for the largely South African audience, are rejected without peer review. Most of these submissions come from authors in South-East Asia and West Africa.

Because the South African legal system is unique in world terms, and the SALJ's focus is on South African law, the proportion of work published by domestic authors is large. However, about 10–15% of submissions are either entirely or partly authored by experts from jurisdictions other than South Africa – largely Great Britain, the European Union and other commonwealth jurisdictions. Some of these may be South Africans who no longer live or work in South Africa.

As of 2009, two peer reviewers are asked to referee each submitted piece that goes forward for consideration. In 2007 and 2008, there were two referees for full articles, and one for notes and comments. However, this quite correctly had to change to accord with the SA Law Editors' Forum requirements for double-blind review of all submitted work. In cases of conflict, usually a third referee will be asked to referee the piece. Book reviews are generally invited, and are not refereed specifically.

Since 2009, each piece submitted and considered appropriate for possible consideration and publication was reviewed by two reviewers. About 5% of reviewers had non-South African addresses, largely due to the journal's specific focus on South African law. Peer-review reports have been accessibly retained in records since 2009.

For full articles, the average period between receipt of a manuscript and its publication in print may be 8–14 months, depending on how heavily subscribed the journal is at any particular time. For notes and comments, the turn-around time is shorter – usually 4–6 months.

An on-line version appears on Juta's On-line database and SA e-Publications as soon as each part of the journal is available in print, and uploaded by the publisher or Sabinet. It also appears on the international database HeinOnline (www.heinonline.org/). The *SALJ* appears in four parts each year. Issues are not pre-scheduled to appear on given dates. Loosely, they appear in three-month batches, but *SALJ* does not advertise specific months for publication.

The editor was appointed at the start of 2010, from the current editorial team, by a vote of the members for a three-year period. The editor's appointment was extended for a further five years from January 2013 to give continuity to the journal and its activities.

The answer to the question whether members of the editorial board handle peer review of individual manuscripts depends on what is meant by 'editorial board'. The *SALJ* has a team of editors (an 'editorial committee', headed by the managing editor) who run the day-to-day work of the journal. They would referee pieces only very occasionally, and on the standard 'blind' basis. On the other hand, the *SALJ* also has an 'editorial board', so named, which is actually an international advisory panel, and which does not produce the work of the *SALJ*. As far as this panel is concerned, they are also occasionally called upon to act as referees, if a piece falls into an area of their expertise.

The editorial board does not advise on editorial policies, although the new editorial team intends to make more use of the editorial board (as described above) than the previous editorial teams did. They have in the past been invited to be members of the advisory board by the (then) editorial team. Up to now, it has been a standing appointment. The plan is to shift to a five-year appointment, but this will only be in the future. They are appointed from inside and outside the country to provide specific topical expertise where needed.

Editorial guidelines regarding content and presentation of submissions have been published, but not with regard to specific editorial policy regarding process and selection, which have in the past been internal guidelines for the editors, adapted from the *Forum of Editors of Academic Law Journals in Southern Africa: Guidelines for Best Practice in Editorial Discretion and Peer Review*. The matter of an individualised policy is currently up for consideration by the new editorial team.

On the question whether there is a conflict-of-interest policy, the answer, as indicated above, is that the principles of the policy are largely articulated between the editors rather than appearing in accessible published format. This matter is receiving the attention of the new editorial team, as above.

Editorial guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. Generally *errata* are published. Correspondence on published articles is included, where such is received. (This can include full-length replies to previous submissions.) The percentage of pages in each issue representing peer-reviewed original material is 90% peer reviewed, i.e. 100–180 pages.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The referees are unanimous that the *SALJ* publishes articles of a high quality. The number of refereed contributions published every year can generally be described as good. This response is justified in the context of legal-academic publications. The *SALJ* contains about 35 refereed contributions per year, which may appear to be a limited number for researchers not familiar with the legal academic environment. However, legal articles are generally lengthy and, in the case of the *SALJ*, the average number of pages published every year was more than 600 over the past two years. In fields where articles are much shorter (around ten pages) that would equate to 60 articles per year.

The *SALJ* contains a good sample of the best work done in the country over a variety of fields, and clearly reflects a focus on local or regional materials and problems. The refereed contributions (articles and notes) are generally from local authors, with UCT being the most prominent contributor. Compared to many other journals, there is also a notably large percentage of contributions from persons who are not full-time legal academics (i.e. members of the judiciary, practitioners and postgraduate students). There are also contributions by foreign authors.

The *SALJ* contains a valuable book review section, a letters section, which provides opportunity for comment and use is also made of editorial notes.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: English abstracts of articles (but not of notes) appear at the beginning of each edition and *errata* are published. The citation practice is generally good. The impression is that the consulted literature is generally referenced. The presentation, layout and style are of a high standard.

Usefulness in capacity development, and international comparability

Consensus review: Academic journals should contain research of a high quality, which should presumably be a 'stimulus' for both younger and older researchers to conduct their own research. It can be said that the *SALJ* provides a stimulus to young researchers, to the extent that it publishes a fair number of contributions from new researchers in the field. The *SALJ* compares favourably with leading international journals in the field.

Suggested improvements

1. The *SALJ* could consider engaging more with the international research community by publishing more contributions from international scholars and by increasing the use of international referees.
2. The rationale behind publishing the abstracts separately from the contributions, and at the beginning of each volume, is not clear. Readers would presumably first look at the index for the titles of the articles, and then proceed to the article. It would be convenient if the abstract appeared at the beginning of the article.
3. Some material published in the 'notes' section could clearly not have been subject to peer review or intended to attract subsidy, e.g. the tributes, these contributions should preferably be distinguished more clearly from refereed contributions.
4. Records of the refereeing process prior to 2009 are apparently not accessibly retained by the current editor. It may be advisable to ensure that future changes in the composition of the editorial team are also accompanied by full access to such earlier records (See Law Editors' Guidelines B 5; ASSAf National Code b 2).

Business aspects

The journal's regular print run is 1150 copies per issue; it is published by Juta & Co Ltd. Both production and distribution are handled in-house. The journal carries only paid advertising: what is known as the 'Law List', which lists the contacts and personnel of firms of attorneys in SA and even some other countries, but no financial sponsorship is received.

The number of paying subscribers is 740. The journal is part of Juta's On-line journals, Sabinet and HeinOnline commercial e-publication services.

The journal has never received offers to purchase from multi-national publishers. Copyright is held by the publisher.

The journal is indexed in International Bibliography of the Social Sciences (IBSS). The editor has no record for ISI impact factors, but it does have a ranking and citation record in the Washington and Lee Law School, Law Journals: Submissions and Ranking (See <http://lawlib.wlu.edu/LJ/index.aspx>). There are many hits on Google Scholar. All submissions must be in English.

The publisher is not interested in being considered for inclusion in ASSAf's SciELO-South Africa open access journal platform.

Panel's consensus view:

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.

4.1.2 *De Jure*

Focus and scope: *De Jure* is a general law journal that publishes original research concerned with the development and dissemination of cutting-edge legal research, both national and international. The scope of the journal is wide and supports legal academics, practitioners and scholars, and articles, notes, case discussions and book reviews in English and Afrikaans.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editorial board, consisting of the editor and assistant editors, is strongly associated with the Faculty of Law, University of Pretoria. In general, the members have a good national standing, and a few enjoy some international exposure.

There is also an editorial committee, consisting of a judge, the Dean of the Faculty of Law, University of Pretoria and other South African academics with high local standing. It is not quite clear what its function is in relation to the advisory committee which, in turn, consists of judges, and academics of high local and international standing.

Questionnaire: *De Jure* has been in existence for 41 years, having first been published in 1968 as *Scintilla Juris*. The editor is not aware of significant interruptions in publication. *De Jure* publishes articles, notes, case notes and book reviews. All of the above, except book reviews, are subject to peer review.

The editor has been editing the journal since January 2011. In 2008, there were three issues and 71 contributions were received; in 2009 (two issues), 39 contributions were received; in 2011 (two issues), 55 contributions were received; in 2012 (three issues), 50 contributions were received; and in 2013 (four issues), 64 contributions were received. All contributions are sent for peer review. None is rejected without some independent evaluation. The editorial committee rejected 16 contributions after peer review in 2008, 11 in 2009, 18 in 2011, 13 in 2012 and 11 in 2013. The proportion of papers of all three types published that had at least one author with a non-South African address in 2008 was 4/55, in 2009 2/15, in 2011 4/30, in 2012 5/37 and in 2013 11/64.

One peer reviewer is used. A second may be approached where an author rejects the comments of a reviewer or requests a further review. Ideally two reviewers should be used; however, the pool of reviewers able to deal with the material in a reasonable period of time is very small. In 2009, the editorial committee used 44 peer reviewers. All of these had South African addresses. Articles are not sent for international review for two reasons: first, law is largely a domestic discipline and subject expertise is readily available in South Africa and extremely scarce abroad; second, time-frames for reviews are short and sending papers to international referees could delay the completion of reviews. With more international contributions received in 2013, peer reviewers from outside SA were used on five occasions. Peer-review reports are accessibly retained in records.

The average lead time for the journal to appear in print is 6–8 months. From June 2009, *De Jure* was available on line through My LexisNexis. (*Note:* LexisNexis ceased publication of *De Jure* in 2011, and it is now an 'open access online law journal' published by the University of Pretoria, accessible at <http://www.dejure.up.ac.za/>). The online version is available at the same time as the print copy so the lead times are identical for both formats of the journal. The publication frequency of *De Jure* is twice per year; occasionally it has a special third or fourth issue, as was the case in 2008, 2012 and 2013. Issues are pre-scheduled to appear in July and Nov/Dec although exact dates are not specified.

The editor has been in the position for three years and the position was advertised in the faculty. The editor is appointed for three years. The editorial board members do not handle peer review of individual manuscripts, but advise on editorial policies/practices. They are appointed by invitation and it does not appear that they are appointed for a set term. The editorial panel is international and they are all legal practitioners, legal academics or judges.

Editorial guidelines are published in each issue and a conflict-of-interest policy is in place. The editorial policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. *Errata* are published in principle.

The journal contains editorials and book reviews are also published. Approximately 95% of pages in each issue contain peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles published range from adequate to good; it must be agreed, though, that quality varies at times. In general, the contributions cover a broad and balanced range of fields of law.

The number of articles published can generally be described as adequate to good. This response is justified in the context of legal-academic publications. *De Jure* has contained about 23 articles or notes per year over the past two years, which may appear to be a limited number for researchers not familiar with the legal academic environment. However, legal articles are generally lengthy and, in the case of *De Jure*, the average number of pages published per year over the past two years was more than 360. There are about 36 articles a year in fields where articles are generally much shorter – about ten pages each.

There is a relatively greater focus on local or regional materials and problems, but many contributions also have a comparative dimension; this phenomenon is fully in line with the function of comparative law to contribute to the development of local law. It must be reiterated though, that the perspectives are still generally those of local rather than foreign researchers.

The refereed contributions (articles and notes) are generally from local authors. A significant number of these are from only two institutions, namely the University of Pretoria and Unisa (their contributions to most editions vary, but generally constitute between 50% and 80% per edition). There were only six international contributions, most of which were contributed by one researcher.

Essential technical features: English abstracts, *errata*, citation practice and presentation

Consensus review: An unusual additional feature of *De Jure* is its biographical sketches of prominent persons – usually judges, but sometimes persons with a link to the University of Pretoria, for example a new Vice-Chancellor. It also publishes editorial comment. Another unusual feature is the occasional ‘lectures/dialogue’ section (it is not quite clear whether this is peer reviewed, since the editorial policy refers only to articles, notes, case discussions and book reviews). *De Jure* has published five book reviews over the past three years.

The articles all contain abstracts, but they are in English if the article is in Afrikaans and *vice versa*. No *errata* were published in the period under review, as far could be established. The citation practice is generally good. The impression is that the consulted literature is generally duly referenced. The editing is generally of a good standard with few inaccuracies.

Usefulness in capacity development, and international comparability

Consensus review: Academic journals should contain research of a high quality, which should presumably be a ‘stimulus’ for both younger and older researchers to conduct their own research. It could be said that *De Jure* provides a stimulus to young researchers, to the extent that it publishes a fair number of contributions from new researchers in the field.

Two referees did not express an opinion and one stated that *De Jure* is ‘comparable with the better law school-based American journals’. While *De Jure* cannot be described as comparable with leading international law journals, it does at times publish material which is clearly of an international standard.

Suggested improvements

1. According to the (previous) editor, only one peer reviewer is used, but a second “may be approached where an author rejects the comments of a reviewer or requests a further review”. The editor then agrees that “ideally two reviewers should be used; however, the pool of reviewers able to deal with the material in a reasonable period is very small”. None the less, journals with a similar multi-disciplinary approach routinely find it possible to identify at least two referees (often three). The need for double review is especially important, given the significant number of contributions that emanate from just two institutions (UP and Unisa). It is therefore strongly advised that *De Jure* uses a minimum of two peer reviewers, since this potentially enhances the integrity and quality of the peer-review process. Although two referees are not required by the Law Editors’ Guidelines, this practice is preferable to using only one (See Guideline C 1). The *ASSAf National Code of Best Practice*, in turn, prefers three referees, and regards one as insufficient (C [4]).

2. According to the (previous) editor, articles are not sent for international review because "law is largely a domestic discipline and so the subject expertise is readily available in South Africa and extremely scarce abroad; and time frames for reviews are short and sending papers to international referees can delay the completion of reviews". This explanation is problematical. Consider, for example, the content of the 2008(1) edition. It contains a number of contributions that focus mainly on foreign law, such as pollution regimes in Europe (2008(1)36), trade mark law in the United States (2008(1)59), and restricting public schoolteacher classroom speech in the United States (2008(1)93). It also contains contributions that take into account some foreign law, for example the English, Canadian and Australian law of delict (2008(1)109), the regulation of cryo preserved embryos in the English law (2008(1)126), the accession of movables in the English law (2008(1) 156), and the English law on the way of necessity (2008(1) 164). If the editor is understood correctly, no foreign reviewer was used to assess the quality of any of these contributions. It would *prima facie* appear that the quality of these contributions could have been enhanced by such expert foreign input. In an age of rapid electronic communication, the explanation that greater delays can be expected when international referees are used is also not quite convincing. It is therefore strongly advised that the journal also uses foreign peer reviewers.
3. *De Jure* could benefit from the publication of more book reviews, which play an integral role in informing and guiding the local and international research community on new publications (as far as could be determined, only five book reviews were published over the past three years, of which two were by the editor).
4. *De Jure* contains many solid contributions from local researchers, but it should consider engaging more with the international research community by publishing more contributions from international scholars.
5. It could consider expanding the editorial board and authorship to include members and authors from other law schools.
6. In order to accommodate more substantial contributions, which will be more practicable now that the journal is published electronically, it appears worthwhile to consider increasing the word limit of 8 000 words per contribution. It may also be convenient for an English abstract or summary to appear with each contribution.

Business aspects

De Jure appears twice per year, June/July and Nov/December. LexisNexis was the publisher till 2011 and since 2012, it is published as an open access online law journal by the University of Pretoria, accessible at <http://www.dejure.up.ac.za/>. As of 2013, the journal is also available on SciELO-South Africa open access platform.

The journal does not carry advertising, paid or unpaid, and does not receive any financial sponsorship. The number of paying subscribers is 140 and 120 gratis. Costs are carried by the publishers. Editors are unpaid and publication and distribution costs are paid by the Faculty of Law, UP.

The journal has never received offers to purchase from multi-national publishers. Copyright vests in the publisher. The journal has never been independently peer reviewed before and is indexed in the Index to South African Periodicals (ISAP).

ISI-type impact factors (for example, Google Scholar or Scopus) have not been determined for the journal. If articles are not in English, 'front details' such as titles, authors, addresses, and English abstracts are mandatory.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The journal should continue to be published on the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.

4.1.3 Potchefstroom Electronic Law Journal (PER)

Focus and scope: *Potchefstroom Electronic Law Journal* publishes contributions relevant to the focus area of development in the South African constitutional state. This means that most contributions will concern some aspect of constitutionalism or the law relating to development. The

fact that the South African constitutional state is the focus, however, does not limit the content of *PER* to the South African legal system, since development law and constitutionalism are excellent themes for comparative work. While constitutionalism and development needs are kept constantly in mind as the main themes, contributions on any aspect or discipline of the law are welcomed, as long as the main themes are addressed. The journal is published by the Faculty of Law, North-West University.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editorial team comprises three members of the Faculty of Law, North-West University who have a good national standing. Both the editor (who has acted in this capacity for 11 years) and the co-editor have some international standing. The journal at times makes use of 'edition editors' who are not members of the editorial team.

The editorial board comprises mainly South Africans, some of whom have settled abroad. Some of the board members have a high international standing and most have a very high local standing. One international scholar from the Netherlands and a judge of the European Court of Justice are also board members.

Questionnaire: *PER* has been published for 11 years (since 1998), and has never experienced any interruptions in publication. In the period 2006–2008 it published 55 peer-reviewed articles and two review papers. In 2009, two issues were published containing ten articles; at least two more issues were to follow. Approximately 73 manuscripts of all types were received in the same period and about five manuscripts were rejected without peer review. Of the published papers, 18 had at least one author with a non-South African address.

At least two, sometimes three peer reviewers, are approached for every article. In 2008, about 55 peer reviewers were approached, of whom eight had non-South African addresses. Peer-review reports are accessibly retained in records, but as a result of changes in the editorial team, there are some gaps, especially before 2003. The journal appears only online, and the average lead time for the journal to appear on the web is about four months. The number of issues published every year has increased over time; currently it is more than four, and issues are not scheduled to appear on specific dates.

The editor has been in the position for 11 years, the co-editor for seven years and the assistant editor for two years. The editor was not appointed competitively, being one of the creators of the journal; the co-editor and assistant editor were approached by the editor. The editorial board handles peer review of individual manuscripts and they were initially involved in the drafting of the editorial policies, but not recently. They were chosen for their expertise and standing and were approached by the editor to serve for unspecified periods. Board members are appointed to provide specific topical expertise and are chosen from inside and outside the country.

Editorial guidelines appear in each issue and correspond with the ASSAf guidelines, but have not been aligned yet. There is no explicit provision of a conflict-of-interest policy; the final decision remains with the editor. *Errata* are published on very few occasions, conducted *ex post facto*. The journal publishes editorials as a value-adding feature. Approximately 170 pages in each issue contain peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles published can generally be described as between acceptable and good (the referees classify the contributions as being of 'acceptable', 'high/good' and 'acceptable average' quality).

The number of articles published can generally be described as between adequate and good (the referees responded 'adequate', 'adequate/good' and 'more than adequate'). This response is justified in the context of legal-academic publications. *PER* contains about 22 articles or notes per year, which may appear to be a limited number for researchers not familiar with the legal environment. However, legal articles are generally lengthy and, in the case of *PER*, the average number of pages published per year was more than 700 over the past two years. In fields where articles are much shorter, about 10 pages that would equate to 70 articles per year.

PER has grown tremendously over the past three years. In 2010, it published five editions totalling 1 315 pages; in 2011, seven editions totalling 1 732 pages; and in 2012, five editions totalling 2 049 pages.

The stated aim of the journal is to publish 'contributions relevant to development in the South African constitutional state'. It is therefore not surprising that it focuses more strongly on public law and that the contributions in this field can be compared to some of the best public law-related contributions appearing in other South African journals. However, some of the contributions in other fields, such as private law, could in turn be described as average.

The recent output does indeed reflect a focus on local or regional materials and problems. However, at least two referees pointed out that the articles also at times have a comparative dimension; this phenomenon is fully in line with the function of comparative law to contribute to the development of local law. It must be reiterated though, that the perspectives are still generally those of local and not foreign researchers.

The more recent refereed contributions (articles and notes) are generally from local authors. To be more specific, as far as could be established, the past eight editions (i.e. since 2008) of *PER* have contained only one article/note from an international author. The number of international authors is, however, on the increase. From 2010 to 2012 ten international scholars published in *PER*.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: *PER* contains useful editorial summaries of the content of each edition, and interesting (non-refereed) orations or public lectures on legal topics by prominent legal and political figures. This practice is to be commended: although not generally of a standard and in a format associated with advanced legal research, these contributions nonetheless provide insights that are valuable to the academic lawyer.

PER has published only one book review over the past three years.

Articles are accompanied by a 'summary' and key words in a separate file from the main text (this may explain why some referees have been under the impression that there are no English abstracts).

No *errata* were published in the period under review, as far as we could establish. The citation practice is generally good, although there are some inconsistencies (for instance in the use of both 'par' and 'para', and non-uniform use of 'at' to indicate page number); it is also a rather unusual editing practice to footnote an abbreviation such as SCA – see 2008 Vol 11 no 4). The impression is that the consulted literature is generally referenced. The practice of including a bibliography and list of abbreviations is somewhat unusual in law journals, but at least one referee found it commendable.

This is of course to some extent a matter of personal preference, but the general impression is that there is room for improvement of the presentation and layout. The text basically appears like typed, scanned pages, and not like the professionally type-set pages of an academic journal. One referee pointed out discrepancies in the descriptions of authors and their affiliations and qualifications. On the related point of accessibility of an electronic journal, there is some confusion if one tries to access *PER* through a Google search of 'Potchefstroom Electronic Law Journal'. The first hit brings one to a site <http://elecper.0fees.net/NWU,%20Potchefstroom%20Electronic%20Law%20Journal%20index.htm>, which states that "In order to gain free access to *PER*, you need to subscribe first (at the left side of the screen). This will be a once-off process". However, the second hit takes one to the site <http://www.puk.ac.za/fakulteite/regte/per/issues.html> where there is free access without any need for registration. Contributions are in pdf format, which creates problems when trying to 'copy and paste' text.

Usefulness in capacity development, and international comparability

Consensus review: There has been some uncertainty on how to answer the question of the journal's suitability 'as a general on-going stimulus for local graduate students/young staff in the discipline concerned'. Academic journals should contain research of a high quality, which should presumably be a 'stimulus' for both younger and older researchers to conduct their own research. It could perhaps be said that *PER* provides a stimulus to young researchers, to the extent that it publishes a fair number of contributions from new researchers in the field.

The referees' views differ somewhat on whether there is some kind of comparability with leading international journals in the field. The inclusion of *PER* in a number of international databases, and especially IBSS, indicates that it has international standing. However, some referees stated that it is still a young journal which has made admirable strides, but cannot be described as a leading international law journal.

Suggested improvements

There can be no doubt that *PER* contains many solid contributions from local researchers, but it may benefit from engaging more with the international research community by publishing more contributions from international scholars (as far as could be determined, only one article/note by an international author was published between 2008 Vol 11 no 4 and 2010 Vol 13 no 3). There also appears to be scope for publishing more contributions from senior or well-established local researchers, and from a broader range of institutions. Currently most are from NWU, the University of Pretoria and Unisa.

