

Christof as doctoral supervisor

Frans Viljoen and Joe Kilonzo***

Frans Viljoen

Among Christof's multiple and diverse responsibilities, doctoral supervision perhaps played a less prominent role, but nonetheless left a profound legacy comparable to that of his other academic pursuits.

His contribution came not only as supervisor, but also by stimulating doctoral studies in his capacity as Dean and as Director of ICLA. Christof supervised to completion ten doctoral graduates at the University of Pretoria (UP). In his term of Dean (2007-2010), he brought a greater focus on doctoral studies, and postgraduate studies, generally. His introduction of a full-time bursary programme for doctoral students, supported by funding that he was able to raise, sparked an increase in doctoral graduates in the years to follow. The Faculty awarded its first doctorate in 1940. In the 40-year period from 1940 to 1979, 19 doctorates were completed in the Faculty of Law. In the next two decades (1980 to 1989 and 1990 to 1999), the number grew to 30 and 31, respectively. In the decade that followed (2000 to 2009), during which Christof took the Faculty reins, the number enlarged to 42. Thereafter, the growth was phenomenal, with a total of 166 graduates being awarded doctorates in the Faculty of Law in the decade 2010 to 2019. When he became Director of the Institute of International and Comparative Law in Africa (ICLA), Christof made doctoral studies a core element of his new academic home. Coinciding with his two terms as UN Special Rapporteur on extrajudicial, summary or arbitrary executions, he made the 'right to life' and 'freedom from violence' – surprisingly neglected or under-studied up to that time – the thematic anchor of doctoral studies in ICLA. At the time of his death, some 14 doctoral students were registered with him,¹ together with either Professor Stuart Maslen-Casey or Dr Thomas Probert as co-supervisor.

As supervisor, he left a deep impression on those he supervised, myself included. I embarked on doctoral studies in the early 1990s, and graduated in 1997. Initially, I was an erratic student, and took some time to find my way. When I proposed a sabbatical to undertake 'doctoral research' while taking a 'road trip' though the African continent,

Christof was my most enthusiastic backer. His interest in Africa and belief in its potential was boundless. At the time when I started working in earnest on writing up my thesis, I was taken aback and overawed by his perseverance, generosity, his work ethic and patience. Towards the end of the doctoral route, every few weeks I would hand-deliver a chapter, and he would, without fail, return it within days, with the most meticulous and insightful comments and insights. He seemed so at ease and in mastery of the process, I thanked my lucky stars to have such an accomplished and seasoned supervisor. It was only later that I realised I was Christof's first doctoral candidate.

The academic writer I am remains indebted to Christof's influence as supervisor. He inscribed in me a lasting sensitivity for clear, logical and coherent structuring, and the need to make that visible to the reader. His enthusiasm carried me along, and I treasure his shared joy at the emergence of every new worthwhile insight from the doctoral project. Combing through the 'acknowledgements' contained in the theses of the other nine graduates, a number of themes recur. Despite his busy schedule, Christof made time for this important academic task. He was exemplary in the speed and thoroughness of his comments. His engagement with the text, mostly during late night hours, was meticulous, ranging from suggestions about additional source references, substantive disagreements, and suggestions to clarify the structure, to detailed linguistic and stylistic guidance. For all, his vast knowledge and experience served them very well in their doctoral process. For many, Christof also opened their eyes to the importance of bringing academic rigour and creativity to bear on academic research.

Christof understood that his role as supervisor did not end on graduation day. He remained my academic cheerleader and guide, seeking opportunities and opening doors. For most of the supervisees, doctoral studies under Christof similarly opened doors, presented opportunities such as internships, visits, participation in high-level events, and access to financial support.

It is an important part of his legacy that seven of Christof's doctoral students today hold academic positions, mostly at universities in south Africa, but also beyond. Henk Botha ('The legitimacy of law and the politics of legitimacy: Beyond a constitutional culture of justification', who graduated in 1998) is professor of law at Stellenbosch University's Faculty of Law. Wessel le Roux ('Die estetiese Republiek: Kuns, reg en post-liberale politiek in Nietzsche, Arendt en Lyotard' (The aesthetic Republic: Art, law and post-liberal politics in Nietzsche, Arendt and Lyotard, 2002) is professor of law at the Faculty of Law, University of the Western Cape. Frans Viljoen ('The realisation of human rights in Africa through inter-governmental institutions', 1997) and Magnus Killander ('The role of the African Peer Review Mechanism in inducing

compliance with human rights', 2009) are professors in the Centre for Human Rights, Faculty of Law of the UP, and Bernard Bekink ('The restructuring of local government under the Constitution of the Republic of South Africa', 2006) and Willem Gravett ('To save succeeding generations from the scourge of war: Jan Christian Smuts (1870-1950) and the Genesis of International Organisation and Human Right', 2015) are professors in the Department of Public and Procedural Law, respectively, also at UP. Thompson Chengeta ('The challenges of increased autonomy in weapon systems: In search of an appropriate legal solution', 2015) in 2021 took up a teaching position at Liverpool John Moores University.