There is scope for improvement of the editing process, for example through avoiding inconsistencies in referencing, citations, descriptions of authors, and through limiting what one referee described as 'untidy formulations'.

The journal could benefit from the publication of more book reviews, which play an integral part in informing and guiding the local and international research community about new publications (as far as could be determined, only one book review was published in the past three years).

The editorial team is relatively small and the editor could consider expanding it, especially by including members from outside the NWU law school, which is also the publisher. The editor's report reveals that quite a high percentage of submissions is accepted, and that relatively few international referees are used. Although the journal already follows the accepted practice of using at least two referees, it may benefit from tightening the refereeing process even further.

Business aspects

The journal is published electronically on open access platform by the Faculty of Law, North-West University, Potchefstroom, South Africa. Both production and distribution are handled in-house. The journal does not carry paid or unpaid advertising, and no financial sponsorship is received. There are no paying subscribers but mostly individuals subscribe to receive the electronic copies for free.

The journal has never received offers to purchase from multi-national publishers. Copyright remains with the authors. The journal has never previously been independently peer reviewed. The journal is indexed in IBSS, but its impact factor has never been determined.

The journal is already included in the SciELO-South Africa database; see http://www.scielo.org.za/scielo.php?script=sci_serial&pid=1727-3781&lng=en&nrm=iso

Panel's consensus view:

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The journal should continue to be published on the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.

4.2 Multi-disciplinary B

4.2.1 *Speculum Juris*

Focus and scope: *Speculum Juris* (an accredited open source electronic journal of the Nelson R Mandela School of Law, University of Fort Hare). It appears in electronic format in at least two parts each year, covers law in its broadest sense and publishes original research including articles, comments, case notes, book reviews and updates with a general law focus and scope. It has a particular emphasis on legal issues relevant to Southern Africa. The journal is of interest to legal academics and students, legal practitioners and judicial officers.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The current managing editor is a respected scholar. The members of the editorial committee are also respected academics in their own fields. The editorial committee currently includes four members of the University of Fort Hare (UFH) and three members of Rhodes University (RU). The members of the editorial committee have varied over the years. The editorial committee includes younger members, which is a good idea to ensure experienced successors.

The advisory board includes three judges (one a former judge of the Constitutional Court) and a former judge president of the Eastern Cape High Court as patron. The current advisory board has only one international member – a professor from the University College of London. The board initially also included a professor from Hong Kong. The other members of the advisory board are four academics from University of UKZN (retired), University of the Western Cape (UWC), Stellenbosch University (SU) and the Nelson Mandela Metropolitan University (NMMU). The advisory committee has remained more or less the same since 2007.

Currently, there is only one prominent national academic on the advisory board and she is the only NRF-rated academic on the board. There is also another member of the board who is a prominent academic and jurisprudential scholar from the UK.

Questionnaire: *Speculum Juris* was first published in 1965. It would seem that it appeared annually from that year until 1987, when its publication ceased. After discussions between the law faculties at the University of Fort Hare and Rhodes University, *Speculum Juris* was effectively 'resurrected' in 2002 (as a joint publication of the two faculties). Publication has been consistent since 2002, with no significant interruptions. The journal has published 44 peer-reviewed original papers during the past three years.

There were 13 shorter essays published which consisted mainly of original academic reviews/analysis of recent case law/statutory developments.

Approximately 100 manuscripts of all types were received in the same period and none of the manuscripts were rejected without peer review. None of the published papers had an author with a non-South African address; however the editorial committee did reject papers submitted by two overseas-based academics during the same period.

At least two peer reviewers are approached for every article. In 2007, 42 peer reviewers were approached, and none of these had non-South African addresses. Peer-review reports are accessibly retained in records. The average period between receipt of manuscript and its publication is seven months. The journal is now published electronically at www.speculumjuris.co.za. The publication frequency of the journal is twice a year. The issues are not scheduled to appear on specific dates, but the editorial board does strive to ensure that, as much as possible, the manuscripts intended for publication in each year are delivered to the publisher in May and September respectively.

The editor has been in the position for 18 months. He was not appointed competitively and the period of the appointment was not specified by the editorial board. He therefore assumes that he would continue to play the role for as long as (a) the board remains satisfied with his performance; (b) his appointment as Law Professor in the University of Fort Hare Law Faculty subsists; and (c) he is able and willing to continue to discharge the onerous responsibilities inherent in the role/position.

The editorial board handles peer review of individual manuscripts, except the managing editor and the technical editor (who is based at Rhodes). However, even where a member of the editorial board is invited to peer review a manuscript, special care is taken to ensure that s/he is not able to determine the identity of the author(s). In other words, the peer review process remains 'blind' even when the reviewer is a member of the editorial board. They advise on editorial policies and practices. They were chosen as a result of their expertise and standing and were approached by the editor to serve for an unspecified period. Board members are appointed to provide specific topical expertise and are chosen from both inside and outside the country.

The journal has editorial and policy guidelines. There is a conflict-of-interest policy, but it is not published; rather its contents can be extracted from the minutes of the editorial board meetings, especially those held between 2004 and 2006. The most important elements of the policy could be said to be the following:

- the managing editor (based at Fort Hare) and technical editor (based at Rhodes University) are not allowed to submit any of their research outputs to the journal for consideration towards publication in the journal;
- as far as possible, members of the editorial board should refrain from submitting their research outputs for consideration towards publication in the journal; and
- any issue of the journal may carry a maximum of two contributions from academic staff of the University of Fort Hare. The same maximum limit applies to academic staff of Rhodes University.

The journal's editorial policy guidelines have been aligned with the *Best Practice Guidelines for Law Journals* developed and adopted in 2013 by the Forum for Law Journal Editors. The editor believes the said *Best Practice Guidelines* are aligned as much as possible to the *ASSAf National Code of Best Practice*. It has never been necessary to publish *errata*. Should it be required, the editorial board would have no hesitation in publishing an *erratum* notice as soon as possible. The journal publishes editorials as a value-adding feature. The percentage of pages in each issue representing peer-reviewed original material is 100%; since the journal has thus far published only legal academic research outputs such as articles, case notes/reviews, and shorter academic commentaries on topical legal subjects.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: *Speculum Juris* receives contributions from all over the country and could not be regarded as an 'in-house' publication. Members of UFH and RU maintain a very low percentage publication rate in the journal (approximately 10%).

The journal includes a mix of contributions, namely articles, case notes and notes. In some issues the emphasis is more on articles, the quality of which varies, depending on the seniority of the authors – although some junior colleagues have also made very good contributions.

Speculum Juris 2011 no 1 includes only articles by prominent academics based on solid papers in honour of the jurisprudential contribution of two judges of the Eastern High Court. *Speculum Juris* 2010 no 1 and no 2 contain a mix of contributions by both more senior and junior academics – the contributions seem solid and well-argued. The same can be said of *Speculum Juris* 2009 no 1, 2008 no 1 and no 2 and 2007 no 2. Edition 2009 no 2 is dedicated to family law and use was made of a guest editor from Unisa who is a prominent family law academic. This contribution also contains solid contributions. Edition 2007 no 2 includes contributions of a conference on law and transformative justice from judges and prominent academics, as well as younger academics.

A good size balance is kept and each number consists of about 150 pages. For example: 2011 no 1 consists of four solid articles by four well-known academics; four shorter articles (comments) by more senior and junior academics and one brief comment by a senior academic on an important new legal issue. 2010 no 1 consists of six articles and one case note and 2010 no 2 also contains seven articles and one case note. 2008 no 2 contains eight articles and 2008 no 1 eight articles and two case notes/comments.

Speculum Juris covers a number of legal disciplines and publishes a number of contributions by academics in those disciplines. The quality and standard of the articles and notes published are not of a lesser quality than those published in most other legal journals in South Africa.

The focus is mostly on national legal problems. A few articles also discuss international law. As indicated, three dedicated issues on family law, transformative justice and the contribution of Eastern Cape jurisprudence were published.

Academics from the so-called research universities (UCT, Wits, US and UKZN) also send contributions to this journal. It should also be observed that the number of academics from formerly disadvantaged institutions of higher learning seems to be higher in this journal than in other journals, which is also good in that it indicates confidence in the peer-review system and the editors. No issue is dominated by contributions from any one institution, but includes contributors from various institutions.

The number of international contributors is low and two of the international contributions are by South Africans working or studying at international universities. The other contribution is from Lesotho, which is to be welcomed.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The citation practice is good and there is no publication of *errata*. The editorial committee sometimes invites someone to write a preface to a topical issue of the journal which is interesting and assists the reader to understand the contents of that issue. This is not true of all the journals.

Speculum Juris is well presented, the layout is neat; the style and copy-editing seem acceptable.

Usefulness in capacity development, and international comparability

Consensus review: The articles/notes/comments are topical and provide necessary and beneficial reading, not only for academics but also scholars, graduate students and practitioners. The journal contains a mixture of more academic and more practical articles, which make it a well-balanced publication. It compares well with general national law journals in Europe, America and the UK.

There is concern that the journal does not have a high rejection rate and as such does not ensure that only the best articles are published. However, various high-profile academics in the country (NRF A and B-rated scientists) contribute to the journal and the rejection rate may not be a factor that should be considered in this regard.

Suggested improvements

It is suggested that more international scholars be added to the editorial board of the journal to enhance its international profile, and also that more prominent South African academics be added. It is also suggested that the journal should try to make itself more visible by ensuring that it is electronically available via electronic indexes, e.g. SA e-publications, SciELO-South Africa.

Abstracts should be added and would make indexing easier. The editors could think of adding an editorial in each issue and not only in thematic editions. Perhaps there could be one thematic number per year with invited scholars and one 'open' number per year. The thematic numbers seem to be of high quality.

Business aspects

The regular print run of the journal is 200 copies. The journal is published by LexisNexis Butterworths (LNB). Production and distribution is outsourced to LexisNexis Butterworths. The journal does not carry paid or unpaid advertising, and does not receive any financial sponsorship. The editorial board has discussed the possibility of generating some income through advertising, but a decision in that regard has not yet been made. The production costs are shared equally by the University of Fort Hare and Rhodes University. The number of paying subscribers is 13 and 170 gratis. According to LNB, most of the current subscribers are institutions, law firms and libraries. Only a few of them are individuals.

It receives funding from (a) the offices of the Deans of Research at both the University of Fort Hare and Rhodes University; and (b) payments of page fees by contributors affiliated with institutions of higher education in South Africa.

The journal has never received offers to purchase from multi-national publishers. Copyright is held by LNB for the duration of the LNB contract with the two universities involved. The journal is not indexed in IBSS or the Thomson Reuters Web of Science (WoS). It has never been independently peer reviewed before. The two law faculties would certainly be interested in the inclusion of the journal in the SciELO-South Africa Platform. *Speculum Juris* is now published electronically as an open access journal (www.speculumjuris.co.za).

The journal's 'double-blind' peer review policy was introduced in 2006, based largely on the motivation by and insistence of the then Dean of Law at Rhodes University and who has been very active in NRF research peer-review processes. The implementation of this policy does sometimes result (perhaps one in of every five cases) in conflicting reports and recommendations by the reviewers. In such a scenario, the managing editor must seek and receive a 'third opinion' to break the deadlock.

The journal's rejection rate appears to be significantly on the increase. The editorial board is still uncertain at this point as to the precise reason(s) for that trend.

The editorial board generally meets twice a year. However, whenever it has been considered necessary or appropriate, the board has met three times in a year (as happened in 2009). The meetings rotate between the host faculties.

The presence and participation of the host faculty deans on the editorial board since the journal's resurrection in 2002 has been critical in assuring quality and strict compliance with the journal's editorial policy, as well as with editorial best practice.

There is a perception among some academic scholars that *Speculum Juris* is an inferior journal because it is not based at one of the more prominent, historically advantaged universities. There is enough evidence to the contrary, should one peruse the journals published since 2007.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.
- IV. In addition, the Panel believes that this is an emerging journal, which provides a platform for both more experienced and less experienced academics to publish their scientific work. It also provides a platform for diverse ideas from academics and practitioners.

4.2.2 *Journal of South African Law (JSAL)/Tydskrif vir Suid-Afrikaanse Reg (TSAR)*

Focus and scope: The *JSAL/TSAR* is published under the auspices of the Faculty of Law of the University of Johannesburg. The first edition appeared in 1976 and the journal since then has established itself as one of the leading law journals in South Africa. The journal does not focus only on the legal position in South Africa but also publishes articles on the legal position in other jurisdictions.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editor of *JSAL/TSAR* is a respected legal academic of high standing. The editorial board is made up of colleagues from the University of Johannesburg, Faculty of Law. The editorial advisory committee comprises South African judges and academics, and three overseas members (Holland, Belgium and Germany).

Questionnaire: The journal has been published for 34 years, without any significant interruptions in publication. In the period under review the number of published peer-reviewed original papers included 180 articles (all publications are peer reviewed), book reviews: 25. *JSAL* totals about 820–850 pages per annum with 545 words per page, making it one of the most densely printed specialised journals. The number of manuscripts received in the same period was between 250 and 280. None of the submitted manuscripts were rejected without peer review – all contributions are peer reviewed.

In total 25 of 180, i.e. 14% of published papers, had at least one author with a non-South African address. At least two peer reviewers are usually approached for each submitted manuscript. On average 60 contributions are published per annum, each requiring two peer reviewers, totalling 120 peer reviewers. Only 1% of these had non-South African addresses.

Peer-review reports are confidential and deleted once a decision had been made to publish or not to publish. The average period between receipt of a manuscript and its publication in print is 6–8 months. *JSAL* is not published by either *JSAL* or Juta directly on the web, but it is available under licence, with hold-back stipulations, internationally via HeinOnline and locally via Sabinet.

The journal is published quarterly, i.e. in February, May, August and November.

The editor has been editing the journal for 28 years, and was appointed not by advertisement but by internal selection process. The appointment period is indefinite. The positions of board members are also not advertised; selection is done on the basis of proven expertise, involvement with the furthering of knowledge and recognised standing, for example judges of the Constitutional Court, the Supreme Court of Appeal or the High Court. Board members are appointed until they indicate that they can no longer be of help or are considered to be overburdened with workload. At this stage there are three foreigners on the board (Belgium, Germany and the Netherlands).

Editorial board members do not as a rule handle peer review of individual manuscripts. The board would be overburdened and the members do not by necessity have the applicable expertise for every manuscript. Peer reviewers are appointed from outside as recognised experts on the particular topic and reviewing is always done double-blind. They do advise on editorial policies and practices.

Editorial policy guidelines are printed on the back page of every issue. There is a conflict-of-interest policy. The editorial guidelines of *JSAL/TSAR* have not been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*, as the editorial guidelines were already in place before the ASSAf guidelines were published.

Errata are published in all cases where these have become apparent. Book reviews are included as a value-adding feature and no advertising from any publisher or publishing house is accepted. Every issue contains 100% peer-reviewed, original material. The journal on average contains 820 pages per year.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles published is good overall. Each issue includes between three and seven articles, depending on the length of each. Although a maximum word count is stipulated for articles, the editor has a discretion to permit longer articles and to allow very long contributions to be spread over two issues. The number of articles per annum is thus satisfactory. In addition, a similar number of 'notes', which are not always substantively distinguishable from articles, is published, which means that each volume is substantively solid.

South African law is by definition primarily engaged with local and regional problems and materials. Comparative law is possible and can enrich local law and legal thinking.

There have been approximately 43 contributions from foreign authors published since 2007 to date. However, most contributions are from South Africa. The very carefully managed balance between in-house and other contributors is evident. However, it seems that only a relatively small group of contributors from other South African universities publishes regularly; for example, 2011 includes Unisa (five persons); University of Pretoria (six persons); University of the Free State (two persons); UKZN (two persons); Stellenbosch (one person); UCT (one person); Wits (two persons); UWC (one person). However, it is also evident that younger or less-established writers publish (or co-publish) extracts of their higher degree theses as a way to begin building a publication list, which is good.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: Recent case discussions and book reviews accompany the notes and articles in each issue. These are useful and provide thoughtful and serious engagement with the cases and the books under consideration. There are no editorials or scholarly correspondence but, given that the journal appears only four times a year, correspondence would be incompatible. The issues would no longer be live by the time the next issue appeared, unless correspondence was to take the form of a response to an article or note. But even then it is not clear that this would be desirable. Editorials seem to have a function and objective that a quarterly journal cannot meet. There are no abstracts at the beginning of each article. However, at the end of each article there are summaries in English for articles written in Afrikaans and in Afrikaans for articles written in English. For the few Dutch and Flemish contributions, English-language summaries are provided. The notes do not have abstracts or summaries and it would be useful if they were also accompanied by a summary in English or Afrikaans. They are substantial pieces of writing and would be much more accessible with summaries.

The policy explains that *errata* will be published as appropriate. No *errata* were noted. Referencing is comprehensive, appropriately detailed and consistently styled. Aesthetically, the journal is pleasing to the eye; the text is clear and easy to read; and the layout is appropriate.

Usefulness in capacity development, and international comparability

Consensus review: As mentioned above, younger or less-established writers publish (or co-publish) extracts of their higher degree theses as a way to begin building a publication list. Whether these graduate students and younger staff members actually read the journal is unknown. However, it is a positive feature that fledgling researchers are able to publish here.

Suggested improvement

Consider having abstracts/summaries for each note in English and Afrikaans.

Business aspects

Information about the regular print run, the number of paying subscribers, the journal's total income and expenditure, and an offer to purchase from multi-national publishers were unobtainable, being confidential. The publisher is Juta & Co – a commercial publisher. Both production and distribution are outsourced; the publisher has a contract with printers and setters. No paid or unpaid advertising is carried, and there is no financial sponsorship.

The journal is not available "free" online but available on SABINET Online on subscription and extracts are available on the University of Johannesburg's website. Copyright vests in the publisher.

JSAL/TSAR is indexed in Thomson Reuters Web of Science (WoS), the index to foreign legal periodicals (since 1986), KJB and Ulrich. Its impact may be measured by the more than 280 references, citations and followings in reported judgments of the Supreme Court. Every article is provided with a summary in another academic language. The journal has been independently peer reviewed since its first edition in 1976.

The publisher is not interested in being considered for inclusion in ASSAf's SciELO-South Africa open access journal platform.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the comments of the Panel.

4.2.3 *Journal of Contemporary Roman-Dutch Law(JCRDL)/Tydskrif vir Hedendaagse Romeins-Hollandse Reg (THRHR)*

Focus and scope:

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editor and members of the editorial board have high national and international disciplinary reputations. The journal is published by LexisNexis Publishers for the Society Hugo De Groot. The editor and one assistant editor are professors at the University of Pretoria. The other assistant editor is a professor at the University of South Africa. The editorial board consists of representatives from each of the law faculties in SA, some honorary members and a few members from overseas universities.

Questionnaire: The journal has been published since 1937, without significant interruptions in publication. During the period under review 174 peer-reviewed articles were published. In the same period, 200 manuscripts were received, and of these four were rejected without peer review. Approximately 0.5% of the published papers had at least one author with a non-South African address.

Usually two peer reviewers are approached for each submitted manuscript. On average 16 peer reviewers are used in one year. All peer reviewers used were South African. Peer-review reports are accessibly retained in the journal's records.

The average period between receipt of a manuscript and its publication in print is 6–8 months and the period before appearance on the web is 9–11 months. The journal is published quarterly. Issues are pre-scheduled to appear in February, May, August and November; however, issues appear at variable intervals.

The editor has been editing the journal since 2002. The editor was appointed competitively for three years, renewable.

Editorial board members are also appointed competitively for a three-year term with an option to extend. They are appointed from inside and outside the country to provide specific topical expertise. Board members do handle peer review of individual manuscripts and advise on editorial policies and practices.

The journal publishes editorial policy guidelines and also has a conflict-of-interest policy. The journal's editorial policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. *Errata* are published in all cases where these have become apparent. The journal contains value-adding features such as editorials, occasional book reviews and correspondence on published articles. Each issue comprises 99% peer-reviewed original material. Only editorials, letters and book reviews are not peer reviewed.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the published full-length articles (24–28 pages per article) in English and Afrikaans; the notes (8–20 pages per note); and the case notes (12–20 pages per case note) is high. An adequate number of articles are published every year, although concern was raised that in some instances the number of articles may be too high. There are four editions per year and each edition contains 6–7 articles, 2–5 notes and 3–5 case notes. The total number of pages per year is approximately 700. Accepted articles represent a good sample of the best work done in the country in the discipline – the focus is mainly South Africa. Authors from across the country, as well as some international authors, publish in the journal. Concern was expressed that it is dominated by authors from Unisa.

There is concern that some articles seem to be primarily descriptive and have very little theoretical content. Concern was also raised that the case notes should be more than bare commentary, and also highlight certain key issues. Martha Nussbaum's 'Equity and Mercy' comes to mind as a classic piece that uses case reporting to make some extremely interesting and subtle points about fundamental legal concepts. Work of this high standard should be aimed at, rather than mere description (or little more than this).

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The journal has additional scholarly features such as notes and reports. The citation practice and presentation are indicated as from 'fine' to 'well done'.

The full length articles in English have summaries in Afrikaans and the Afrikaans articles have summaries in English. It is suggested that the journal should have abstracts in the language of the article and if the article is in Afrikaans, the abstract should also be in English. The notes and case notes do not have abstracts. *Errata* are published.

Usefulness in capacity development, and international comparability

Consensus review: The *JCRDL/THRHR* is suitable as a general on-going stimulus for local graduate students and young staff in the discipline. Some concern is raised about the level of acceptance of submissions to the journal and its significantly parochial nature compared with international journals of its kind.

Suggested improvements

The journal needs to be far more ambitious. Many more article submissions need to be rejected and a far wider community of scholars should be targeted as potential readers and contributors.

A spread of people to publish in the journal should be considered; it is not good that quite so many people from Unisa publish in the journal.

Also the editorial board should be more international – as opposed merely to southern African – as should reviewers. The journal could consider publishing fewer articles. The focus should be on high-quality, in-depth research.

Abstracts should be provided in the language of the article, and when the article is published in Afrikaans, also in English.

The editorial board members should be discouraged from handling peer review of individual manuscripts and a broader base of reviewers should be considered.

Business aspects

The English name of the journal is the *Journal of Contemporary Roman-Dutch Law*.

This journal is not published by a university but by a society – Hugo De Groot. It has been published since 1937 and is the second oldest law journal in South Africa. It is read by both practitioners and academics. The journal was not published by one of the former established English-language universities and initially most articles were published in Afrikaans.

The *JCRDL/THRHR* is published by LexisNexis and the regular print run is 550 copies per issue. Both production and distribution are outsourced. Neither paid nor unpaid advertising is carried, and neither is any kind of financial sponsorship received.

The journal has 498 paying subscribers; most of these (in the proportion of approximately 70:30) are organisational subscribers as opposed to individuals. The journal appears online as part of a commercial (pay-to-view and/or pay-to-subscribe) e-publication service. It has never received offers to purchase from multi-national publishers. Copyright vests in the publisher, but permission is granted for electronic storage in repositories such as UP Space.

The *JCRDL/THRHR* is indexed in IBSS, and its impact factor is unknown to the editor. If articles are not in English, 'front details' such as titles, authors, addresses, and English abstracts are mandatory. The editor is uncertain whether an invitation to include the journal in ASSAf's SciELO-South Africa open access platform would be accepted.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the comments made above.
- IV. In addition, the Panel believes that the journal should consider publishing abstracts; correct its information on its rejection rate; consider publishing fewer but more in-depth articles, avoid mere descriptive articles and case notes/commentary; and broaden its publication base.

4.3 Multi-disciplinary C

4.3.1 *Journal for Juridical Science*

Focus and scope: The *Journal for Juridical Science (JJS)* is a legal journal that seeks to bridge the gap between law and other academic disciplines. Thus, although anchored in law, the journal has an inter-disciplinary orientation. It is an accredited national professional journal which publishes original research articles in law in Afrikaans and English. Multi-disciplinary and interdisciplinary contributions, which bridge the gap between legal scholarship and other pertinent academic disciplines, are welcomed. The *JJS* prefers articles that reflect basic legal research, but does not restrict itself to basic research. All published contributions were submitted for refereeing by peers and successful articles qualify for subsidy by the Department of Education. The journal is published by the Faculty of Law, University of the Free State.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: Qualifications of the editor, editorial committee and members of the editorial board are not listed. The academic standing of the editors is acceptable. Members of the editorial board have a generally good national standing.

Questionnaire: The journal has been published for 34 years, without significant interruptions in publication. During the period under review, the total number of peer-reviewed articles published in the journal included 36 full articles and seven chronicles (letter-type articles). In the same period, about 76 manuscripts were submitted. None of the submitted manuscripts was rejected without peer review; they were all rejected only at the suggestion of peer reviewers.

Approximately seven of the published papers had at least one author with a non-South African address. Usually two peer reviewers are approached for each submitted manuscript. During the same period about 50 peer reviewers were used. Approximately 5% of these had non-South African addresses. All reports are retained on record but authors do not have access to these reports as communication between reviewer and author is strictly anonymous. Only selected information from the peer reviewers, such as what amendments are necessary and whether the article is accepted or not, is communicated to the author.

The average period between receipt of a manuscript and its publication in print and on the web is seven months. The *JJS* is published twice a year, in June and December. Issues appear regularly on the scheduled dates.

The co-editor of this journal (since 1986) has been appointed as acting chief editor for the period of 2009 since the current chief editor was on study leave overseas. The acting chief editor was appointed competitively. Editorial board members are appointed from inside and outside the country to advise on editorial policies and practices. However, they do not handle peer review of individual manuscripts.

The journal publishes editorial policy guidelines. It also has a conflict-of-interest policy. The journal's editorial policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. *Errata* are published in all cases where these have become apparent. The journal does not contain value-adding features such as editorials, topical reviews, book reviews, etc. Peer-reviewed original material makes up 100% of each issue.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles in this journal is generally good. The journal publishes approximately four full-length articles and two chronicles per edition. The chronicles are analyses of interesting topical legal issues.

The content of the publication is varied. An interesting trend is an increased number of contributions relating to international topics resulting in comparative research.

The majority of the authors are from the University of the Free State; however, contributions by other authors across the country are occasionally included.

Another new trend is the apparent increased collaboration with co-authors. Collaboration is not limited to members of the same affiliation, but includes co-operation with practitioners, colleagues from other universities, colleagues of international affiliation, as well as, on one occasion, a postgraduate student.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: No editorial reviews or book reviews are published. All articles have English abstracts at the beginning. *Errata* are published when necessary. Good citation practice, as per the editorial policy. The layout of the journal is modern, but the fact that no bold-face is used means that it is at times difficult to distinguish between headings and sub-headings.

Although the *Guidelines to Authors* refers to the preferred limited use of footnotes, it is apparent from various publications that this practice is not enforced. The 'mixed' practice of both footnotes and the Harvard referencing method in the text is problematic and should be avoided.

Usefulness in capacity development, and international comparability

Consensus review: The journal provides a stimulus for national debate. The use of both articles and chronicles would be appealing to both established and emerging academics. It is enhanced by the practice of publishing collaborative work by co-authors.

The journal has a modern feel and is more comparable with modern law journals than with traditional law journals. No remarks were made by the reviewers concerning the journal's international comparability.

Suggested improvements

The profile of the journal is, with a few exceptions, mono-cultural. It could attempt to be more inclusive of emerging authors, among them black authors.

An inclusion of an analysis/note/chronicles section should be considered.

No qualifications or designations of the editorial board members appear, which seems to imply that all the members of the editorial board are already well-known.

More publications from authors across South Africa could be published, to broaden the base of the journal to other institutions nationally and internationally.

The referencing techniques should be standardised and English abstracts for all articles should be added.

Furthermore, the layout could be improved to make the contributions more readable.

Business aspects

The regular print run of the journal is about 250 copies per issue. It is published by SunMedia Bloemfontein. Both production and distribution are outsourced. The journal doesn't carry either paid or unpaid advertising. It receives financial support from the University of the Free State.

The journal has 145 paying subscribers; of these approximately 110 are organisational subscribers as opposed to individuals. The journal appears free online (open access) after three years; it is also part of Sabinet commercial (pay-to-view and/or pay-to-subscribe) e-publication service. The journal is in the process of acceptance on non-commercial e-publication mechanism platforms, namely, AJOL and Scopus.

Copyright of all published material is vested in the university. If articles are not in English, 'front details' like titles, authors, addresses, and English abstracts are mandatory.

The journal was independently peer reviewed when published by Juta.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.**
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.**
- III. The editor/editorial board should seriously consider the suggested improvements.**
- IV. In addition, the Panel believes that the journal makes a valuable contribution towards legal research in South Africa.**

4.3.2 *Obiter*

Focus and scope: *Obiter* is published under the auspices of the Faculty of Law, Nelson Mandela Metropolitan University. It is a fully accredited journal, publishing articles on topical legal issues and legal research.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editors are well qualified and nationally recognised. The editorial board comprises mainly South African academics. The other members are judges and there is one international academic. The South African scholars on the board enjoy high national standing in their own disciplines.

Questionnaire: The journal has been published for 30 years, without significant interruptions in publication. During the period under review, 131 letter-type articles were published. In the same period, 152 manuscripts were received, and of these, 21 were rejected after peer reviewing. Many contributions had been referred back to authors and, following reworking, were published. No manuscript was rejected without peer review. Five published papers had at least one author with a non-South African address.

Previously at least one peer reviewer was approached for each submitted manuscript and two when the reviewer was not 100% certain, or significant queries were raised. In line with the *National Code of Best Practice in Editorial Discretion and Peer Review* the policy was adopted to submit each contribution to two peer reviewers. Approximately 30 peer reviewers were used and only one had a non-South African address. Peer-review reports are accessibly retained in the journal's records.

The average period between receipt of a manuscript and its publication in print and on the web was generally between four and six months. With the first edition for 2010 the period was increased to between six and eight months. *Obiter* is published three times a year. Journal issues are pre-scheduled to appear in a particular month, and on occasion they appear somewhat later, but not excessively so.

The editor has been editing the journal since 1993, and was not appointed competitively. The appointment period is indefinite. The editorial board members are not appointed competitively. Previously they were not appointed for a given period, but a policy has been adopted since 2010 to appoint for a definite period. They are appointed from inside and outside the country to provide specific topical expertise. On occasion editorial board members handle peer review of individual manuscripts and advise on editorial policies and practices.

The journal publishes editorial/policy guidelines, and it does have a conflict-of-interest policy. The journal's editorial/policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*.

Errata are published in all cases where these have become apparent. The journal contains value-adding features such as editorials but not generally, on occasion book reviews. The percentage of pages in each issue that represents peer-reviewed original material is 100%.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles and notes published in *Obiter* is generally good. The journal focuses mainly on South African law and covers a wide variety of disciplines. Some articles contain an international component or reference to current law in other jurisdictions.

The authors of published articles derive from the editorial committee, the editorial board, members of the NMMU Faculty of Law and other South African universities.

Approximately six to seven full-length articles, four to five notes and four to five case discussions appear in each of the three volumes published per year.

The reviewers mentioned that the journal is often published late and that this may impact on the relevance of specific articles, notes or case discussions. This is in contrast with the above-mentioned statement by the editor.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The journal contains value-adding features such as editorials and occasionally book reviews. All articles have English abstracts at the beginning of the article. *Errata* are published if relevant.

The citation practice is good and the *Guidelines for Authors* are followed. The journal has a pleasing modern layout.

Usefulness in capacity development, and international comparability

Consensus review: *Obiter* is useful in capacity development of both post and undergraduate students. It provides a stimulus for debate and, since it caters for different types of contributions, it appeals to both established and emerging academic contributors.

The journal may be regarded as a national journal of high quality. It furthermore has a fresh feel and compares more with modern journals than with traditional law journals.

Suggested improvements

More timely publication of the three issues/numbers in order to prevent delays between submission and publication is recommended as it could affect the accreditation status.

The journal's standing would also be improved if it could attract more international contributions.

In view of the fact that the editorial board has remained constant, it may be suggested that it be reviewed and that senior colleagues from other universities or abroad be appointed.

Editorial board members should be discouraged from publishing their own articles in the journal and should consider a wider base in the authorship.

Business aspects

The journal is published by the Law Faculty, Nelson Mandela Metropolitan University (NMMU). Printing is outsourced and distribution is handled in-house. The journal does not carry either paid or unpaid advertising. Financial sponsorship is received from the Law Faculty, NMMU.

The journal has 130 paying subscribers for hard copies and Sabinet subscribers number 63; of the total number of subscribers, 39 are organisations as opposed to individuals. The journal appears online as part of Sabinet's commercial (pay-to-view and/or pay-to-subscribe) e-publication service.

The editors are presently negotiating for the publishing of the journal by external publishers. Copyright is organised through DALRO. Permission has been granted to Pretoria University archive contributions by its staff members for open access.

If articles are not in English, 'front details' such as titles, authors, addresses and abstracts are mandatory.

The editor would in principle be interested in the journal being added to the ASSAf's SciELO-South Africa open access platform.

Panel's consensus view

- II. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.
- IV. In addition, the Panel considers *Obiter* an established South African law journal of good quality and that its standing will undoubtedly increase if the suggested improvements are made.

4.3.3 Stellenbosch Law Review

Focus and Scope: The *Stellenbosch Law Review* (*Stell LR*) is a forum for the discussion of topical legal issues in various fields. As a law review the emphasis is on providing insight rather than just an overview. It maintains a balance between a wide variety of specialist fields and legal subjects of general interest.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: Both the editors-in-chief enjoy very high national and international standing. The same applies to the editorial board that includes judges, professors and even a deputy vice-chancellor, all of high standing nationally and internationally.

Questionnaire: The *Stell LR* has been published for 20 years, without significant interruptions in publication. During the period under review the journal published 66 articles of which 63 were full-length or review articles of between 6 000 and 12 000 words, and three were notes or case comments of between 4 000 and 6 000 words. In the same period 130 manuscripts were received, and 10 were rejected without peer review. Approximately 20% of the published papers had at least one author with a non-South African address.

Usually two peer reviewers are approached per manuscript. In 2008, a total of 75 peer reviewers were used and 19% of these had non-South African addresses. Peer review reports are accessibly retained in the journal's records.

The average period between receipt of a manuscript and its publication in print is about nine months to a year while publication on the web is approximately three months after print. The journal is published three times a year. Issues are pre-scheduled to appear in March/April, Aug/Sept and Nov/Dec, and they appear on the scheduled dates.

The editor during the period under review was invited to take up the position and was appointed from 1 January 2007 to 31 December 2009. The editorial committee and editorial board members are selected according to their expertise in the main fields of law; the positions are not publicly advertised. The editorial committee is appointed yearly; appointment to the editorial

board is not of a fixed duration. The editorial committee is appointed from inside the country. The members of the editorial board are appointed from inside and outside the country.

The *Stell LR* has an editorial committee and an editorial board. The day-to-day running of the journal is the task of the editor and the editorial committee. The editor handles most of the administration of peer reviewing, with the assistance of the editorial committee. The editorial committee reports yearly to the editorial board. The editorial board also provides specific topical expertise.

Editorial and policy guidelines are contained in the house-style guide, which is accessible at <http://blogs.sun.ac.za/law/publications/stellenbosse-regtydskrif/>.

The *Stell LR* further subscribes to the *Guidelines for Best Practice in Editorial Discretion and Peer Review* adopted by the Forum of Editors of Academic Law Journals in South Africa, adopted on 7 August 2008 and accessible at *De Jure* 2009 Vol 42 no 1, p 184. As indicated below, these Guidelines are in turn "aimed at achieving the ASSAf Guidelines" general objectives by highlighting, supplementing and restating those aspects of the ASSAf Guidelines, which are of particular importance in the publication of legal scholarship.'

Policies for avoiding conflicts of interest are contained in the house-style guide and the Guidelines for Best Practice as above.

The editor would publish *errata*, if necessary, but this has happened only once during the period under review. The journal contains value-adding features, such as news articles and announcements, book reviews, public lectures, case comments and correspondence to the editor. Ninety-five per cent of each issue comprises peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the full-length articles is generally high. This journal publishes almost exclusively full-length articles (between six and nine per edition) with very few notes, analyses or case notes. This may be regarded as a positive step in enhancing legal research and building the research careers of scholars in South Africa since, in so doing, thorough, analytical and scholarly work is encouraged. The articles are well researched and referencing of sources is ample. The journal publishes articles on a broad range of disciplines that cover a wide range of topics. Most of the issues that were addressed pertained to South African law but in the vast majority of the research there has also been comparative research giving the hypothesis broader application.

The authors are all well-established academics from universities across South Africa. Contributions by internationally renowned scholars abroad are also published occasionally. The journal publishes three editions per year.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: All the volumes include book reviews and a useful list of publications received. The first volume of 2010 contains an editorial note explaining the changes in the editorial team. All the volumes include guidelines for contributions in both English and Afrikaans.

All contributions contain a proper English abstract at the end. The very few Afrikaans articles are accompanied by English abstracts.

No *errata* or publication thereof were found. The citation practice of this journal is scientific and enhances the quality and presentation of the research. The presentation layout is traditional and the style is impeccable.

Usefulness in capacity development, and international comparability

Consensus review: Since the *Stell LR* is very traditional, it provides a stimulus for local students and younger staff members and makes an important contribution towards legal research in this country.

It seems to follow the traditional Harvard review style of publication and is, in that sense, comparable with international journals. The quality of the *Stellenbosch Law Review* compares favourably with the best in the world.

Suggested improvements

Only one of the contributions published in the period under review formed part of a contribution that was published in another volume. In 2009 (no 1) a contribution was obviously split. The first part of this research was published in no 3 of 2008, p 390–414. It is preferable not to split research outputs. In the second volume of 2009 a very long contribution, approximately 50 pages, was published. It is submitted that the same could have been done with Sutherland's research.

Business aspects

The journal's regular print run during the period under review was 315 copies per issue; it is published by Juta & Co Ltd. Both production and distribution are outsourced. The journal does not carry paid advertising but does carry unpaid advertising. It also receives financial sponsorship.

At the end of the period under review the journal has 154 paying subscribers (hard copy), one electronic and 27 subscribers to all electronic journals, as well as those who subscribe to the *Stell LR* on Sabinet (no number available, but their subscriptions amounted to R33 556.80). At the same time its subscribers to the hard-copy publication include 190 organisations and 34 individuals. The journal appears online as part of commercial e-publication service.

The house style guide and policy read as follows: "Copyright in material submitted to the *Stell LR* shall remain with the author(s). By accepting an offer to publish material in the *journal*, authors shall grant to the editors and publishers a perpetual, exclusive, irrevocable, free and royalty-free licence to publish, reproduce and distribute the material, in substantially the form submitted, in the *Stell LR*, however disseminated (including on the internet), and to use the material in whole or in part for the purposes of advertising and promoting the *journal*. By accepting an offer to publish, authors agree not to publish the material elsewhere without prior written permission from the publishers. The author(s) may use an abstract or introductory paragraph of the published article on a non-commercial website (i.e. a website providing free information only, by way of promotion of the author's research, practice or business). Any reproduction of material published in the *journal* shall be attributed to it as follows: (issue year) volume number *Stell LR* page number, © Juta & Co".

An English abstract is mandatory. The editor would be interested in the journal being added to the ASSAf's SciELO-South Africa open access platform, subject to proper consultation with Juta & Co about the terms on which such inclusion can be effected.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform subject to consultation with its publisher about the terms on which this can be done.
- III. The editor/editorial board should seriously consider the suggested improvements.
- IV. In addition, the Panel believes that the journal has excellent editors and that it publishes excellent, scholarly research. The international editorial board contributes to its status.

4.4 Human Rights A

4.4.1 African Human Rights Law Journal

Focus and Scope: As democratic practices and the protection of human rights struggle to become rooted in Africa, and more institutions dealing with human rights on the continent are being established, the *African Human Rights Law Journal (AHRLJ)*, a peer-edited journal, records and interprets developments in this area. The journal deals with topics relating to human rights that are of relevance to Africa, Africans and scholars of Africa. In the process, the *AHRLJ* hopes to contribute towards a jurisprudence rooted in African soil. The *journal* appears twice a year. Recent articles have dealt with the death penalty; corruption; the rights of the child; and the New Partnership for Africa's Development (NEPAD).

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: Editing of the *AHRLJ* is normally handled by staff members of the Faculty of Law at the University of Pretoria. In one issue, two guest editors were used for a special 'focus'

section on law, religion and human rights in Africa. The guest editors were both from Emory University School of Law of which one is an eminent scholar of high international standing.

Currently there are five co-editors editing the journal. In the past, there were two editors and they were later joined by the other editors. Of the initial two editors, one has been at the editorial helm of the publication since its inception while the other editor is now the chairperson of the international editorial advisory board of the journal. Both editors are scholars and academics who enjoy a high standing internationally, have an NRF-rating and whose academic and editorial work have always been of the highest calibre. As far as could be established, the rest of the editors are relatively junior academics.

The international editorial advisory board consists mainly of distinguished international scholars and judges' e.g. a former judge at the Constitutional Court, a judge of the African Court on Human and Peoples' Rights and a judge of the International Court of Justice. As the focus of the journal is not purely local, the high number of international experts on the advisory board is indispensable.

Questionnaire: The *AHRLJ* has been published since 2001 and has never experienced any interruptions in publication. The number of research articles published was 79 and reviews, six. Approximately 180 manuscripts were received in the same period. Manuscripts rejected without peer review numbered about 60. Approximately 70% of published papers had at least one author with a non-South African address. The number of peer reviewers approached for each manuscript is two or three. In the same period about 60 peer reviewers were used, and 60% of these had non-South African addresses. Peer-review reports are accessibly retained in the records. The average lead time for the journal to appear in both print and on the web is six months. The journal is published twice a year, in May and November, but sometimes appears a few weeks late.

The editor has held that position for nine years, and was appointed by the Centre for Human Rights executive; subsequent editors were appointed by existing editors and approved by the faculty board. The term of the editor is open-ended.

The editorial board members handle peer review of individual manuscripts and also advise on editorial policies and practices. They are not appointed competitively, i.e. following advertisement and a selection, and their term of office is specified. These board members are from inside and outside the country and are appointed to provide specific topical expertise.

Editorial guidelines appear in each issue and a conflict-of-interest policy is applied *ad hoc*. The editorial policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. The *errata* are published in principle, if of a substantial nature.

The *AHRLJ* contains value-adding features such as editorials, news and views (i.e. recent developments) and book reviews. All published pages in each issue represent peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the contributions varies between and within issues. Some of the contributions are excellent while others are average. Most are good. Considered overall and on average, the standard of the contributions is good. Most of the contributions are original and well written. The contributions are all of a good length and the analyses in the contributions are of sufficient depth. Furthermore, most of the contributions cover highly topical issues that have real significance within the South African and African context.

The *AHRLJ* appears twice a year. The issues have a fairly consistent size and do not vary dramatically from issue to issue. Each issue contains between 12 and 20 contributions. Most of these take the form of articles or long notes with references to authorities. Some enrichment features, such as editorials; book reviews; and reports on and reviews of proceedings, symposia or meetings and recent developments are also included. Sometimes a note takes the form of an academic response to an earlier contribution by another author, also with reference to authorities.

Every issue contains one editorial and between one and three book reviews. Lately, three reviews of recent developments have also been included. Each issue contains between ten and 15 articles and long notes with citations. Thus, between 20 and 30 articles and long notes are published per annum. This is a very good figure for a journal of this nature.

The *AHRLJ* deals with a very particular, specialised field of law, has a particular, regional focus, and is, in fact, the only journal with this focus. It attracts manuscripts from authors all over the world. Because of rigorous peer review and high editorial standards, it succeeds in attracting and publishing some of the best work done in South Africa and on the African continent in this field. A sign of the high standards employed by the journal is that it accepts fewer than half of the manuscripts submitted for publication.

Another commendable aspect is that it publishes not only contributions dealing solely with human rights law but also those that are multi-disciplinary. In one of their editorials the editors indicated that they 'hoped' to maintain a balance between contributions that clearly deal with human rights law, and those that go beyond legal strictures' (2007, no 7, p vii). Thus far the editors have largely succeeded in maintaining the balance they hoped for.

As indicated above – and as the name suggests – the journal has an African, as opposed to a purely South African focus. It publishes contributions dealing with human rights, with a special focus on topics of relevance to Africa, Africans and scholars of Africa.

Apart from the high editorial standards and its particular focus, another major strength of the journal is the spread of the authors. The *AHRLJ* publishes contributions by authors from an impressively varied legal background in so far as geography, academic level and occupation are concerned. The authors include a teaching and research assistant, postgraduate students, law clerks, practitioners, a United Nations adviser/consultant, a political affairs officer, a principal state law adviser, a judge of the Constitutional Court, academics at all levels from lecturer to senior professor, and even the deputy registrar of a university. The authors are based in South Africa, other African countries, the United States of America, Canada, the United Kingdom, Europe and Australia. Most authors have foreign addresses.

A large number of the authors are former students taking the LLM (Human Rights and Democratisation in Africa) degree offered by the Centre for Human Rights at the University of Pretoria in association with its partner universities, such as the University of the Western Cape and Makerere University in Uganda. A number of the authors and co-authors are doctoral students at various local, African, American, Canadian, Australian and European universities and universities in the United Kingdom.

Human rights discourse in academic journals is a very highly developed discourse internationally. It would be unrealistic to expect the *African Human Rights Law Journal* to compete on a level playing field with long-established international journals on human rights. What one can say, however, is that from an African regional perspective, the *AHRLJ* from time-to-time carries some of the best written work in the field. It is also important to bear in mind that the *AHRLJ* came after the *South African Journal on Human Rights (SAJHR)* had already established a reputation as a leading human rights journal in South Africa and that leading commentators on human rights in South Africa have, on the whole, tended to publish in the *SAJHR*.

The *AHRLJ* has a refreshing focus on human rights challenges pertaining to Africa as a region. In this regard, it has admirably filled an important gap. Unlike the preponderance of South African law journals, the *AHRLJ* stands out in focusing on the region and not just South Africa.

The *AHRLJ* does extremely well in attracting authors from the African continent and not just South Africa.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The *AHRLJ* includes a number of enhancement features. Every issue begins with an editorial, which sketches recent local and regional developments and events that form the background to the issue, such as the xenophobic attacks in South Africa, new appointments at the African Commission on Human and Peoples' Rights, the possible relocation of the seat of the Commission, and so forth. The editorial is also used to highlight specific topics on which contributions are sought, such as maternal mortality. The peer reviewers for contributions to the particular issue are also identified in the editorial. Finally, *errata* are published at the end of the editorial.

Normally, each issue contains contributions on a wide variety of topics. However, one of the issues in the period under review contains a number of articles on law, religion and human rights in Africa in a so-called 'focus' section. An additional enrichment feature in that issue has an introduction written by the guest editors of the 'focus' section.

The journal also features book reviews and reviews of recent human-rights developments regionally and sub-regionally. The activities of the African Committee of Experts on the Rights and Welfare of the Child are also regularly reviewed.

During the period under review, all the contributions were written in English. All the articles and most notes were accompanied by summaries of varying length in English. These summaries are a very handy feature.

Where necessary, *errata* are published at the end of the editorial. Due to the high standards maintained by the editorial team, *errata* are infrequently needed. During the period under review, they were published only once.

The *AHRLJ* has a consistent and logical citation style and practice. The editors uphold high standards in applying the prescribed style.

The presentation, layout and style of the journal are attractive and reader-friendly, both in print and in electronic format. The copy-editing interventions employed by the editors are of a high standard. Indeed, the whole package of presentation, layout, style and editing is tidy, professional and pleasing.

Usefulness in capacity development, and international comparability

Consensus review: The *AHRLJ* is eminently suitable as a general, on-going stimulus for local and international graduate students and young staff in the discipline. The authors and co-authors of publications in the journal include a large number of doctoral students and lecturers from South Africa and abroad, which indicates the journal's success.

It is well-established and respected. The quality of the contributions and the editorial input is high. The *AHRLJ* is comparable to similar international journals with a regional focus.

Suggested improvements

It is recommended that, in future, all articles and notes should be accompanied by summaries, as these are a very handy feature indeed. At present the length of the summaries varies greatly. Perhaps consideration could be given to setting a fixed standard regarding the length of the summaries.

Publish abstracts in French and Portuguese in order to reach out to Francophone and Lusophone Africa.

The journal should seek and include articles from North Africa.

Business aspects

The *AHRLJ*, has a regular print run of 650 copies per issue. It is published by Juta Law, which handles both production and distribution. It does not carry paid or unpaid advertising. The number of paying subscribers for print copies is 137 subscribers (including agents) and 341 units. Stand-alone online: One (other copies distributed through Centre networks). The subscribers are 35% institutions, 10% individuals and 55% agents (the breakdown of agents' customers is unknown).

The journal appears free online on CHR's website, www.chr.up.ac.za. It is also part of Sabinet and HeinOnline's suites and also forms part of Juta's Electronic Journals (intranet, internet and CD Rom) and is sold as a stand-alone electronic publication.

The journal has never received offers to purchase from multi-national publishers. Copyright vests in publishers and editors in equal shares.

The *AHRLJ* is indexed in IBSS. It has never been independently peer-reviewed before. Publisher needs to see project description and discuss before accepting inclusion on SciELO-South Africa open access platform.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor should seriously consider the suggested recommendations.

4.4.2 *South African Journal on Human Rights*

Focus and Scope: Founded in 1985 and currently in its twenty-eight year of publication, the *South African Journal on Human Rights (SAJHR)* is the leading South African public law journal, publishing scholarship of the highest standard from southern Africa and from around the world. It publishes articles, notes and comments and book reviews on topics of relevance to southern Africa and dealing with human rights, legal philosophy, constitutional and administrative law, freedom of information, law and development and public international law. Submissions taking an interdisciplinary and/or empirical approach to these subjects are particularly encouraged.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The *SAJHR* is published by Juta for the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand.

Editing is handled by staff members of the School of Law at the University of the Witwatersrand. One of the editors is a former staff member of the Wits School of Law. She is now a Research Fellow at the University of New South Wales.

Generally, a team of editors edits each issue. Sometimes the services of a guest editor and one or more of the usual editors are used for special issues of the journal, i.e. guest editor for the special issue on 'Sexuality and the Law', guest editor for the special issue entitled 'Focus on the Judiciary'. The special issues that appeared during the period under review were 'Substantive Equality', 'Sexuality and the Law', 'Focus on the Judiciary' and 'Women and Social and Economic Rights'. One special focus section appeared during the period under review. It was published in the last part of 2008 and was entitled 'Rights and Regulation'.

The editors of the journal are of a mixture of senior, respected and experienced South African scholars (some with considerable international recognition), and junior academics. The editors have a great deal of experience in editing, not only this journal but also books published by reputable publishers. The editorial work performed by the editors of the journal has always been of the highest standard.

The editorial board of the journal comprises mainly distinguished local academics with high regard internationally, all of whom have NRF-ratings. Other members of the board include a previous deputy prosecutor at the International Criminal Tribunal for Rwanda, a senior and highly regarded advocate and a judge of the High Court.

Questionnaire: The *SAJHR* has been published for 29 years with some significant interruptions in 2009/2010. In the period under review, it published 90 articles, ten case notes, ten reviews and four lectures/tributes. About 194 manuscripts/articles were received and 54 were rejected without peer review. About 21 out of 90 papers published had at least one author with a non-South African address. Two reviewers are approached for each submitted manuscript. About 46 peer reviewers were used in the past three years and four out of 46 had non-South African addresses. Peer-review reports are accessibly retained on record. The average period between receipt of a manuscript and appearing in print is eight months and seven months until it appears on the web.

There are three issues per annum and they appear on given dates. The journal has an editor (managing editor) – who was not appointed competitively – and an editorial committee. The role of the managing editor changes every year. The editorial board members (editorial committee) are also not appointed competitively and there is no fixed period to their appointments. The editorial board members handle peer review of individual manuscripts and give advice on editorial policies and practices.

The journal publishes editorial guidelines and does not have the conflict-of-interest policy, but there is an informal discussion and resolution of these issues when raised by editors. The journal's editorial and policy guidelines are not specifically aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review* but the editorial board did participate in establishing law journal best practice some years ago, and are in line with these. *Errata* are published. The *SAJHR* contains no correspondence on published articles but publishes book reviews, editorials (very occasionally) and news and views. Of each issue, 90% is peer-reviewed, original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the published contributions is high. Some of the articles contain ground-breaking research or offer analyses and approaches that are novel in the South African context. Most are challenging, well-written, well-argued and well-edited. They are all of a good length and the analyses in them are of sufficient depth. Furthermore, most of them cover highly topical issues that have real significance within the local, sub-regional, and even the international context.

The *SAJHR* is the leading South African public law and human rights journal. It is the outlet of first choice for senior academics with an interest in the field. The object of the journal is to publish research of the highest standard for a worldwide readership and succeeds admirably. One indication of the quality of its contributions and its high standing is that it is, by some margin, the most frequently cited SA law journal according to Washington and Lee University's study of most-cited law journals (<http://lawlib.wlu.edu/LJ/index.aspx>, accessed 4 February 2011). Incidentally, the *African Human Rights Law Journal* is the second most frequently cited and the *South African Law Journal* the third.

The journal appears three times a year. Usually, one issue is devoted to a special theme. In 2007 there were two special issues.

The issues have a fairly consistent size. On average, each contains six articles. During the period under review, between 15 and 22 articles were published each year. Usually, two to four notes and overviews of current developments, with references to authorities, are included. However, in issues with a higher than average number of articles, such contributions are often omitted to keep the size of the issues consistent. The above numbers are acceptable for a journal of this nature.

This journal deals with a particular, specialised field of law. Through rigorous peer review and high editorial standards, it attracts some of the best work done in this field, offering, as pointed out above, ground-breaking research, and analyses and approaches that are novel in the South African context.

The *SAJHR* publishes contributions dealing with human rights, legal philosophy, constitutional and administrative law, access to information, law and development, and public international law. It focuses mainly on South African legal issues, but occasionally includes contributions on the southern African region.

A very commendable aspect is that it includes not only contributions dealing solely with the law but also those that are inter-disciplinary and/or multi-disciplinary, as well as quantitative and qualitative empirical studies.

Most of the authors are established, senior academics from the major South African universities (Wits, UP, UCT, UKZN, SU, UFS and UJ) or are associated with them. Examples of the latter are the executive director and the head of litigation and legal services at the Aids Law Project, who are, respectively, an honorary senior research fellow and an honorary research fellow at the Wits School of Law; a director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law, who is a senior research associate at the Centre for Human Rights at the University of Pretoria; and an executive director of the Socio-Economic Rights Institute of South Africa, who is a visiting fellow at the Wits School of Law. Contributions by more junior academics are also published, but they are in the minority.

Occasionally, contributions by practitioners and judges are published (two of each during the three years under review). One contribution by a candidate attorney and one by a foreign research assistant, as well as two articles and two notes by doctoral candidates were published during this period.

The foreign authors who published in the journal during the period under review are from Africa, the UK, Ireland, the USA, Canada, India and Europe. These authors range from senior professors to a foreign research assistant.

The *SAJHR* compares well with some of the best journals on human rights that are national rather than international journals. However, it would not be comparing like with like to compare *SAJHR* with the best international human rights journals, as creating a platform for international

human rights discourse that is not pegged to a specific country is not an objective that it set out to achieve.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The journal publishes some enrichment features, including book reviews and occasional statistical overviews and discussions of the jurisprudence of the Constitutional Court. Most issues contain at least one book review.

Normally, each issue contains contributions on a wide variety of topics. There have been several special issues and one containing a 'focus' section during the period under review. These contain additional enrichment features in the form of introductions and, for one special issue, entitled 'Focus on the Judiciary', a preface by a former chief justice.

An index and the list of reviewers are published in the last issue of each year. The editorial policy requires that all contributions be written in English. All articles are nevertheless accompanied by abstracts.

Owing to the high standard maintained by the editors and publishers, *errata* are infrequently needed and there was none published during the period under review. The journal has a consistent and logical citation style and practice and the editors uphold high standards in applying the prescribed style.

The presentation, layout and style of the journal are attractive and reader-friendly, in both print and electronic format. The copy-editing is of a high standard.

Usefulness in capacity development, and international comparability

Consensus review: The *SAJHR* is suitable as a general, on-going stimulus for graduate students and young staff in the discipline as it contains the best work in the field in the country. Because this is the leading journal in the field in South Africa, graduate students and young staff in particular can use the journal not only as a primary source of reference but also as a source for ideas for their own future research. The quality of the contributions in the journal ought also to inspire graduate students and young staff to strive for the best when they undertake their own research.

The journal is well-established and respected. The quality of the contributions and the editorial input is high.

Business aspects

Juta & Co takes full responsibility for production and distribution. The journal does not carry either paid or unpaid advertising and does not receive financial sponsorship. It has about 391 paying subscribers for the print copy, of which 316 are organisations. There is no online edition. Copyright in the journal vests in the editorial committee and the publisher. It is indexed in Thomson Reuters Web of Science (WoS) and has never been independently peer reviewed before.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals (over and above its entitlement to this, under policy as an ISI-indexed periodical).
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.

4.4.3 SA Public Law/SA Publiekreg

Focus and Scope: *SA Public Law (SAPL/SAPR)* is published by VerLoren van Themaat Centre for Public Law Studies at the University of South Africa.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: During the period under review the journal was edited by three co-editors who have good standing in South Africa and some international recognition. One of them has an NRF-rating. At present, the journal has one editor assisted by a language editor and the typesetter.

The journal's editorial board consists of the editor, various senior professors from South African universities, two emeritus professors from South African universities and one foreign professor. Two members of the editorial board have NRF-ratings. They and several of the other board members have a high standing in South Africa.

Questionnaire: The journal has been published for 24 years (1985–2009) and 48 issues have appeared (in 2004 it was published in three parts to accommodate various seminars and conferences). There have been no interruptions at all.

The number of published peer-reviewed contributions: full-length articles 56, journal 21, South African (and some foreign) case discussions 15, total 92. The editor does not have precise records of rejected manuscripts as they are not retained and the records are not complete either. The editor is not aware how many manuscripts were rejected without peer review. In theory (and in practice) the editorial committee should have a 'preliminary screening process' to determine whether submitted articles, notes, etc. do fall within the specific subject range serviced by the journal. This matter is under discussion at present. The majority of authors have a South African address (the exact percentage was not established). However, there were four authors with non-SA addresses.

Although ideally (and in line with ASSAf 'rules' the number of peer reviewers should be two) in reality and as a result of increased administrative pressures at universities leaving potential reviewers pressed for time, they are at present – and have been for the past year or two – using only one reviewer per article, note, etc. Also, as is the case with international law – the pool of experienced public law experts in the country is somewhat limited. Where an article is rejected or considerable amendments are recommended, the review is returned to the author and the option of obtaining a second blind review is offered. Unfortunately this 'reality' seems to be on the increase.

The number of peer reviewers used in 2006 were six. Only two reviewers had non-South African addresses (when articles from Nigerian contributors were reviewed – unfortunately the Nigerian peer reviewers wanted to review both articles). Peer-review reports are not entirely accessibly retained in the records – since the current editor took over she has tried to keep the reviews on record of some kind – hard copy or computer – but because of Unisa changing computer programmes, various crashes of computers, etc., she does not have records from the older editions. They are in the process of instituting a more structured administration. Ideally a dedicated individual should be appointed to administer the peer-review system as it features prominently in the requirements.

The period between receipt of a manuscript and its publication varies – the articles for the current year (e.g. 2009) are received throughout the year (and sometimes articles are 'rolled-over' from the previous year for a particular part the next year). Ideally, however, the whole process of receiving an article, peer reviewing, correspondence and editing should be completed within three to four months, since the journal comes out twice a year. The print version of the journal usually appears six weeks after submission camera-ready via e-mail to the printers. The electronic version (Sabinet) is sent as soon as the print version is available and appears virtually immediately.

As mentioned, the journal is published bi-annually. Issues are not pre-scheduled to appear on given dates; publication depends on when the contributions are received. As a bi-annual publication it has appeared in the same year, but there have been exceptions in recent years and the second part of some editions appeared only early the next year.

The editor has been editing the journal since 2005. In general, members of the editorial board are not involved with peer review, although one or two members of the board are occasionally approached to handle peer reviews.

Board members do not give advice on editorial policies; this constitutes a serious void in the process which needs attention (apart from the fact that the editorial board needs reconstitution desperately to be more representative; this is another matter to address in the foreseeable future).

The editorial board members are appointed by and large from inside the country; there are some specific experts now resident outside of the country. However, see above on the reconstitution of the board. They are all subject specialists in public law and its various sub-fields.

Note: The journal is a publication of the VerLoren van Themaat Centre for Public Law Studies (Unisa). On its establishment it was stipulated that the editor would be from the Centre/Department for purely practical reasons.

It was further decided that as the publication is subject and country-specific (more recently region), the editorial board would comprise the professors of international law (read public law in the case of *SAPR/SAPL*) from South African universities and the journal has retained this policy.

As stated above, the editorial committee needs to reconsider the membership of the editorial board to make it more representative. This process has been set in motion. The committee sets out the journal's editorial policy and guidelines for authors as well as guidelines for all contributions. It is also spelt out that the journal is peer-reviewed.

The editorial committee has always followed the spirit of the ASSAf guidelines within the limits allowed by the nature of the journal and the pool of available expertise – they diverge from the guidelines in that they have only one peer reviewer per article except in exceptional cases as indicated above.

The committee would have to admit that, given the fact that the editorial function (actual editing and preparation of the journal) and record-keeping, among other things, are essentially performed part-time, their record-keeping is not of the highest possible standard.

Errata are published, particularly when the institution of a contributor was inadvertently not published. However, publishing *errata* are fortunately not a regular occurrence. Only on special occasions are value-adding features published – for example when a third 'part' is published dealing with proceedings of a seminar or conference.

Most of the articles published are topical as they address the pressing needs and current developments of SA and the African continent (See for instance the number of articles on environmental matters). (See also the journal contribution on 'Land Matters' which is a comprehensive overview of developments in the sensitive area of land redistribution and related matters.)

Approximately 95% of pages represent peer-reviewed original material (only the regular 'journal' contributions entitled 'Onrus en Geweld' and 'Land Matters' are not peer reviewed).

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The levels of experience, expertise and skill of the authors vary between and within issues. The authors are mainly academics, particularly lecturers and senior lecturers. A number of associate professors and professors and a few (senior) research or scientific associates or fellows also publish in the journal. Other authors include doctoral candidates and teaching and research assistants, a principal state law adviser and one senior counsel at the World Bank. The quality of the majority of the contributions varies between average and good, with the occasional very good contribution being included. Considered overall, the standard of the contributions is acceptable. Most of the contributions are topical and relevant in the South African context.

The *SAPR/SAPL* appears twice a year. Most of the contributions take the form of articles, whose number (between nine and 21 per annum) varies considerably between issues and between years. Unfortunately the number of articles published is not consistently good.

Around six to eight notes with references to authority are published annually. Every year four overviews – not peer-reviewed – of recent developments are also included. One of these overviews (i.e. 'Onrus en Geweld') is always in Afrikaans. One issue, which contains the proceedings of a symposium entitled "States of Statelessness: Politicide and Constitution in the African Postcolony", includes an introduction on the symposium. The number of notes and overviews of recent developments published annually is good, but it is a pity that not all of them are peer-reviewed.

Although *SA Public Law/SA Publiekreg* is the only journal in South Africa that focuses solely on public law, it does not seem to be the publication outlet of first choice for many academics of a high national and international standing in the field. The inconsistent number of contributions it publishes and the large number of contributions by lecturers and senior lecturers seem to

reflect a lack of desire on the part of senior academics to publish in the journal. However, the journal does occasionally contain samples of the best work done in the field nationally.

Generally, *SAPR/SAPL* focuses on South African issues relating to public law, but comparative law is sometimes included. Furthermore, some of the contributions in the issue containing the proceedings of the symposium "States of Statelessness; Politicide and Constitution in the African Postcolony" have a broader focus and are multi-disciplinary or interdisciplinary in approach. In fact, two of them are out of place in a law journal, as they deal solely with issues of general philosophy and political theory.

The spread of authors varies between issues. Several issues are skewed in favour of members of the Unisa Law School, the parent institution. Authors from other South African universities do, however, contribute regularly and a few international authors have also published in the journal. Among the latter are one senior counsel at the World Bank, a lecturer from Uganda, a Belgian scientific associate, a lecturer from the Netherlands (who, incidentally, published two contributions in a single issue) and a senior research fellow from Germany.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The enhancement features in the journal are regular overviews of recent developments, the occasional symposium overview, case notes and book reviews.

Unfortunately abstracts or summaries are very rarely published. This is so not only in respect of Afrikaans contributions but even of the single Flemish contribution. *Errata* were published only once during the period under review.

The journal has a consistent and logical citation style and practice. Though the application of the rules of citation seems to vary between the co-editors, the standard is good on the whole.

The presentation, layout and style of the journal benefited from a recent overhaul. The appearance is now more attractive. The quality of the copy-editing varies between contributions, possibly owing to the different levels of skill of the various co-editors. This is especially true regarding grammar and punctuation. On the whole, the standard is acceptable.

Usefulness in capacity development, and international comparability

Consensus review: *SA Public Law* is suitable as a general stimulus for local graduate students and young staff, as is evident from the large number of lecturers and senior lecturers who publish in it.

It is comparable to international journals that aim to offer young staff an opportunity to gain experience in publishing their research, and which occasionally publish conference or symposium proceedings. The fact that some senior academics also publish in *SAPR/SAPL* should be an incentive for junior staff and staff inexperienced in writing for publication to do their best when they prepare manuscripts for publication in it.

SA Public Law has made a very positive contribution to the discipline of public law in South Africa, and the fact that some of the most pressing and topical public law issues have been addressed by contributions to *SAPR/SAPL* make it a good learning resource for graduate and postgraduate learners.

Suggested improvements

The editors, with limited administrative and financial assistance, are struggling to publish a journal that meets the requirements for accreditation and should be commended for their dedication to fulfilling their task. Nevertheless, publication needs to be expedited. At the time of this review the last issue was 2009 (2). Thus the journal is a year behind schedule. However, there has been an improvement in this regard and the 2013 editions were published on time. Furthermore, greater consistency is needed regarding the number and quality of articles and other contributions published in each issue. In view of the limited number of suitable manuscripts received and the administrative and other obstacles faced by the editors, it is suggested that consideration be given to changing the frequency of publication of the journal to once a year. Changing the journal to an annual publication would also alleviate the burden on the

limited pool of peer reviewers, which has resulted in only one peer reviewer being used per manuscript. Using two peer reviewers for each contribution should contribute to increasing the quality of the contributions that are eventually published. It would also reduce the editors' record-keeping burden, which seems to present problems at present.

All articles should have abstracts or summaries.

It is suggested that consideration be given to standardising the biographical information of the authors. It would be useful if the following information were included for all authors: Name and surname, academic qualifications, institutions where qualifications were obtained, current occupation and level (e.g. senior lecturer, adjunct professor) and institution where the author is employed.

Broaden the appeal of *SAPR/SAPL* so as to attract more contributors from outside South Africa, especially the African region.

The editorial board should be internationalised.

A double blind peer-review system should be seriously considered.

Business aspects

The journal's regular print run is 200 copies per issue. The editors do all the language editing with the assistance of an in-house language practitioner. Typesetting is done in the VerLoren van Themaat Centre (VVT) Centre for Public Law Studies, provided print-ready on disc to Unisa Press, and distribution is handled by the VVT.

The journal doesn't carry paid or unpaid advertising, and receives no outside financial sponsorship, although it is currently dependent on in-house support from the VVT Centre for Public Law Studies. The number of paying subscribers is 140, of which 80 are organisations and 60 individuals.

The journal is part of the Sabinet commercial e-publication service. The journal's total income per annum is R30 000. The total expenditure is R35 000 (The journal is subsidised by the *South African Yearbook of International Law (SAYIL)*, which is also published by the VVT Centre.

The journal has never received offers to purchase from multi-national publishers, and is certainly not for sale. The copyright vests in the journal. The editorial committee, however, follows the policy of allowing free reproduction of requested articles for academic purposes both locally and abroad. The publication of English abstracts is not mandatory, although they do concede that it should be. However, the majority of articles are in English.

General comment

The editorial committee are in consultation with the advertising section of Unisa Press to assist them in increasing the circulation numbers of the journal through expanding the pool of contributors through canvassing contributions from public lawyers throughout southern Africa. They believe that the journal serves a useful purpose in disseminating useful and intellectually stimulating articles and notes, while contributing to the body of knowledge and theory on public law in southern Africa.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the recommendations of the reviewers.

4.5 Human Rights B

4.5.1 Law, Democracy and Development

Focus and Scope: *Law, Democracy & Development (LDD)* is aimed at legal practitioners, academics, social scientists, students and all others engaged in the formulation and implementation of development policy within the framework of a democratic constitutional order.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editor-in-chief and members of the editorial board all enjoy high national and international standing (five of the eight members of the board are respected scholars from outside South Africa). This increases the *LDD*'s standing and reputation as a leading academic journal. The practice of assigning specific editors from a larger pool of editors may account for some inconsistencies in the style and copy-editing. The role of the editorial board is not very clear.

Questionnaire: The journal has been published for 12 years, without significant interruptions in publication. During the period under review 33 peer-reviewed articles and ten reviews (Forum articles) were published. In the same period 63 manuscripts were received, and of these six were rejected without peer review. Three published papers, it appears, had at least one author with a non-South African address.

Usually two peer reviewers are approached for each submitted manuscript. In 2006, a total of 18 peer reviewers were used, of whom six (approximately 33%) had non-South African addresses. Peer-review reports are accessibly retained in the journal's records.

The average period between receipt of a manuscript and its publication in print is around eight months. The journal is published twice a year. Journal issues are pre-scheduled to appear in given months (May and November), and in general this schedule is adhered to.

The editor has been editing the journal for six years. The editor was not appointed competitively, and the appointment terms are indeterminate (they operate on a part-time basis). Editorial board members are appointed based on academic seniority and/or expertise in relevant sub-disciplines within the journal's area of focus; and diversity (also in ensuring representation from outside the faculty). Their appointment period is indefinite. They are appointed from inside and outside the country to provide specific topical expertise. In principle, editorial board members handle peer review of individual manuscripts and advise on editorial policies and practices.

The journal publishes editorial and policy guidelines, and does not have a written conflict-of-interest policy but in practice it is avoided. The journal's editorial and policy guidelines have been aligned with the best practice guidelines developed by the national forum of editors of legal journals, based on the ASSAf code.

Errata are published, though few if any instances have occurred. The journal contains value-adding features, such as editorials, occasionally topical reviews and book reviews. On average, over 90% of pages in each issue contain peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles published in the *LDD* is generally very good and is a fair sample of the best work done in the field, in this country and abroad. In 2008, 11 articles, as well as three 'Forum' contributions, appeared; in 2009, 12 articles and one 'Forum' contribution were published. There were three editorials, but the listed articles appear only under and seem to relate to the third editorial. There is insufficient clarity as to how the three editorials (for three different issues) relate to the articles. The number of articles seems to be substantial enough.

The focus on local and regional materials is indeed one of the strengths of the *LDD* – that it engages with and interrogates contemporary issues of particular concern to the socio-economic reality of not only South Africa, but the African continent generally.

Contributors include academics from a wide range of South African universities, as well as some practitioners, and extend to authors from other African states such as Benin, Nigeria and Zambia. In some issues, 50% of the published articles were from authors with an affiliation with the UWC. However, in other issues, the impression of dominance by UWC authors is dispelled.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: Apart from articles, some issues also contain 'Forum' contributions. The difference between these two categories is that 'Forum' contributions are not peer-reviewed. However, it is not consistently clear in which category a particular contribution falls. Greater care should and could have been taken to specify in which category contributions, such as the Dullah Omar Lecture by the United Nations High Commissioner for Human Rights fall. Editori-

als are also provided, mostly containing a summary and contextualisation of the content of the articles in a particular issue.

Articles in the printed version are not accompanied by abstracts. This is perhaps regrettable, especially since the editors seem to be making an attempt to reach a broader audience of French-speaking and Xhosa-speaking readers. A brief English summary could have been consistently translated into French (and Xhosa). Without translated abstracts in French, the policy of providing editorials and editorial policy in French seem to serve little purpose, as Francophone readers would still have to read all articles in English. Without French abstracts, it is highly unlikely that the Francophone readership would be extended by providing some limited elements of the journal in French. In 2010, the inclusion of French features seems to have been abandoned. On occasion, the journal contains full translated versions of a limited number of Xhosa articles. However, it is not immediately apparent that the relevant English article is in fact a translation of the original Xhosa article (or, more accurately, 'Forum' contribution).

No publication of *errata* was observed. The citation practice is not good. The journal seems to use a combination of styles, by using both footnotes and a full bibliography. However, the information provided in footnote citations is often sufficient to locate the source. In fact, in most instances, the information provided in the footnote citation is exactly the same as that in the bibliography (See below).

There is room for improvement in the copy-editing to ensure consistency and information management especially online could benefit from attention.

In some instances, books are referred to in footnotes with reference to the publisher and place of publication. In other instances, only the book title and none of these particulars are provided.

The website references are inconsistent e.g. the use of term 'accessed' and 'accessed on', the use of square brackets and sometimes round brackets and references to journal articles differ.

There are concerns about the 'home-page' of the journal on the web, in that the layout is not very clear; there is a lack of obtaining a holistic view of volumes as a whole; there is no 'table of contents' for each volume.

Usefulness in capacity development, and international comparability

Consensus review: There are innovative and interesting articles that would guide young academics, and there is evidence of postgraduate and other students using the journal as an outlet for their research.

Law, Democracy & Development compares well with other journals dealing with social justice issues from a legal perspective, both nationally and internationally.

Suggested improvements

Although conscious efforts have been made to attract contributions from outside of South Africa, the editor should ensure that this is done more consistently.

Although *LDD*'s house style is available on its website, the editors, when copy-editing, should ensure consistent compliance with style guidelines.

The editor should consider having footnotes and full bibliographies at the end of articles. However, it is taken into account that bibliographies are necessary for citation statistics.

A clear indication should be provided of contributions in the 'Forum' category.

The journal's attempts at multi-lingualism should be encouraged. However, in addition to providing full Xhosa translations of full articles, consideration should be given to providing translated versions – into Xhosa – of all abstracts. The omission of French editorials seems a logical evolution.

Continued efforts should be directed towards making the website/on-line version more accessible, to ease 'navigation' and provide greater clarity of structure.

All manuscripts are blind peer-reviewed by at least two peer-reviewers and this should be stated clearly in the published editorial policies.

Business aspects

The regular print run of *LDD* is 375 copies per issue. It is published by Juta & Co, but both production and distribution are outsourced. No advertising, either paid or unpaid, is carried. It does receive some financial sponsorship.

It appears online as part of a commercial (pay-to-view and/or pay-to-subscribe) e-publication service. It has 55 paying subscribers. Approximately 269 subscribers are organisations and ten are individuals.

The journal has never received offers to purchase from multi-national publishers. Copyright vests in *Law, Democracy & Development*. If articles are not in English, 'front details' such as titles, authors, addresses, and English abstracts are mandatory. The editor is uncertain whether an invitation to include the journal in ASSAf's SciELO-South Africa open access platform would be accepted.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the recommendations.

4.5.2 Child Abuse Research in South Africa

Focus and Scope: *Child Abuse Research in South Africa (CARSA)* is the journal of the South African Professional Society on the Abuse of Children (SASPAC) and promotes academic and professional discourse among professionals involved in child-care work in South Africa. It publishes high-quality, peer-evaluated, applied, multi-disciplinary articles focusing on the theoretical, empirical and methodological issues related to child abuse in the light of the current political, cultural and intellectual topics in South Africa.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: Currently, the journal has an acting editor from the School of Psychology, UKZN and is assisted by ten professional advisers. This is a multi-disciplinary journal and the advisers come from a variety of disciplines interested in child abuse research. The advisers with a clear link to the legal field are respected names on the national scene. However, it is not clear what the role of these advisers is. All the advisers seem to be South Africans.

Questionnaire: *CARSA* has been published since 2000, and was accredited in 2004. It experienced some significant interruptions in publication until 2008. In the period under review, it published 45 articles, no letter-type articles and no reviews. Sixty-five manuscripts for articles were received. Four manuscripts for articles were rejected without peer review by the editor and 16 were rejected after peer review. Some published papers had at least two authors with a non-South African address. Two reviewers are approached for each submitted manuscript and 18 peer reviewers were used in the past three years. Of the 18 peer reviewers, none had a non-South African address. Peer-review reports are accessibly retained in the records. The average period between receipt of a manuscript and appearing in print is seven months in print and six months for those appearing on the web.

The publication frequency of the journal is biannual, being released in April and October each year. The editor, who has been filling that position since 2008, was selected during the EXCOM meeting of SASPAC for a period of two years and was reappointed in 2010 and again in 2012. The editorial board members are not appointed but also selected during the EXCOM meetings of SASPAC for a period of two years. The editorial board members' handle peer review of individual manuscripts and advice on editorial policies/practices.

The journal publishes editorial guidelines, but does not yet have a conflict-of-interest policy, which has been promised for 2014. The editorial and policy guidelines are not yet aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*, but this too has been promised for 2014. *Errata* are published. The journal does not contain any value-adding features such as editorials, news and views, book reviews or correspondence on published articles.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: It is clear that the strengths of this journal include its rootedness in South African reality and its multi-disciplinary nature. The contributions are mostly very sound, academically. Contributors use a variety of methodologies, ranging from literature reviews to quantitative studies, to shed light on aspects of child abuse. However, qualitative techniques and approaches are most often employed, thereby allowing phenomena to be explored beneath the surface.

The number of articles published is quite limited. In 2008, only one issue appeared, containing five articles. In 2009, the two issues together contained six articles. A slight increase has been noted in 2010, with ten articles appearing in the two issues. In addition to the small number of articles published, the brevity of the published articles should also be noted. The 16 articles in the four issues of 2009 and 2010, for example, made up a total of 195 pages, an average of some 12 pages each.

Given the limited scope of *CARSA*, it appears to publish some of the best work in this admittedly circumscribed area. At the same time, this is a genuinely multi-disciplinary journal. Contributors have filtered the issue under investigation through a wide array of disciplinary perspectives, including education, penology, psychology and criminology.

The journal has a particular focus on a child abuse and the contributions are in a particularly South African context.

In the period 2008–2010, no articles from internationally-based authors appeared. (There was one article by a Fulbright scholar based at the University of the Free State). The contributors work in a variety of South African institutions, with some in private practice. However, one institution seems to be over-represented, with ten of the 21 articles being written by academics with an affiliation to Unisa. It should be emphasised, however, that they are not from a single department or institute within Unisa, but represent a wide range of disciplines and departments. Another matter of concern was the recurrence of particular names in the same or across the range of issues and from further back to earlier issues.

In fact, the inclusion of two articles by the same (co-)author in one issue is in clear contradiction of the editorial policy, which states as follows: 'There should be an interval of at least two issues between articles published by the same author'.

As much as the relatively small number of authors reflects the specialised nature of the field, it also suggests an insular group of limited scope, and may create the impression of lack of access to younger scholars or 'outsiders'.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: No additional scholarly features appeared in the issues of the last three years. English abstracts are the norm. As the editorial policy states that English and Afrikaans are used as languages, and since an Afrikaans article appeared in the most recent issue, English abstracts seem indispensable. Although most of the abstracts provide a good, concise summary of the article, some are too terse.

No *errata* were observed. The journal follows the abbreviated Harvard technique of citation, with full references at the end of articles; sometimes endnotes are also added. On at least one occasion, the Harvard style was replaced by full footnotes. There are thus some minor inconsistencies between issues. The presentation, layout and style of the journal are excellent. Consistency has been observed. The publication looks attractive.

Usefulness in capacity development, and international comparability

Consensus review: Its suitability as a stimulus for local graduate students and young staff is not clear. Given its particular focus, this aspect of comparability with leading international journals in the field is difficult to assess.

Suggested improvements

The editors should ensure articles are drawn from a wider pool of contributors, for example by soliciting manuscripts (still to be peer-reviewed). Efforts should be made to counter any impression that the journal is dominated by a few individuals.

Consistency in style (for example, using the Harvard style of referencing, rather than footnotes) and in length of abstracts should be ensured.

Business aspects

CARSA is published by The South African Professional Society on the Abuse of Children. Production and distribution is outsourced. No advertising, either paid or unpaid, is carried, and no financial sponsorship is received. There are about 266 paying subscribers, of whom 116 are organisations and 150 individuals. There is no online edition. Copyright vests in the SAPSAC; decisions regarding copyright are determined by the editor. The editor and publisher would consider an invitation for inclusion in ASSAf's SciELO-South Africa as a free online, open-access journal.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor should seriously consider the suggested recommendations.
- IV. The editor should be encouraged to complete and submit the questionnaires.

4.6 Specialised A

4.6.1 *Annual Survey of South African Law*

Focus and Scope: The *Annual Survey* has been published since 1947. It was originally produced in collaboration with the School of Law of the University of Witwatersrand and now in collaboration with the Centre for Business Law at Unisa, the *Annual Survey of South African Law* is the original, authoritative annual review of the law in South Africa. It provides an exhaustive overview and analysis of the year's developments by renowned judicial experts and commentators in their fields. The publication has established a well-deserved reputation as the invaluable reference resource and record of the state of South African law in any given year.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The *Annual Survey* is published by Juta & Co for the Centre for Business Law at Unisa. The editor-in-chief's contract ended in January 2012 upon which a new editor-in-chief was appointed. Both previous and current editors-in-chief are held in high regard nationally and internationally and have a vast store of knowledge and experience in academia, publishing and editing. The editor-in-chief is assisted by two editors and an assistant editor who have NRF-ratings.

The editorial board of the journal consists of senior professors from various South African universities and prominent members or former members of the judiciary. The chairperson of the board, is held in high regard as an academic, being a B NRF-rated researcher who enjoys international recognition. He has a great deal of experience in and knowledge of editing and publishing. The other senior professors on the board are internationally recognised academics who hold NRF-ratings. The members and former members of the judiciary who serve on the board are a former deputy chief justice, a former judge at the Constitutional Court, a judge president of the North Gauteng High Court and a judge at the Supreme Court of Appeal. A senior and highly respected advocate also serves on the board.

Questionnaire: The *Annual Survey* has been published since 1947 without significant interruption. In the period under review, it published 32 letter-type articles per publication and no reviews. Thirty-two manuscripts for articles were received. Six of these were rejected, even though the authors are chosen as specialists and the manuscripts not unsolicited. The proportion of articles that had an author with a non-South African address is unknown. One reviewer and sometimes two are approached for each submitted manuscript. Seven peer reviewers were used in the past three years and of these, none had a non-South African address. Peer-review reports are not accessibly retained on the records. The average period between receipt of a manuscript and its appearance in print is ten months.

The publication frequency is annual. Its editor has been editing the journal for six years and was appointed on merit (not competitively) for an indeterminate period. The editorial board members are not appointed competitively, but on the basis of their academic standing or as members of the judiciary for indeterminate periods. The editorial board members handle peer review of individual manuscripts and advise on editorial policies and practices.

The *Annual Survey* publishes editorial guidelines and has the conflict-of-interest policy in place. The journal's editorial and policy guidelines are aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review* but, given its unique nature, the *Annual Survey* had to adapt to the 'blind' peer-review process. *Errata* publication has happened only once. Topical reviews are published, but no value-adding features such as editorials, news and views, book reviews or correspondence on published articles. All pages (100%) in every issue represent peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc,

Consensus review: There is one edition a year and the latest available edition is dated 2012. Each edition contains 31–33 high-quality review articles totalling 1 250 pages. There are comprehensive lists and references to cases and a table of cases. This is a good sample of the best work done in SA. Would it not be more appropriate for the journal to be classified as a book? The issue of subsidy for the publication of articles is noted but the DHET is looking at the subsidy issue for books. If the subsidy per book is increased, perhaps the publication would be more appropriately classified as a book. As the title implies, the focus is on SA Law. Authors are from across SA. However it is acknowledged that until the revised subsidy formula for books is approved it would be more appropriate to continue recognising the *Annual Survey* as a journal.

The *Survey* takes the form of an overview and analysis of developments in the main branches of South African law during the previous year. Each branch is discussed in a separate chapter/article with references to authorities. The quality of the contributions varies within volumes. Some of the contributions are very insightful, while others are mainly descriptive. Considered overall and on average, the standard of the contributions is high.

The *Annual Survey* has a very specific focus and is the only journal of its kind in the country. Because of its nature, the contributions cover a great number of statutory instruments and case law. The number of developments which must be covered necessarily limits the scope of the analysis of each development. However, this does not mean that novel interpretations, good insight and penetrating analyses are absent. Many of the contributions reflect samples of the very good work being done in the country.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: There are no additional scholarly features and no abstracts. Suitable publication of *errata* is unknown. The presentation, layout, style and citation practice are good, both in print and in electronic format. The copy-editing is of a high standard.

Usefulness in capacity development, and international comparability

Consensus review: This journal is eminently suitable as a general on-going stimulus for local graduate students and young staff in the discipline. As it is the only journal that is devoted exclusively to a review of South African legal developments during the preceding year, it serves the very valuable purpose of being the first port of call for local and foreign researchers who want an overview of recent South African developments and/or are searching for topics for further research on South African law. Furthermore, the literature list that appears at the end of each chapter/article enables students and researchers to identify current literature dealing

with topics which might be suitable for further research. It would be even more useful if publication were up to date.

Suggested improvements

Consider whether the 'journal' should not rather be a 'book'. The publication would be more useful if it were more up to date. It is acknowledged that until the revised subsidy formula for books is approved, it would be more appropriate to continue recognising the *Annual Survey* as a journal. The present subsidy formula will greatly hamper the viability of this journal.

It is recommended that consideration be given to standardising the biographical information of the authors.

Business Aspects

The regular print run is approximately 750 copies. The publisher, Juta & Co, takes full responsibility for production and distribution. The *Survey* does not carry either paid or unpaid advertising and nor does it receive financial sponsorship. There are about 700 paying subscribers. These include all universities and most of the larger firms of attorneys, members of the bar and the Department of Justice. The journal appears online for Juta subscribers only.

Articles are in English. The journal has been independently peer-reviewed for DHET inclusion. The editor and publisher would consider an invitation for inclusion in ASSAf's SciELO-South Africa as a free online, open-access journal.

Panel's consensus view

- I. **The journal should rather be published as a book. However, it is acknowledged that until such time as the revised subsidy formula for books is finally approved it would be more appropriate to continue recognising the *Annual Survey* as a journal.**
- II. **In the event that the above recommendation fails, it should continue to be listed on the DHET list of accredited journals.**
- III. **The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.**

4.6.2 *Acta Juridica*

Focus and Scope: This peer-reviewed annual thematic journal is published by the Faculty of Law of the University of Cape Town through Juta & Co. Each year a current legal issue forms the focus.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: *Acta Juridica* does not have an editorial board. It has an editor who is appointed by the UCT Law Faculty board for a six-year term. Each annual volume of *Acta Juridica* deals with a specific theme and each volume is edited by a different guest/edition editor or a team of such editors. The edition editor is selected on the strength of his or her expertise in the particular field to be dealt with in that volume. The edition editor convenes a conference where local and foreign speakers discuss aspects of the particular theme. The proceedings of the conference are published in the next volume of the journal.

The stature of the edition editors of the volumes published during the period under review varies. The first volume (*Dignity, Freedom and the Post-apartheid Legal Order*) was edited by academics of high standing, who have previous editorial experience and are internationally respected scholars. One of them has an NRF-rating as a leading international researcher, the other is an associate professor at a foreign university. The third editor is a member of the UCT Faculty of Law.

The second volume (*Global Administrative Law*) was edited by an editor who has an NRF-rating as an internationally acclaimed researcher and has previous editorial experience.

The final volume of the review period (*Modern Company Law for a Competitive South African Economy*) was edited by an editor who is a member of the UCT Faculty of Law.

The journal does not have an editorial advisory board. A general editor guides and monitors the edition editor(s). For the period under review, the general editor was from the UCT Institute of Marine and Environmental Law and has an NRF-rating as an internationally acclaimed researcher.

Questionnaire: *Acta Juridica* has been published by the UCT Faculty of Law since 1958. In that year it subsumed the *South African Law Review*, which had started in 1954. There have been no interruptions in publication. During the period under review, the journal published between ten and 12 peer-reviewed articles a year (30 to 36 during the past three years). In the same period between 35 and 40 manuscripts were received and five were rejected without peer review. About 70% of published papers had at least one author with a non-South African address.

Usually one, but sometimes two peer reviewers are approached for each submitted manuscript. In the same period, 30 peer reviewers were used, and half of these had non-South African addresses. Peer-review reports are not accessibly retained in the journal's records. The average period between receipt of a manuscript and its appearance in print is one year. Each annual issue is dedicated to a theme. Issues usually appear on the scheduled dates.

The editor, who has been editing the journal for three years, was appointed by the board of the UCT Law Faculty. The general editor is appointed for a period of six years, after which the appointment is reviewed by the faculty board.

The editorial board was disbanded in 2007. Since that year an edition editor is appointed for each annual thematic issue. In the past decade or so a practice has arisen whereby an expert in a particular field (now the edition editor) convenes a conference drawing on both local and international speakers on a particular theme. The papers presented provide the core of what is to be published in the journal, usually the following year. The edition editor for that issue is responsible for gathering the papers, having them reviewed and liaising with the publisher (Juta & Co) as to format, length and so on. This is done under the general guidance and monitoring of the general editor. The edition editor provides specific topical expertise.

Acta Juridica publishes its editorial and policy guidelines; these have not yet been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review* but the editor intends to do so. However, the journal does not have a conflict-of-interest policy.

Where applicable the editor publishes *errata*, but no value-adding features. Each issue comprises 100% peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the contributions during the review period varies markedly between volumes. Most of the contributions in the first volume are very good. The contributions are mostly original, well written, well researched and well presented. The contributions in the second volume are generally average to good. Most are original, are of a good length and contain adequate analyses. The contributions in the third volume vary between slightly below average and good. Considered overall and on average, the standard of the contributions published in the three volumes is good.

Although the number of articles varies between 12 and 21, the overall size of the volumes is fairly consistent. The number of articles published annually is good. Owing to the journal's thematic approach, no notes or reviews are published in it.

As pointed out above, each annual volume of the journal focuses on a particular theme and, as indicated above, the quality of the contributions varies between volumes. The contributions in the first volume represent a sample of the best work done nationally and, in some instances, internationally. The second volume also contains samples of the best work done nationally and internationally, although to a lesser degree than the first. The third volume contains a few samples of the best work done nationally and internationally.

The articles relate to a theme or focus that changes every year. During the period under review, two of the volumes focused on South African issues, while the third dealt with global issues.

Every volume contains contributions by local and international authors. The spread of authors varies between volumes. The authors of the first volume include six foreign academics of high standing, four local academics (three of whom are staff members at UCT, the parent university of the journal), one Constitutional Court judge, one judge of the High Court (who is also an honorary professor at UCT) and a Director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law. Apart from the slight bias in favour of UCT staff,

this spread of authors is good. Many of the authors are highly acclaimed nationally and some even internationally. Most of them are academics.

The authors of the second volume are also mostly academics, of whom seven are foreign scholars, some of high international standing. The other authors are the same judge of the High Court and honorary professor at UCT who published in the first volume, and a co-ordinator of a policy group. This volume heavily favours authors from UCT and New York University; the reason being that the project and conference on Global Administrative Law that preceded the volume was a joint venture between these two universities.

The authors in the third volume are from a wide variety of backgrounds, only three being foreign academics. Two are South African academics of high standing. The other academic authors are of lesser standing. A Head of the Legal Department at State also authored one of the contributions, as did a consultant for the Department of Trade and Industry. The same judge of the High Court and honorary professor at UCT once again authored a contribution. The other authors are local and foreign practitioners.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The additional features vary between issues. One volume contains an 'Introduction' with references to authority by the edition editors, while another contains a 'Preface' by the edition editor and the opening address of a government minister delivered at the conference that preceded the particular volume of the journal. The third volume contains an '*In memoriam*' piece for the professor to whom the particular volume of the journal is dedicated, a 'Foreword' by the Head of the Department of Commercial Law at UCT and a 'Preface' by the edition editor.

During the period under review, all the contributions were written in English. There are either no abstracts or there are abstracts but a few of them are very brief. No *errata* were published during the period under review.

The journal has a consistent and logical citation style and practice. Due to different edition editors being used for each volume, the quality of editorial work varies between volumes.

The presentation, layout and style of the journal are good. The quality of the copy-editing varies between volumes, probably again due to different edition editors being used for each volume.

Usefulness in capacity development, and international comparability

Consensus review: As *Acta Juridica* deals with topical issues it is suitable as a general, on-going stimulus for graduate students and young staff in the discipline.

The journal is well established, appears regularly and publication is up to date. Some of the volumes are comparable to similar international journals.

Suggested improvements

The editorial advisory board was disbanded in 2007. Consideration ought to be given to re-establishing an editorial advisory board comprising members who can give guidance on, *inter alia*, ways to achieve a more consistent standard between volumes, as required by the *Law Editors' Forum Guidelines for Best Practice in Editorial Discretion and Peer Review*.

Consideration could be given to standardising the preliminary matter included in each volume, that is, whether an 'Introduction' or a 'Preface' is to be included. Inclusion of opening addresses of a non-academic nature should be considered with great circumspection.

Consideration could also be given to including comprehensive abstracts, summaries or synopses at the start of each article.

The peer-review system should be revised to ensure that each contribution is 'blind' reviewed by at least two peer-reviewers.

The publishing schedule should be adhered to. At the time of review (February 2012) the journal appears to be behind schedule, as the 2011 edition is not yet available.

Book reviews of recent texts on the theme for the year should be included.

Wider and broader submissions of articles from authors from other local institutions should be encouraged.

Whilst the journal is not suitable for graduate student papers, it does have potential for the capacity-building of emerging academics and researchers which could be enhanced through the development of an appropriate policy. For example, each conference could have an emerging researcher's session, where less experienced academics are given an opportunity to present their work. Such participants would benefit immeasurably from interaction with the eminent scholars who attend these conferences.

Business aspects

The regular print run is 600 copies (300 hard cover and 300 soft cover). It is published by Juta and Co, Claremont, Cape Town. Both production and distribution are handled in-house. No advertising, either paid or unpaid, is carried; nor is any financial sponsorship received.

There are 211 paying subscribers, of which 50% are organisations and 50% are individuals. An online edition appears as part of a commercial e-publication service.

The journal has never received offers to purchase from multi-national publishers. Juta holds copyright. Articles are published only in English. Neither the editor nor the publisher is interested in the journal being considered for inclusion in ASSAf's SciELO-South Africa open access platform.

General comment

Each annual issue is on a specific theme and this is an acknowledged strength of the journal.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The journal should be invited to join the evolving SciELO-SA platform.
- III. The editor/editorial board should seriously consider the improvements suggested by the reviewers.

4.7 Specialised B

4.7.1 *Fundamina: A Journal of Legal History*

Focus and Scope: *Fundamina: A Journal of Legal History* is a society journal, published annually as the mouthpiece of the Southern African Society of Legal Historians and articles presented for publication are peer-reviewed by subject specialists and occasionally also by members of the editorial board.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: One of the joint editors is an NRF B-rated researcher. Both she and her co-editor enjoy a very high academic standing in South Africa.

The editorial board consists of an impressive array of international and local experts in the field of legal history and comparative law. No fewer than ten foreign jurisdictions are represented on the editorial board. The members of the board represent a formidable collection of expertise, including a practising advocate, a retired judge of the High Court of South Africa, two former deans of South African law faculties and a number of leading overseas' academics currently active in the field of legal history.

Questionnaire: *Fundamina* has been published since 1996 and has never experienced any interruption in publication. The number of research articles published in the period under review (2006–2008), 47 research articles were published one review article. Besides 'ordinary' volumes containing mainly full-length articles, the journal also publishes special editions. These may take the form of a *Festschrift*, conference proceedings, a monograph or a translation of the old sources. This is in compliance with the needs and interests of the society. Approximately 57 article manuscripts were received from 2006–2008.

No manuscript was rejected without peer review. Approximately 25% of published papers had at least one author with a non-South African address. Two peer reviewers are approached for every article. If the editors have any doubt whether an article is publishable after having re-

ceived these two reviews, a third peer-reviewer is approached. Between 16 and 20 reviewers were approached. It should be pointed out that (1) *Fundamina* is the only journal in Southern Africa that publishes legal historical research, and (2) that this is a specialist field that is not very large. About 25% of peer reviewers had non-South African addresses. Peer-review reports are accessibly retained in records.

The average lead-time for the journal to appear in print is between six and 12 months; it is also available on HeinOnline and Sabinet. Initially (1996–2004) one volume was published every year, but since 2005, two volumes have been published yearly. Issues are scheduled to appear in a specific month.

The editor has been editing the journal since 1996 and was not selected competitively, but was simply appointed by the management committee of the society. An assistant editor was appointed from 2003 and from 2006 there have been two assistant editors. In 2008, there were one executive editor, one editor and three assistant editors. From the beginning of 2009, there were two executive editors, assisted by four assistant editors. These changes were necessitated by the increase in the volume of work. None is appointed for a specific period.

The editorial board members handle peer review of individual manuscripts, and also advise on editorial policies and practices. They are also not selected competitively, but are appointed by the management committee of the society; no appointment period is specified. They are appointed from inside and outside the country to provide specific topical expertise.

Editorial guidelines appear in each issue and a conflict-of-interest policy is available. The editorial policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. The journal publishes book reviews occasionally. Except in the case of book reviews, 100% of pages in each issue comprises peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The articles published in *Fundamina* are of a high standard and, more often than not, cover new ground. Most of the contributors are senior academics at South African and overseas universities.

Fundamina is the only South African scientific journal that deals exclusively with legal history in the broad sense and is illustrated by the equally wide-ranging list of topics covered in the articles.

Each year two numbers of *Fundamina* are published. During the past three years, two of the six numbers consisted of a monograph and a *Festschrift* respectively. The monograph consisted of 178 pages, while the *Festschrift* contained 45 contributions totalling 587 pages. The remaining four numbers each contained between eight and ten articles, but more important is the number of pages contained in each number. On average each of the four 'conventional' or 'regular' numbers published during the period under review, comprised between 170 and 245 pages. This represents a substantial amount of scientific research.

Because this is the only South African legal journal specialising in publishing research in legal history, it attracts the cream of the local (as well as, to a limited extent, international) research in the field of legal history. The material under review contains a large number of research results in this field which, in turn, represent some of the best work done in this respect in South Africa, as well as Africa, over the last couple of years.

Although *Fundamina* publishes contributions dealing with national, as well as international aspects of legal history, there is a strong relevance for South African law in all, if not most of the international contributions.

Because the focus of the contributions is on ancient and modern and external and internal history of countries of all families of law, one might question whether they contain relevant insights for South African law. They undoubtedly do. They include, for example, issues dealing with slavery; the harmonisation of not only trade-related laws but also of laws in Africa; politics and justice. All add value to the development of a modern South African law.

There is a strong international flavour in the list of contributors; some of the foreign jurisdictions represented in the list include, in alphabetical order: Austria; Belgium; Denmark; Germany; Ghana; Hungary; Israel; Italy; the Netherlands; and the United Kingdom.

Notwithstanding the strong international representation amongst the list of contributors, the majority are South African-based academics. The SA-based authors are mainly from Unisa.

One reservation concerns the apparent misuse of the journal to publish conference proceedings in 2006 (Conference on the Law in a Transforming Society). It is doubtful whether a journal should be seen to be used as a convenient publication platform for a congress that does not in the first instance reflect the subtitle of the journal, namely legal history.

It is a pity that the editor maintains the unwarranted practice of starting every issue at page 1, resulting in two articles in 2010 with a page 100, and so on. It is suggested that this should be rectified.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The journal makes provision for *ad hoc* book reviews, as well as a recently introduced 'Varia' column (See 2010 – Vol 16, no 2, p 238). The issues published during the period under review do not contain any correspondence.

During the period under review all the contributions published, were in English. In the most recent number each article is accompanied by a short (approximately 200 words) abstract (See 2010 – Vol 16, no 2, *passim*).

None of the numbers under review contains any *errata*. The editors meticulously follow *Fundamina's* house style, which is simple and complies with all the requirements one would expect of a legal scientific journal.

Citations are contained in footnotes. The footnotes in the articles in *Fundamina* usually contain much more than a mere reference to a cited source, and often include added supplementary information to the text.

In the most recent number the editors included for the first time a detailed set of guidelines for authors. These will undoubtedly assist future contributors to adhere to the journal's house style.

The presentation of the journal is compatible with international standards. It has an attractive and neat layout, which compares favourably with that of other legal-historical journals internationally.

The most recent number of *Fundamina* has been published in a new and attractive cover, thus moving away from the rather dull and non-descript cover that was used during the first 15 years of the journal's existence.

Usefulness in capacity development, and international comparability

Consensus review: Most academics in the field of legal history and comparative law study and read this journal as it is the only South African journal specialising in legal history. Because it also contains contributions by academics from other disciplines than legal history, as well as contributions by practitioners, one has to assume that it is read by a wider audience, which includes legal academics from other areas than legal history, as well as non-legal academics and practitioners.

The editorial policy of the journal is to provide a platform for academics and practitioners from South Africa and abroad to exchange ideas on a wide-range of legal-historical issues. The focus of *Fundamina* is on local as well as foreign legal aspects germane to legal history. The scope of contributions thus goes further than South Africa or southern Africa and for this reason *Fundamina* competes with other international journals in the field of legal history. The quality of the research contained in *the journal*, as well as its presentation, is of international standard.

Suggested improvements

This journal should carefully consider the use of continuous page numbering for all the volumes in a particular year.

This is a specialised journal and most of the research articles are from Unisa. This is perhaps not surprising as Unisa has a specific legal history unit. However, the editors should encourage the publication of articles from the rest of South Africa.

The journal should be discouraged from publishing conference proceedings.

Business aspects

The journal's regular print run is 300 copies per issue; it is published by Unisa Press. Both production and distribution are handled in-house. No advertising, paid or unpaid is carried. Unisa subsidises the costs of production.

The number of paying subscribers is about 200, of whom 45 are institutions and 155 are individuals. The following people/institutions receive the journal free of charge: members of the editorial board; honorary members; members over the age of 80; and legal deposit copies.

The journal is part of Sabinet e-publication service. The editorial committee has also been invited to publish on Unisa Institutional Repository (UnisaIR) and have accepted.

The staff for the journal is kept to the minimum: editors and the secretary receive no compensation; editors handle all correspondence; and editors handle the dispatch of the journals to members.

The journal has never received offers to purchase from multi-national publishers. Unisa Press owns copyright. Upon request, permission is usually granted to publish elsewhere. 'Front details' are mandatory. No abstracts are published. The journal was previously independently peer-reviewed.

General

The editor would in principle be interested in being considered for inclusion in ASSAf's SciELO-South Africa open access journal platform.

It is very important to bear in mind that *Fundamina* is a *society* journal and that it offers the only opportunity to publish locally in an accredited journal for most academics engaged in research in this specialist field. In view of the large number of subscriptions from abroad, the journal also affords local legal historians valuable international contact with colleagues in the field.

The publication of special editions also provides the journal with the opportunity to support and encourage original research in legal history. In 2005, for example, a *Festschrift* was published for a colleague from the University of Amsterdam in the Netherlands, and this volume contained 38 contributions, of which 35 were written by academics from abroad and only four by South Africans. This is indicative of the international support the journal enjoys.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.
- IV. In addition, the Panel considers the journal internationally recognised with excellent editors and an international editorial board.

4.7.2 *The South African Journal of Environmental Law and Policy*

Focus and Scope: The *South African Journal of Environmental Law and Policy* (SAJELP) publishes articles and notes on topics relating to environmental law and policy.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editor-in-chief and the two editors are professors at leading South African universities. The journal has appointed an editorial board as well as a panel of editorial consultants.

During 2008, the editorial board consisted of 14 members, all of whom are legally trained. The editorial board consists of an impressive array of international and local experts in the field of environmental law, international law and other related areas of the law. Most members of the panel are South African academics, with one from Botswana, one from the USA and one South African legal practitioner who specialises in environmental law and regularly contributes a column on environmental law to *De Rebus*, which is the official South African attorneys' journal.

During 2008, the panel of editorial consultants consisted of 13 leading experts in the fields of botany, environmental science, waste technology and representatives of a number of nature conservation bodies. Clearly these two panels represent a wealth of legal and environmental expertise.

This journal is currently more than two years behind schedule. The most recently received hard copies which the reviewers had access to in 2011 are for 2008, which arrived only in July 2010, that is, two years late. The same applies to 2007 which was received only on May 2009.

Questionnaire: The journal has been published for 16 years, without significant interruptions, but some delays in publication. In the period under review, the number of published peer-reviewed original papers was 45 articles and one review. The number of manuscripts received in the period was approximately 65, but the editor does not have a specific database, so this is not necessarily an exact figure.

The number of manuscripts rejected without peer review is approximately five. Others were rejected after review. Again, there is no formal database containing these statistics – everything is on record, but the records are not collated. About 50% of published papers had at least one author with a non-South African address. (Note that this is not typical – papers for one of the volumes during the years under review was sourced from an international conference hosted in South Africa; usually most of the authors are South African – probably about 80% local.)

Usually two peer reviewers are approached for each submitted manuscript. During the review-period, 12 peer reviewers were used. Approximately 10% had non-South African addresses. Peer-review reports are retained in records. The average period between receipt of a manuscript and its appearance in print has been approximately one year, but the editorial committee is working on reducing this period. The *SAJELP* is published twice a year and issues are not formally pre-scheduled to appear on given dates. The editor has had difficulties during the past few years keeping to a schedule.

The editor has been in charge of the journal for 16 years (since inception). The editor was not appointed competitively and the tenure of the position is indefinite.

Members of the editorial board handle peer review of individual manuscripts. They are invited to advise on editorial policies and practices, but there is irregular feedback. They are not appointed competitively and their appointment period is not specified. Members of the editorial board are appointed from inside the country, ostensibly to provide specific topical expertise. (Note the editorial committee is currently engaged in overhauling the editorial board to streamline it, make it more representative (both domestically and internationally, including considering race and gender), and to ensure that the main areas of expertise are covered.)

Editorial policy guidelines are published, but there is no formal policy on conflict of interest. The editorial policy guidelines have been aligned with *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. Errata and book reviews are published.

Editorials are occasionally published (some of the articles are in the nature of topical reviews). The journal has not included correspondence, but would probably publish this if it were received. Book reviews are not peer-reviewed, but everything else is. So the proportion of peer-reviewed matter would range from about 85% to 100%, depending on whether the particular issue contained only articles or there was a book review included.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The *South African Journal of Environmental Law and Policy* is the only South African scientific journal that deals exclusively with matters pertaining to environmental law issues and publishes two issues per annum. As the only South African legal journal specialising in environmental law, it attracts the majority of the local research in this area of the law.

Because of the strong international character of the field of environmental law, the journal also publishes contributions dealing with international aspects of environmental law. There is thus a strong relevance for South African law in many if not most of the contributions. Although there is some international representation amongst the list of contributors, the bulk of the contributors are South African academics. Academics from three South African universities appear to dominate not only the team of editors but also the editorial panel of the *SAJELP* and the

list of contributors. This phenomenon can most probably be ascribed to the fact that these three universities (UKZN, UCT, NWU) are the most active participants in teaching South African environmental law. The editors should elicit contributions from academics (as well as practitioners) from outside the three mentioned universities, as well as publish contributions from outside South Africa.

The quality of articles published is good. The articles published during 2008 dealt with relevant and often controversial areas of South African law. Most of the contributors to the journal are by senior academics at South African universities, although there is some international representation amongst the list of contributors and a small sample of materials contains contributions dealing with international aspects of environmental law – there is a strong relevance for South African law in most of the contributions.

The number of articles published every year is not adequate. The total annual length combined was 211–265 pages. The publication's contribution to knowledge is limited.

The content of the articles in the past three years (up to 2009) particularly the 2006 publication, does not fall into the required margins as it constitutes a bundling of congress proceedings of the World Summit held in 2002. That is too outdated to be current. A journal should be discouraged to publish conference proceedings instead of normal journal contributions. The journal's content leaves the impression that there is no clear discriminatory policy in place to distinguish between good and bad material. In the light of the decision of the journal to publish, after more than six years, the congress proceedings from a World Summit held in 2002 already gives the misleading impression that it carries international contributions. The normal editions do not reflect any recognition by senior peers.

It is therefore doubtful whether samples of the best work done in the country in the discipline are published in the journal.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: There are no additional features, although some early years still carried some notes and case reviews the last numbers did not, which is not surprising in the light of the outdatedness of the content at the time when it is published.

During the period under review all the contributions which had been published were in English. The table of contents contains a short (approximately 100–300 words) abstract.

One of the numbers under review contains a loose *errata* note. *Errata* should preferably be published in the next number, and not inserted by way of a separate and loose note, which could easily be lost in years to come, rendering the information contained in the note, useless.

The house style is simple and complies with all the requirements one would expect in a legal scientific journal. The house style of the *SAJELP* is the same as that followed by the *South African Law Journal*.

Although the guidelines to contributors which appear at the back of each issue inform potential contributors that "any other contribution (case notes, comments, correspondence, book reviews) [i.e. other than articles] ... should not carry footnotes, all references appearing in the text", this guideline was not adhered to consistently in all cases.

It is recommended that a more detailed list of guidelines to contributors be published in each issue of *SAJELP* and that the editors adhere to these guidelines.

The presentation of the journal is simple and neat. Although its appearance could definitely be enhanced (for example, by publishing it in a slighter bigger format than the current A5-size and by using a more modern design for the cover) one cannot escape the economic challenges faced by the publishers of a scientific journal. These challenges are evident from the editor's report.

Usefulness in capacity development, and international comparability

Consensus review: The journal's suitability as a general, on-going stimulus for local graduate students and young staff in the discipline is doubtful in the light of the long arrear period. It cannot compete with leading international journals.

Most academics in the field of environmental law read *SAJELP*, as it is the only South African journal specialising in environmental law.

Because it also contains contributions by legal practitioners, and also because a number of non-legal academics serve as editorial consultants to the *SAJELP*, one has to assume that it is read by a wider audience, which includes academics from other areas than environmental law, as well as practitioners and policymakers.

Suggested improvements

Consensus review: If the two-year backlog in publication of the journal persists, so that it is not current, the publishers should consider carefully whether there is any need for continuation.

A high proportion of the papers are by editors and members of the editorial board. This may be as a result of the narrow field of environmental law and all the major researchers are either editors or members of the editorial board. However, it is recommended that the editors try to broaden the authorship, locally, in the rest of Africa and internationally.

Business aspects

The journal's regular print run is 400 copies per issue, but the editor is reviewing this (downwards – probably to 350 – due to economic concerns); it is published by the Institute of Environmental Law, Faculty of Law, UKZN. Both production and distribution are handled in-house. No advertising, either paid or unpaid is carried, and no financial sponsorship is received (there is periodic assistance from the Faculty of Law, but it is not clear whether this qualifies as sponsorship).

There are between 100 and 150 members of the Environmental Law Association (ELA), who pay a reduced rate and about 100 other subscribers. Other issues are sent as exchanges and to members of the editorial board, etc. All the ELA subscribers are individuals. Most of the other subscribers are organisations (libraries, companies, etc.) and a publisher from the USA orders 30 copies for distribution to US subscribers, who are understood to be primarily academic institutions.

The journal has received offers to purchase from multi-national publishers (See above) – assuming that this question means purchasing issues, not purchasing the publication rights. Nothing formal is laid down regarding copyright arrangements.

All articles are in English (but the journal includes abstracts). It has not, as far as the editor knows, ever been independently peer-reviewed before though it must have gone through some kind of review when it was South African Post School Education (SAPSE) -accredited.

The editor would in principle be interested in being considered for inclusion in ASSAf's SciELO-South Africa open access journal platform.

General comments

The Institute of Environmental Law had an administrative hiatus in recent years, due to circumstances beyond its control, which affected the regularity of appearance of the journal. This has been addressed and, as pointed out above, the journal is intended to be up to date by the middle of 2011. It is also worth noting that this is the only journal in South Africa (and certainly in Anglophone Africa as a whole) that is dedicated to environmental law and policy as a subject.

Panel's consensus view

- I. If the journal is not current and up to date it should not continue to be listed on the DHET list of accredited journals.
- II. Unless the journal is current, the publisher/editor should not be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor should seriously consider the suggested improvements, especially the punctual publication of the volumes.
- IV. In addition, the Panel believes that if the journal has not solved its production problems. It should consider alternative options.

4.8 Criminal

4.8.1 *Acta Criminologica*

Focus and Scope: *Acta Criminologica*, the Southern African Journal of Criminology, is a peer-reviewed academic journal that promotes academic and professional discourse and the publishing of research results on the subject of crime and victimisation, conflict, deviance, abuse of power and reaction to crime and other conflict-related phenomena.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editor and sub-editors, as well as the members of the editorial committee, have high national standing and expertise. They represent criminologists from South Africa, Uganda, Michigan, Tilburg, Japan, Nijmegen, Amsterdam, Melbourne and New Jersey. In 2008, the editor was from Unisa and in 2009 and 2010 from Monash University, South Africa.

Despite changes in editorship, Unisa has by far the strongest representation on the editorial committee. This is understandable as Unisa has the largest number of criminologists in South Africa. Although international membership is significant, its impact on the pool of contributions seems to be limited, with fewer than 10% of the authors published in the past three years coming from outside of South Africa.

Questionnaire: The journal has been published for 21 years (it is, at the time of writing, in its 22nd year of publication). There have been no interruptions in publication. During the period under review, it published 117 articles (this number refers also to three Criminological and Victimological Society of Southern Africa (CRIMSA) special conference editions), in which 33 peer-reviewed articles were published.

In the same period, 63 manuscripts were received for the three conference editions and 141 for the usual editions, which brings the total number of manuscripts received to 204. A total of 31 manuscripts were rejected without peer review, on the basis that their content did not fit the focus areas of the journal. About 10% of published papers had at least one author with a non-South African address. Two peer reviewers are approached for each submitted manuscript to undertake a 'blind review', but when there is a significant disparity in evaluation, the article is sent to a third reviewer. During the same period, 60 peer reviewers were used. About 25% of these had non-South African addresses. Peer-review reports are accessibly retained in the journal's records.

The average period between receipt of a manuscript and its appearance in print and on the web is about six months. Publication frequency is three issues a year. They appear regularly on the scheduled dates.

The editor has been editing the journal for only one year. At the end of 2006, the EXCO of CRIMSA instituted a succession plan with the appointment of sub-editors to be mentored. The sub-editors were all approached on the basis of expertise and standing in the field. After twelve months the current editor was selected. The editor was appointed for a period of five years. The previous editor and sub-editor resigned in March 2011. An acting editor was appointed in June 2011 and in December 2012 was confirmed in the new post as editor-in-chief. Three new sub-editors were appointed in 2011 and 2012.

Editorial board members are not appointed competitively, and their appointment period is not specified. They are appointed from inside and outside the country to provide specific topical expertise. Editorial board members handle peer review of individual manuscripts and also advise on editorial policies and practices.

The journal publishes editorial and policy guidelines. It has a conflict-of-interest policy; for instance, whenever the editor wishes to submit a manuscript for possible publication, a guest editor or one of the sub-editors is appointed as edition editor (See for instance special CRIMSA conference edition 1). See also the editorial policy and constitution of CRIMSA (in line with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*).

It has not been necessary to publish *errata* since the appointment of the editor, but the practice is supported in principle. The journal contains value-adding features such as editorials and book reviews. About 90% of pages in each issue (excluding editorials and book reviews) represents peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: *Acta Criminologica* is published by the CRIMSA. Three issues appear annually. The journal is readily accessible on the internet, Vol 1–12 have been scanned and digitised and are available on the open access database of Sabinet's African Journal Archives. Vol 13–25 are archived on the Sabinet Journal Database.

The quality of the articles varies, a significant percentage appearing to be largely descriptive rather than analytical. There are a sufficient number of articles published per annum. However, if the journal were to attract longer, more analytical articles it might have to publish fewer articles. This would not detract from the usefulness or quality of the journal. Since June 2011 only eight articles per issue have been accepted and the editorial team has been stricter on article submission lengths to meet the stated requirement of a minimum of from 7 000 to a maximum of 12 000 words to encourage more analytical and research articles.

The contents comprise mainly, but not exclusively, material of South African concern. A refreshing number of articles deal with developments in Africa, the United States, the United Kingdom, Europe and elsewhere. Most of the authors are South African, but there are an adequate number of foreign contributions.

The journal does profile a number of regional and national issues and problems. It is notable that in the past three editions (2008, 2009 and 2010), 25 authors have had two or more articles published, and seven of the 25 have had three articles published in the three-year cycle.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The publication of editorials, book reviews and conference papers is most informative. The book reviews are not limited to English-language publications.

The published abstracts are in English and accompany every article. In the journals under review no *errata* were published. The citation practice conforms to the editorial policy and requirements. The physical copies were well presented as to layout and style. The electronic copies were readily accessible and very well presented.

Usefulness in capacity development, and international comparability

Consensus review: *Acta Criminologica* provides a forum for emerging as well as established researchers and should be commended for this. At this stage of its history it cannot be described as a leading international journal, but it may develop as one of, if not the, leading southern African journal in its field.

Suggested improvements

The journal should focus on attracting more international contributors, as well as articles with a more analytical content. If it does this it will have the potential to become a leader in its field.

Business aspects

The regular print run is 250 copies per issue. Both printing and distribution are outsourced by CRIMSA, the publisher. Neither paid nor unpaid advertising is carried. The journal receives no financial sponsorship.

There are 119 paying subscribers, of which 20 are institutional members. The journal appears online as part of a commercial (pay-to-view and/or pay-to-subscribe) e-publication service.

Since 2008, a number of publishers – Routledge, Taylor & Francis and Elsevier – approached CRIMSA to take over the publishing of the journal on contract – the most recent approach in May 2013. All offers were rejected after due consideration for various reasons. The authors bear full responsibility for the accuracy of the factual content of their contributions and indemnify CRIMSA or its agent against any loss, damage, cost, liability or expense, including legal and professional fees arising out of legal action against CRIMSA or its agent with regard to actual or alleged infringement of copyright or the intellectual property rights of any natural or legal person. Copyright of all published material is vested in CRIMSA.

The journal is indexed and listed on IBSS (and has been for many years as an accredited journal) but not on the Thompson Web of Science (WoS) list. Its impact factors have not yet been determined. Articles are published only in English. The journal has been independently peer-reviewed before. The editors are not interested in the journal being considered for inclusion in ASSAf's SciELO-South Africa open access platform.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.

4.8.2 *South African Journal of Criminal Justice*

Focus and Scope: This bilingual publication (English and Afrikaans) provides an arena for discussion of issues affecting the criminal justice system. It is an accredited, specialist legal journal publishing articles, comments, surveys of recent cases and book reviews in the field of criminal justice, with a particular emphasis on southern Africa. The focus of the journal is criminal law, criminal procedure, evidence, international criminal law and criminology. It is published by Juta Law.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: In 2008 and 2009, the journal had an editor-in-chief and an editor who both were national leaders in the field of criminal law and had substantial international profile. In 2010, a new editor-in-chief and editor took over the positions. The editor is indisputably the national leader in the field of sentencing and also enjoys a substantial international profile.

The list of contributing and consulting editors has a good balance between national and international members the majority of whom would be regarded as leaders in their fields. However, despite the international representation on the editorial board only one of the authors published in the journal in the past three years is not based at a South African institution.

Questionnaire: The journal has been published since 1988, without significant interruptions in publication. During the period under review the journal published 37 peer-reviewed articles, eight comments, 42 case discussions and one book review. In the same period, 121 manuscripts were received (all manuscripts relating to criminal justice are sent for review), five manuscripts were rejected without review as falling outside of the journal's subject matter. Approximately 3% of the published papers had at least one author with a non-South African address.

A minimum of two peer reviewers are usually approached per manuscript. Approximately 37 peer reviewers were used per year and 5% of these had non-South African addresses. Peer-review reports are accessibly retained in the journal's records.

The average period between receipt of a manuscript and its appearance in print is three months. The journal is published three times a year. Journal issues are pre-scheduled to appear in a particular month, and they appear on the scheduled dates.

The editor has been editor-in-chief for one year; before that he was editor for two years. The editor-in-chief was appointed following a decision of the editorial committee. The appointment period is not stipulated. The editorial board members are not appointed competitively, nor are they appointed for a given period. In principle, they are appointed from inside and outside the country, although all current editorial board members are internal. They handle peer reviews of individual manuscripts where the manuscripts fall within the expertise of the editorial board member. Editorial board members advise on editorial policies and practices and also provide specific topical expertise.

The journal publishes editorial and policy guidelines; however, it does not have a conflict-of-interest policy because, owing to the anonymous assessor policy, conflicts of interest are avoided. The journal's editorial and policy guidelines have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*.

Errata are infrequently published. The journal contains value-adding features such as editorials, but periodically publish special focus issues exploring particular themes. It also contains topical

reviews, book reviews and correspondence on published articles, not in the form of letters but indirectly, through articles and comments. Apart from book reviews, all published material is peer-reviewed.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of articles is generally good, with the profile of the authors ranging from established national academics to emerging researchers. There appear to be a good number of articles per annum. The work published is generally of a good standard. However, it should be noted that in the past three years there has not been a contribution from academics at Wits or Stellenbosch. Both of these faculties have well-established academics in the field of criminal justice. It is possible to draw the inference that academics from those institutions prefer to publish elsewhere.

The journal profiles issues in both national and international law and criminology. Authorship is generally diverse; although there are two authors who have had three articles published in the past three years (none of the others have more than one publication in the journal over the past three years). As mentioned above, the recent-case section has regular contributors and therefore is not included in this count.

This journal competes with several South African law journals. Some of the leading articles in the field would be published in those journals. However, a large number of leading publications were published in the *SAJCJ*. The work of some of the most respected South African lawyers has been published in it over the many years of its existence.

The journal's focus is on South African law, but most of the publications contain references to international and comparative law. Most of the contributors are from South Africa, but a fair number of foreign authors have also contributed.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: There has been one book review in the past three years. A very interesting feature is the case reviews. Here the journal must be commended for attracting, in most instances, established leaders across a range of sub-disciplines in the legal component of criminal justice to provide an update on developments in their respective fields.

All articles published are accompanied by an abstract. *SAJCJ* is published by Juta in a very professional manner, and has a distinct house style that is published in every issue.

Usefulness in capacity development, and international comparability

Consensus review: Articles from both established and emerging academics are published. The overall standard is high and it is a leading journal in its field in South Africa and the neighbouring countries.

All law and criminology students would find *SAJCJ* very helpful and it is recommended that a special subscription rate be made available to them. This is an essential part of any law academic's library.

Suggested improvements

Even though much of South African law is jurisdiction-specific, there is certainly room to attract more international contributors, which *SAJCJ* will have to do before it can be said to be comparable with leading international journals in the field.

Business aspects

The regular print run is 350 copies per issue. It is published by Juta & Co, which handles both production and distribution. No advertising, either paid or unpaid, is carried, nor does it receive financial sponsorship.

The journal has 215 paying subscribers, of which 183 are organisations and 32 are individuals. It appears online as part of HeinOnline, Sabinet and Juta journals' commercial (pay-to-view and/or pay-to-subscribe) e-publication service.

Copyright is governed by Juta policy. All articles are published in English. The editor-in-chief and the publisher are not interested in the journal being added to the ASSAf's SciELO-South Africa open access platform.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggestion for improvement.

4.9 Comparative and International Law

4.9.1 *Comparative and International Law Journal of Southern Africa (CILSA)*

Focus and Scope: *CILSA* is published three times a year (March, July, and November). It is a peer-reviewed academic publication and is a recognised South African law journal with a wide international circulation and welcomes contributions from non-South African academics.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editor and co-editor are highly respected academic legal scholars in South Africa. Although the technical editor is not similarly well known, she is fulfilling her duties professionally. The journal has enlisted on to its editorial board eminent scholars in the field of international and comparative law. However, it is difficult to comment on how the members of the board have distributed functions among them or what the input of individual members has been towards the processes of review of articles, solicitation of published works, or even the general management of the journal in their conduct of the publication business. In practice, many journals communicate with their board members only at the time of appointment and never consult them afterwards. It would have been more helpful if such information were to be made available.

Questionnaire: *CILSA* has been published for 45 years (1968–2012); 45 editions have appeared and the 46th is in preparation. There have been no interruptions in publication. During the period under review, the journal published 120 peer-reviewed original papers, which included full-length articles (20+ pages); notes and comments (10–20 pages); and foreign and SA case discussions (vary in length – average 10–15 pages).

The editors did not have precise records as rejected manuscripts are not retained. However, the journal publishes most of the submitted manuscripts, as they are often solicited or the result of editorial planning and are invariably by subject specialists of whom the majority (in SA) serve on the editorial board. About 20 manuscripts of all three types were rejected without peer review – the editorial board rejects manuscripts without review only where they do not fall within the specific subject range serviced by the journal.

Usually only one peer reviewer is approached for each submitted manuscript – the pool of international law experts in the country is limited. Where an article is rejected or considerable amendments are recommended, the review is returned to the author and the option of obtaining a second 'blind' review is offered. This does not happen frequently.

For the 2012 edition, 18 peer reviewers were used. One of these had a non-South African address. Peer-review reports are accessibly retained in the journal's records. They have been saved and are available electronically.

The average period between receipt of a manuscript and its publication depends on various factors – the articles are received throughout the year. The journal appears three times a year. Maximum lead-time has been a year, but on average it is 4–5 months, except in an 'emergency' (shortage of articles) in which case it could be immediate. The print version of the journal appears six weeks after submission to the printers (generally March–May, July–September and October (after which it could be carried over to January of the next year). The electronic versions (Sabinet, HeinOnline and JSTOR) are sent as soon as the print version is available and appear virtually immediately.

The publication frequency of the journal is three issues per annum. The scheduled dates as printed on the journal cover are March, July and November of each year. In the past, issues ap-

peared regularly on the scheduled dates but exceptions have been experience in recent years due to delays in peer reviewing or administration.

The editor has been editing the journal since 1973 (since it first appeared). He was not selected competitively. The appointment for the editor is not specified.

It is clearly stated that the journal is 'blind' peer-reviewed, and its editorial policy and style guidelines for authors appear on its Unisa website (www.unisa.ac.za/cilsa). The journal is edited into house style by the editor and the two assistant editors. The journal has a strong conflict-of-interest policy and will not publish material which has already appeared in print elsewhere.

The journal has always followed the spirit of these ASSAf guidelines within the limits allowed by the nature of the journal and the pool of available expertise – editors diverge from the guidelines in that they have only one peer reviewer per article except in exceptional cases as indicated above.

The journal contains topical reviews and book reviews as value-adding features. Most of the articles published are topical, as they address the pressing needs and current developments of SA and the African continent. The 'treaty' section, for example, has to date been the only freely available and comprehensive record of SA's new treaty commitments for the year under review. The editors are, however, always prepared to publish follow-up articles or notes. About 80% of the pages in each issue represent peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: *CILSA* is generally regarded as a good journal to cite in other scholarly journals. During 2010, three editions were published with an average of six articles per edition. This number is comparable with most legal journals in South Africa and is even more than some renowned international journals such as *Harvard Law Review*, although the articles published in the *Harvard LR* are usually longer. *CILSA* published 19 articles in 2010. On average, each article is 20 pages long, owing to a number of factors, for example, the cost of printing, requirements of publishers, the availability of pages in a journal, the fact that editing is costly and time-consuming, and the wish to accommodate as many authors as possible.

CILSA is the only journal in South Africa that focuses on international and comparative law in southern Africa and it has earned its reputation amongst legal scholars as a reliable place of reference to find work in this particular field of law.

Most of the articles in *CILSA* concentrate on global problems and examining such international, regional and local legal issues in a comparative context.

Most of the authors are from South Africa but a few are from elsewhere in Africa.

Over the years, the journal has produced high-quality work. What has been lacking is variety – a noticeable absence of thematic approaches that would allow specific issues or volumes to address in depth some topical concern. No evidence exists of occasional guest-editor editions or symposium editions, to add variety to its normal operations. This might suggest that the journal is conservatively run and is not keeping pace with developments in the international law field. Other than this general observation, the journal articles are of good quality and some of them address topical issues. However, a lot more improvement could be achieved, especially if innovative approaches such as suggested above could be implemented.

Although some issues were fairly slender, the journal often publishes a good number of articles in each of its issues. Contextually, this should not be seen as a weakness.

Although *CILSA* fills an important gap in southern Africa, because there are few law journals publishing in the area of international law, it has not matured into a leading source for international law scholarship. This could be ascribed to its scope being rather wide, or because of the time that it takes to get an article published, which is rarely under a year. By the time *CILSA* is published topical issues have already assumed another dimension. Another factor worth mentioning is the limited length of articles. This rarely allows for the addressing international legal principles to the extent that may be required or would be satisfactory. This is not to suggest that articles should be as long as those published by law reviews in the United States, but some articles of the length seen in leading European journals would be welcomed. For these reasons, international law scholars are likely to look elsewhere if researching for current problems.

CILSA concentrates mainly on issues affecting South Africa. However, it also accepts articles of a comparative perspective emanating from foreign countries or based on foreign issues. The journal may need to develop a policy in this regard so that authors do not just take a chance. Although foreign authors do publish in the journal, these are few and far between. There is a preponderance of local authorship in the journal issues that were examined. It seems that the journal could do more to expand its reach in this regard.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: *CILSA* publishes mainly scholarly articles. One book review was published in 2010 in the 2010 – Vol 43, no 3 edition. It publishes English abstracts for all articles. No *errata* have been published to date. The citation practice is good. The presentation, layout, style and copy-editing are also good. The journal makes very limited use of editor reviews, topical reviews, book reviews and scholarly correspondence. In other words, the journal has limited platform for quick and informative ventilation of ideas and issues. Its scope for communicative exchanges among scholars is thus limited.

The journal has consistently provided abstracts to all its articles. These are brief and informative. The editors have done a commendable job in this regard. There is no evidence of any publication of *errata*. It seems that after publication of an article, the editor's job is over and the matter is left for the readers. The citation is consistent having regard to the reality that in South Africa, citation varies from journal to journal.

Usefulness in capacity development, and international comparability

Consensus review: *CILSA* publishes articles written by young and upcoming scholars in the particular disciplines. At least six such articles published in 2010 were identified. Legal scholars also regard the journal as a valuable source of information. It is the only law journal combining comparative and international law in South Africa and as such, it compares favourably with other leading journals in this field and satisfies a real need. However, there are many aspects that its editorial team may need to re-examine for it to match other international publications in the field and to attract leading scholars in the field.

Suggested improvements

It is suggested that *CILSA* publishes fewer in-house contributions (authors from Unisa) and that a double peer-review system is considered.

Currently, *CILSA* is accessible only through paid subscriptions, which make it inaccessible for many legal scholars not associated with an educational institution having access to the journal. Open access should be considered.

Apart from limitations set by the length of articles discussed earlier, the journal needs to adopt conventional practices of sourcing materials. Second, it needs to find a way of shortening its review and publication period. Third, it needs to improve its communication with potential authors, so that authors are informed of the review progress in a timely manner.

CILSA is the only journal in South Africa that focuses on international and comparative law in southern Africa and has earned its reputation among legal scholars as a good journal in which to find work done in this particular field. The journal needs to develop a policy in this regard so that authors do not just take chances with their submissions. While foreign authors do publish in the journal, their numbers are generally small. The journal could do more to expand its reach in this regard as well as in increasing its fiscal base for sustainability.

Business aspects

The regular print run is 400 copies per issue. Printing is outsourced. The editors do all the language editing; it is then set in the institute and provided print-ready on disc to the printers. Distribution is handled by the institute.

CILSA does not carry either paid or unpaid advertising, nor receive any financial sponsorship; it is currently self-supporting. It has 310 paying subscribers, of which 180 are organisations and universities, and 20 are individuals (the majority of subscription are from overseas universities and depositories). The journal has appeared free online for the abstracts since 2002, and is part of a

Sabinet commercial e-publication service. (Sabinet invited the journal in 2007 to be part of their service, which will be free of charge until their grant from the Carnegie Corporation has expired.) The journal has never received offers to purchase from multi-national publishers, but its editors state that it is not for sale. The copyright vests in *CILSA* which, however, follows the policy of allowing free reproduction of requested articles for academic purposes, both locally and abroad. It is indexed in IBSS. Its impact factors have not yet been determined. Articles are published only in English. The editor did not receive the project description of the ASSAf's SciELO-South Africa platform, so cannot comment.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.**
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.**
- III. The editor/editorial board should seriously consider the suggested improvements.**
- IV. In addition, the Panel believes that the journal has the potential for greater international visibility.**

4.9.2 *South African Yearbook of International Law*

Focus and Scope: The *South African Yearbook of International Law* (SAYIL) is published by Verloren van Themaat Centre for Public Law Studies, University of South Africa.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editors were leaders in the legal field, but it is becoming obvious that succession planning is needed and including editors from outside the Centre should be considered. The board certainly comprises leading national and international experts.

Questionnaire: The journal has been published for 38 years (1975–2013); 37 editions have appeared and the 38th is in preparation. There have been no interruptions in publication. During the period under review, SAYIL published 39 peer-reviewed articles. The editor did not have precise records of received manuscripts, as rejected manuscripts are not retained. However, the editorial committee uses most of the manuscripts received as they are often solicited or the result of editorial planning, and are invariably by subject specialists of whom the majority (in SA) serve on the editorial board of the journal.

About ten manuscripts were rejected without peer review – which occurs only where they do not fall within the specific subject range serviced by the journal. About 23 authors of the published papers had non-South African addresses. Usually one peer reviewer is used per manuscript – the pool of international law experts in the country is limited. Where an article is rejected or considerable amendments are recommended, the review is returned to the author and the option of obtaining a second 'blind' review is offered. This does not happen often. As it is the *South African Yearbook* it reflects largely on the SA approach to international law and is therefore not ideally suited to foreign review; it is aimed at providing the 'foreign audience' with the African perspective, so foreign reviewers are not often used.

For the 2008 edition, ten peer reviewers were used and none of these had a non-South African address. Peer-review reports are not entirely accessibly retained in the journal's records. The editor does have some on record (particularly more recent ones) but owing to Unisa changing computer programmes, various crashes of computers, etc., the editor has no records from the older editions. At the 2009 editorial board meeting, a more structured administration was instituted and the editor hoped to appoint a dedicated individual to administer the peer-review system as it features so prominently in the ASSAf requirements.

The average period between receipt of a manuscript and its publication depends on when they are received – the articles for the year (say 2009) were received throughout the year. The journal went to print, as it usually does in February/March of the following year (2010). An article received in February 2008 for the 2009 edition would take a year; one received in November, three months, and an 'emergency' received in January would be virtually immediate.

The print version of the journal appears six weeks after submission, camera-ready, on disc to the printers (generally March–May). The electronic version (HeinOnline) is sent as soon as the print version is available and appears almost immediately – as far as is known.

The journal is an annual publication reflecting, in its features, issues and developments in the previous year. The articles are more 'timeless'. It is not pre-scheduled to appear on specific dates, but during April/May each year, as a rule – there have been two exceptions in recent years. Because of the size of Vol 32 (See above) it appeared a few months later than usual. Vol 33 is also late – it has not appeared in the relevant year.

The editor has been editing the journal for 26 years – since Vol 18. The *SAYL* is a publication of the VerLoren van Themaat Centre for Public Law Studies at Unisa. On its establishment (before the current editor's time), it was stipulated that, for purely practical reasons, the editor would be drawn from the Centre/Department.

It was further decided that, as the publication is subject and country (region more recently), specific, the editorial board would comprise the professors of international law from South African universities. This policy continues and most of the country's universities are represented by their most senior professors of international law (a small but growing pool to which the editorial board is adapting – it has grown in recent years). Those universities not represented either do not have specific international law expertise, or have expressed no interest in the journal. Members are appointed on nomination from a member of the editorial board and approval by the board – this has always been unanimous.

The editor mooted the possibility of an international advisory board a few years ago, but the board felt it was unnecessary and, in fact, inappropriate for a South African journal. This is a point on which the editorial board does not entirely agree, but the issue is in the hands of the board. On this point the editorial board does have some representation from individual members (See above) who have 'roots' in South African international law and therefore are in a position to understand the context of the journal.

Editorial board members and other experts handle the peer review of individual manuscripts. The editorial board advises on editorial policies and practices – at the annual editorial board meeting held in April/May to coincide with the appearance of the journal and to plan the following edition. Largely, they are from inside the country though there are some specific experts now resident outside of the country. All are subject-specialists in international law.

Apart from the statement that the journal is 'blind' peer reviewed, policy guidelines are not published. Editing into house style is done by the general editor and the assistant editors. Because of the ASSAf policy guidelines, the editorial committee is currently preparing guidelines to appear on the VerLoren van Themaat Centre for Public Law Studies website.

The *SAYL* serves a very specific niche market and is the only South African journal devoted entirely to international law. It aims at developing and promoting international law within the country and disseminating South Africa's (and the region's) approach to international law internationally. All members of the editorial board are united in this and a question of a conflict of interests has simply never arisen.

The journal has always followed the spirit of the ASSAf guidelines within the limits allowed by the nature of the journal and the pool of available expertise – the board diverges in that only one peer reviewer is approached for each article, except in exceptional cases, as indicated above, and for articles which the editors feel could be problematic. Given the fact that the editorial function (actual editing) and record-keeping, etc. are essentially performed part-time, the record-keeping leaves much to be desired, but the committee is working on this (See above).

The publication of *errata* has been necessary only once in the 34 years of publication, when the footnotes of a renowned international scholar were corrupted in the printing process and a correction of the relevant notes was printed.

The journal contains value-adding features only on special occasions – for example, in the 25th edition commemorating the first African conference of the International Law Association, the introduction of new features, etc. Most of the articles published are topical as they address the pressing needs and current developments in South Africa and the African continent. The 'treaty' section, for example, has to date been the only freely available and comprehensive record of South Africa's new treaty commitments for the year under review.

About 80% of each issue represents peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The articles accepted and published by the *SAYIL* are of high quality and representative of part of the contemporary discourse in the field of international law, especially where South Africa is concerned.

With regard to the international law field, the journal does not publish as extensively as one would expect of a single-themed yearbook and there have been at most five full articles, except in 2007, which was a volume dedicated to the South African Branch of the International Law Association (SABILA) conference submissions.

Since *SAYIL* prides itself on being the only South African journal devoted solely to international law, it is safe to assert that it publishes a good sample of the best scholarly efforts in South Africa.

The title of the journal makes it a forum for discussion of several topical issues and for disseminating research work on problems arising from internal legal dynamics involving South Africa. The journal elicits contributions from overwhelmingly South Africa-based authors, but quite scanty contributions from beyond our borders.

Generally, the contributions published are of good quality and the number of published articles every year is good. It is significant that both academics and practitioners in this very specialised field publish in the journal.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The journal publishes a mixture of full articles, notes, comments and book reviews. There is an English-language abstract requirement for every published work. The journal does publish *errata* but has only had to do so once in its 37 years of existence. No guidance exists on referencing style on the home page of the journal although Sabinet Online has a pdf document titled *Guidelines for contributors* on its *SAYIL* page. The presentation of the journal is consistent and the manuscripts are formatted in identical manner. The editors check and if necessary correct the language in all contributions.

No correspondence is published, but valuable case reviews and book reviews are published. Not all articles have accompanying abstracts. It seems that care is taken in regard to citation practice. The *SAYIL* has very neat presentation, layout, style and copy-editing interventions.

Usefulness in capacity development, and international comparability

Consensus review: To an extent, the journal encourages graduate students and young scholars to submit their on-going research for consideration as articles.

The only other publication closely akin to the *SAYIL*, is the *CILSA* published by another entity at Unisa and under the same editorial leadership. While it may not be realistic to compare the *CILSA* with the *SAYIL* because of differences in the outlook and frequency, it is notable that the *SAYIL* may not be as visible as the *CILSA* in the southern African region but may be more visible internationally. However, among international law yearbooks, the pedigree of the *SAYIL* stands it in good stead. It certainly addresses contemporary, real-world issues. Similar international publications exist, and this journal compares favourably.

Suggested improvements

The journal should develop a comprehensive style guide and make this accessible via its home page on the Unisa website. That is the first point of reference for potential contributors.

The idea of having the same editorial leadership for almost 30 years should be reconsidered, as it seems a sound idea to inject fresh ideas and vibrancy into the profile of the *SAYIL*. Appointment to the editorial leadership should be competitive and guest editorship should be considered in tandem with this. The potential for conflict of interest is high where the editorial leadership of the two leading journals on international law in South Africa is vested in the same person.

The pool of peer reviewers should be broadened to include experts in the field beyond what is presently obtained. This will increase the credibility and visibility of the journal and attract more potential articles beyond the present narrow jurisdictional scope.

The editors should encourage the submission of more notes and comments, and invite letters and other lively contributions that will rank the *SAYIL* among the most authoritative sources of international law in the world.

Errata should begin to feature in the *SAYIL*, particularly where it relates to the names of authors, their affiliations or other substantive matters. This would increase the credibility of the editorial process.

The editors should publicise in good time which issues of the *SAYIL* will be open to general contributions and which will be dedicated to conferences, and the policy guidelines should be clear.

Business aspects

The print run is 400 copies per issue; the VerLoren van Themaat Centre for Public Law Studies out sources the printing. The editors do all the language editing; the journal is typeset in the Centre and provided, print-ready, on disc to the printers. The centre distributes the journal.

No advertising, paid or unpaid, is carried, nor does it receive financial sponsorship, being currently self-supporting. There are 230 paying subscribers, of which 180 are organisations and universities, and 20 are individuals. (Most subscribers are from overseas universities and depositories.)

The journal has appeared online since 2007 as part of HeinOnline commercial e-publication service.

The editors state that the *SAYIL* is not for sale. The copyright vests in the journal, which, however, follows the policy of allowing free reproduction of requested articles for academic purposes, both locally and abroad. It is published only in English. The editor did not receive the project description of the ASSAf's SciELO-South Africa platform, so cannot comment.

SAYIL is the only South African journal devoted solely to international law, and publishes a good sample of the best scholarly South African efforts in this field. As might be expected, *SAYIL* attracts contributions mainly from South African rather than foreign authors,

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.
- IV. In addition, the Panel believes that the journal has the potential for greater international visibility.

4.10 Mercantile/Labour Law

4.10.1 *Industrial Law Journal (ILJ)* including *Industrial Law Reports*

Focus and Scope: First published in 1980, the *ILJ* remains the premier South African labour law journal. This seminal journal, which appears quarterly, covers articles, case notes, book reviews, legislative analyses, relevant policy documents and a biennial bibliography of relevant articles, books and reviews. It also appears monthly as a labour cases report and includes judgments and awards handed down by the labour courts, the Commission for Conciliation, Mediation and Arbitration (CCMA), bargaining councils and private arbitration bodies, as well as labour-related judgments from the Constitutional Court, the Supreme Court of Appeal and the Pension Funds Adjudicator. The *ILJ* is the only labour series to publish relevant judgments of neighbouring states. A limited selection of back issues are available.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The editors and members of the editorial board are all leading labour law academics and practitioners in South Africa. The journal focuses on both national and international issues, although the majority of contributions are of a local character. In most years some international contributions are featured.

Questionnaire: The journal has been published without interruption since 1980. It carries articles,

case note-type articles, articles analysing new law, and book reviews, all of which are required to be original and analytical in nature and are peer reviewed. An article is generally broad in scope; a case note-type article generally has a more specific focus, i.e. on one or two cases; and a legislative analysis-type article generally examines new law. All three kinds are valuable in different ways: articles provide for a broader view of labour law developments; case note-type articles generally focus on recent case law and the analysis is thus of importance not only to academics but also to the legal profession, including the judiciary; legislation-type articles describe and analyse new law, which is again of benefit not only to academics but also the legal profession. Book reviews keep the labour law community up-to-date on the latest publications and thus facilitate the spread of labour law knowledge.

A bibliography of books and articles on labour law that are pertinent to South Africa is published every two years. The bibliography has an international section, listing all articles and books deemed to be of interest to a South African audience.

Two peer reviewers are approached for every article. The panel of peer reviewers consists of 11 experts in labour law. None has a non-South African address. Generally, peer-review reports are accessibly retained in the editor's records. The average lead-times for the journal to appear in print is three to four months. The aim is to maintain a very high standard while remaining current. In a number of instances the editorial committee publishes articles which have a direct bearing on the development of labour law, such as when the law is being amended. Articles in the *ILJ* are frequently quoted by the judiciary. The journal appears on the web within days of the print edition appearing. Publication is quarterly, and issues are scheduled to appear in January, April, July and October. The journal is also a law report, which appears monthly, so it is imperative that the committee keeps to the deadlines.

The *ILJ* has three editors. The articles editor deals with the articles, while the two law report editors deal with the law report aspect. The editors were appointed by the editorial board based on their expert knowledge of the labour law field, and their skills as editors. The publisher employs the editors under contract, which may be terminated if the editors do not perform to the high standards required. Editors are appointed indefinitely, but subject to the above caveat.

Members of the board of the journal are all top experts in labour law in South Africa, which is the subject matter of the journal. They comprise judges and leading academics of professorial status, locally. The focus of the journal is on South African labour law and thus members of the board tend to be locally based, as they usually can provide relevant assistance if necessary. However, they are of international renown, for instance, a member of the editorial board, is the only academic in the history of South African labour law to be invited on to the International Labour Organisation's Steering Committee. The *ILJ* is in the process of extending the editorial board so as to include judges from of the Constitutional Court.

Editorial guidelines appear in each issue and they have been aligned with the *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review*. The journal publishes topical reviews, including legislative analyses and bibliography (See above) as well as book reviews. The editorial committee expects debates to be submitted in the form of a reply article or case-note-type article. Of each issue 100%, i.e. between 70 and 100 pages, comprise peer-reviewed original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: The quality of the articles presents some of the best academic writing in the field of labour law. Because the journal is the only specialised journal on labour law in the country, most of the leading academics and practitioners in labour law would attempt to published in it.

The *ILJ* is primarily concerned with local problems with some focus on neighbouring countries. The majority of contributions come from academics spread throughout South Africa. There are also contributions from international academics, but they are very much in the minority. The journal has good international standing and has since 1994 been a member of the International Association of Labour Law Journals, which is based on scrutiny of the journal by an expert committee of members which makes a recommendation to the overall membership for ratification.

Essential technical features: English abstracts, errata, citation practice, presentation

Consensus review: Every fourth issue also makes provision for book reviews and case notes. The case notes are more topical and they usually contain some comment on a decision by a court.

A case note is usually critical in nature and the intention is to identify or criticise a new development in the law. An article is generally broad in focus; a case note-type article generally has a more specific focus, covering one or two cases; and a legislative analysis-type article generally focuses on new law. The articles are full length and contain references and footnotes.

The journal has additional features, such as a table of cases, annotations, an index and a discussion of highlights of the judgments with reference to specific topics. In addition, every fourth edition contains articles, case discussions and book reviews. All articles are in English. Suitable *errata* are published.

Usefulness in capacity development, and international comparability

Consensus review: Most academics in the field of labour law study and read this journal as it is the only journal specialising in labour law. The standard of the contributions is high.

Suggested improvements

Consensus review: A possible separation of the *Industrial Law Journal* from the *Industrial Law Reports* may be desirable, if not as two separate publications, then at least in the form of some of the issues of the *ILJ* being dedicated solely to the publication of research.

Business aspects

The regular print run is 1 000 copies per issue. The publisher, Juta Law, handles both production and distribution. The *ILJ* carries no paid or unpaid advertising, and no financial sponsorship is received.

The print edition has 650 subscribers, comprising 70 private individuals and 220 attorneys and advocates who practise in firms or for their own account. The other 360 subscribers are institutions, such as government departments, trade unions, companies, university libraries and agents (the latter account for 70 of the paying subscribers). The *ILJ* also forms part of Juta's Labour Library, an electronic library available on the internet, intranet and CD-rom – with 540 paying subscribers and 3 050 individual users.

The journal has never received offers to purchase from multi-national publishers. Copyright vests in equal shares in the publisher and editors. The *ILJ* was previously independently peer-reviewed by DHET and accepted as an accredited journal.

Panel consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should consider the suggested improvements.

4.10.2 South African Mercantile Law Journal

Focus and Scope: The *South African Mercantile Law Journal (SA Merc LJ)* is a specialised journal published by Juta Law and the Faculty of Law, University of South Africa. It is devoted to publishing material in the field of mercantile and business law. This journal is not intended as a businessman's journal, but is aimed at practitioners in these areas of law.

Editing functions: Standing, spread, international participation, peer review, etc.

Consensus review: The members of the editorial board are drawn from South Africa and Europe, but only one editor comes from the rest of Africa and there are no members from Asia. The members of the editorial board are generally regarded as having good national and international standing in the discipline. Both the former and present editors are respected scholars in their fields.

Questionnaire: The *SA Merc LJ* has been published for 24 years without any interruptions. For Vol 18, 19, 20, and 21 the relevant types of publication and their figures are as follows: articles: 52, analyses: 41 and case comments: 38. In the same period, 165 manuscripts were received. Four manuscripts were rejected without peer review because they were superficial, and four

because they did not deal with an aspect of South African mercantile law and thus fell outside the scope of the journal. Authors with non-South African addresses are seldom published – there were two in 2006, for example.

One peer reviewer is usually approached for each submitted manuscript. From 1 May 2008 to 31 May 2009, 64 peer reviewers were used. None had a non-South African address. Peer-review reports are retained in the records. In the print edition publishable contributions usually appear within a year, and on the web contributions are usually published in Sabinet's SA Publications database within a year. Usually the journal has four issues a year. They are not pre-scheduled to appear on specific dates.

The editor was appointed in mid-2008 for an indefinite period and was not selected competitively. One member of the editorial advisory board has handled a peer review of an individual manuscript and a book review. Members of the editorial panel handle peer reviews of individual manuscripts and advise on editorial policies and practices. Members of the editorial advisory board are appointed from inside and outside the country. Members of the editorial panel are appointed from inside the country to provide specific topical expertise. They are not selected competitively and their term is not specified.

Editorial policy guidelines are published, but there is no conflict-of-interest policy. The alignment of the journal's editorial policy guidelines with *ASSAf National Code of Best Practice in Editorial Discretion and Peer Review* is a work in progress.

Errata are not published, because the need has not arisen. Book reviews are published. In principle correspondence on published articles is published if received. Everything in each issue except book reviews and correspondence is peer-reviewed, original material.

Content: quality, focus, spread within domain, sample of best work in SA, enrichment features, etc.

Consensus review: With some exceptions, the quality of the articles accepted and published is of a high standard. The demographic profile of contributors represents the whole of South Africa and it is clear that the *SA Merc LJ* does not give preference to a particular institution.

The quality and number of published articles is good, and the published articles represent a sample of the best work done in the country in this field. The focus is on local and regional problems. The publication of articles is mostly national authors.

In the field of mercantile law (in the broad generic sense) there is no other journal delivering better research and comment than the *SA Merc LJ*.

Essential technical features: English abstracts, *errata*, citation practice, presentation

Consensus review: The *SA Merc LJ* contains a mixture of articles and shorter analyses and case notes. The latter, on the same academic level as the articles, add to the academic stature of the *SA Merc LJ* as it indicates movements in trends. The same applies to case discussions which are very useful for the scholar as they unlock, in many instances, extremely complex sets of facts and legal principles.

The journal has only book reviews; abstracts are not included in the articles. No *errata* were seen. The citation practice is good, very consistent in the reference method used. The presentation, layout, style and copy-editing are good.

Usefulness in capacity development, and international comparability

Consensus review: While the journal is directed more at established researchers, most academics in the field of mercantile law study and read this journal as it is the only one specialising in mercantile law. Some of the articles published are prescribed for students, especially those on the Masters level.

Suggested improvements

Consensus review: Broadening of the publication base should be increased.

All articles should have two 'blind' peer reviewers.

Abstracts in English for all articles are encouraged.

Business aspects

The regular print run is 550 copies per issue. There are 324 paying subscribers, of which 225 are organisations and 99 are individuals. The journal is part of HeinOnline and Sabinet's SA e-Publications database.

The journal has never received offers to purchase from multi-national publishers. Copyright remains with the author. 'Front details' such as abstracts are not mandatory for contributions published in Afrikaans. If articles in neither English nor Afrikaans were to be published (there has been none so far) then English 'front details' would be mandatory.

The *SA Merc LJ* is discussed in the study published as J Mouton & N Boshoff 'A bibliometric profile of law journals in South Africa' (2008) 41 *De Jure* 596.

Panel's consensus view

- I. The journal should continue to be listed on the DHET list of accredited journals.
- II. The publisher/editor should be invited to consider joining the evolving SciELO-South Africa platform.
- III. The editor/editorial board should seriously consider the suggested improvements.

Appendix A

Questionnaire sent to each editor of Journals being Peer-Reviewed

Please type in a short answer, just after each question, and send us your consolidated response as an MSWord document.

1. Editorial process-related criteria (generally based on the *National Code of Best Practice in Editorial Discretion and Peer Review* developed by ASSAf):

- For how many years has your journal been published?
- Have there been significant interruptions in publication?
- How many peer-reviewed original papers have you published during the last three years: Articles?
Letter-type articles?
Reviews?
- How many manuscripts (of all three types) were received in the same period?
- Approximately how many manuscripts of all three types were rejected without peer review?
- What proportion of papers of all three types that you published had at least one author with a non-South African address?
- How many peer reviewers are usually approached for EACH submitted manuscript?
- How many peer reviewers were used in total, in any ONE of the last three years?
- What proportion of these had non-South African addresses?
- Are peer-review reports accessibly retained in your records?
- What is the average period between receipt of a manuscript and its publication in print?
on the web?
- What is the publication frequency of your journal, per year?
- Are issues of your journals pre-scheduled to appear on given dates?
- If scheduled, do the issues in fact appear regularly on the scheduled dates?
- How long have you been Editor/Chief Editor of this journal?
- Were you appointed competitively (i.e. following advertisement and a selection process)?
For what period?
- Do members of your Editorial Board handle peer review of individual manuscripts?
advise on editorial policies/practices?
- Are they appointed competitively (i.e. following advertisement and a selection process)?
for a given period?
from inside and outside the country?
to provide specific topical expertise?
- Do you have published editorial/policy guidelines?
- Is there a conflict-of-interest policy?
- Have your editorial/policy guidelines been aligned with the ASSAf *National Code of Best Practice in Editorial Discretion and Peer Review*?

- Do you publish *errata* in all cases where these have become apparent?
- Does your journal contain value-adding features such as editorials?
news and views?
topical reviews?
book reviews?
correspondence on published articles?
- What is the percentage of pages in each issue that represents peer- reviewed original material?

2. Business-related criteria:

- What is the regular print run of your journal?
- Who is the publisher?
- Is production and distribution outsourced?
- Do you carry advertising which is paid?
unpaid?
- Do you receive financial sponsorship(s)?
- What is the number of paying subscribers?
- How many of the subscribers are organisations as opposed to individuals?
- If your journal appears online,
is it free online (open access)?
is it part of a commercial (pay-to-view and/or pay-to-subscribe) e-publication service?
is it part of a non-commercial e-publication mechanism (e.g. Medline)?
- What is your journal's (average) total income per annum?
- What is your journal's total expenditure per annum?
- Have you had offers to purchase from multi-national publishers?
- What are your copyright arrangements?

3. Bibliometric assessments:

- Is your journal indexed in Thomson Reuters WoS and/or the IBSS?
- Have Thomson Reuters WoS type impact factors (e.g, Google Scholar or Scopus) ever been determined for your journal?
- If articles are not in English, are "front details" like titles, authors, addresses, and English abstracts mandatory?
- Has your journal ever been independently peer-reviewed before?

4. General:

- Would you (and your publisher) in principle be interested in being considered for inclusion in ASSAf's proposed SciELO-South Africa as a free online, open access journal (project description recently circulated to all editors)?
- Have you any other information or comments that may be useful to the Panel?

Appendix B

Requests to independent Peer Reviewers

1. Do the hard copies of the last 2–3 years of issues of the journal reflect:

- 1.1 high national/international disciplinary reputations/standing of the editor-in-chief/ associate editors/members of the editorial board?
- 1.2 a high/good (general/average) quality of the articles accepted/published?
- 1.3 a (contextually) adequate/good number of articles per annum?
- 1.4 an (adequate/good) sample of the best work done in the country in the discipline/field?
- 1.5 a focus on local/regional kinds of materials/problems?
- 1.6 publication of articles by authors from across the country, and internationally?
- 1.7 useful additional scholarly features like editorials, topical reviews, book reviews, scholarly correspondence, etc?
- 1.8 proper (English-language) abstracts for all articles?
- 1.9 suitable publication of errata?
- 1.10 good citation practice?
- 1.11 good presentation, layout, style and copy-editing interventions?
- 1.12 suitability as a general on-going stimulus for local graduate students/young staff in the discipline concerned?
- 1.13 some kind of comparability with leading international journals in the field?

2. Please list your suggestions for an improvement programme for the journal?

Academy of Science of South Africa (ASSAf)

ASSAf Research Repository

<http://research.assaf.org.za/>

A. Academy of Science of South Africa (ASSAf) Publications

A. ASSAf Consensus Study Reports

2014

Report on Grouped Peer Review of Scholarly Journals in Law and Related Legal Fields

Academy of Science of South Africa (ASSAf)

Academy of Science of South Africa

PLEASE CITE AS FOLLOWS: Academy of Science of South Africa (2014) Report on
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