Even if the other three did not pursue academic careers, they too made a singular impact. The last graduate Christof supervised, Mumba Malila ('The place of individual's duties in international human rights law: Perspectives from the African human rights system', 2017), was – some time after Christof's death – appointed as Chief Justice of Zambia. The other two graduates are Waruguru Kaguongo (Kenya, 'Available resources and the realization of economic and social rights, with special reference to national budgets', 2010) (co-supervisor) and Alabo Ozubide (Nigeria, 'Extraterritorial use of force against non-state actors and the transformation of the law of self-defence', 2017) (co-supervisor).

As in many other domains, Christof saw the wisdom of collaboration in the form of co-supervision and co-authorship. Among the co-supervisors with whom he worked are: Profs George Barrie (for Bekink's thesis), Danie Brand (for Kaguongo's thesis), Benyam Mezmur (for Malila's thesis), Hennie Strydom (for Ozubide's thesis), and myself (for Le Roux's thesis). Professor Stuart Maslen-Casey and Dr Thomas Probert, who were co-supervisor for ICLA students, are two very knowledgeable and reliable co-supervisors. They also participated in other aspects of ICLA's work. Christof also published with doctoral students/graduates, both on themes arising from their theses, and more broadly. He worked closely with me and edited and re-edited one of the first close analyses of the actual performance of the African Commission on Human and Peoples' Rights,² in the second edition of the voluminous and ground-breaking *Law in Africa* series. Christof co-published numerous contributions with Magnus Killander, who remained one of Christof's closest academic collaborator for many years subsequent to completing his doctoral studies.³ Christof co-published a seminal overview of constitutional human rights law in Africa, together with Waruguru Kaguongo.⁴ Based on their shared passion to understand the paradoxes of Jan Smuts' life, Christof and Willem Gravett co-published a notable article on Smuts and the UN Charter.⁵ While undertaking doctoral studies, Thompson Chengeta participated

in research, meetings and consultations related to Christof's mandate, making him a logical co-author of some of Christof's seminal academic publications ⁶

Joe Kilonzo

To some of the doctoral candidates at ICLA, before meeting Prof Heyns he always seemed larger than life. We were therefore constantly and pleasantly stunned by the attention and kindness of heart that guided our relationship. He was available to assist us at every stage of our research and writing, from the formulation of our research topics, to settling on the right methodology, discussion our progress, and presenting our findings.

Prof was a very calm, kind, and generous supervisor. He was very supportive, both academically and administratively. His style of supervision was unique, admirable, and inspiring because he would give one space to explore and explain ideas, without imposing his own, despite being a towering intellectual presence. This style and approach to supervision provided us a chance to be creative in our studies. It was so humbling to note that when Prof Heyns listened to you or read your draft, he was willing to be exposed to and benefit from new perspectives whenever there were any, notwithstanding his established academic stature.

By allowing us to explore and explain our ideas, he was encouraging us to find our voice as we undertook our studies. At the same time, he posed very thorough and careful intellectual challenge and providing formal guidance. He thus struck a neat balance between us students being the central writers of our theses, and him being a primary guide on the structure of our theses. His approach fostered a culture of inquiry which encourages creation and interpretation of knowledge through conceptualisation, interrogation, and answering relevant research question, thereby making substantive and original contribution in different areas of academic focus.

In addition, through supervisor-initiated reading group which we have had during our doctoral summits, Prof Heyns provoked us to develop skills in critical and independent thinking. Together with our co-supervisors, he encouraged us to share ideas among ourselves and with others within and beyond academic circles. Also, through supervisor-initiated reading groups Prof Heyns, Maslen and Dr Probert supported us to learn 'reading like a writer' practices that would be useful to unpacking various practices of scholarship.

Moreover, Prof Heyns was a visionary leader gifted with enormous wisdom and a love of humanity that shone through how he treated us as his students. As a supervisor, you felt taller after speaking to him because he was always positive and saw potential in all of us. Even to those of us who became his supervisees a couple of months before his passing, he was very reassuring, and we always felt safe and took comfort in the fact that he was going to walk us on our doctoral journey. He made us believe in the possibility of the journey.

Importantly, Prof Heyns did not pay lip service to ideas and language of human rights, he walked the talk. As stated by one of us, Dagnachew Wakene:

When the inaugural class of LLD in Freedom From Violence (FFV) Programme, which is among Prof Heyn's countless milestone initiatives to the noble cause of human rights, kicked off in February 2018, I was the only student with physical disability. What I recall to this very day, and as long as I live, is the inclusive, non-judgemental, welcoming and genuinely encouraging ambiance of Professor Heyns. "We know you will do a sterling job" was one of his first remarks to me – remarks that meant so much coming from the towering figure of global human rights academia, Prof Christof Heyns, in an academic world evidently prejudicial to emerging scholars with disabilities.

Prof Heyns was a beacon of academic excellence and a human rights activist whose thinking and actions were far ahead of the current state of the world. Words cannot express how he shaped our thinking about the world we live in and how we view our agency in it. Largely, his thought leadership in the African human rights system influenced most of our research projects in certain ways. While discussing international human rights norms, we take a great deal of time and space to examine the African human rights system.

Prof as a supervisor was a like a father. In addition to teaching, correcting, sharing ideas, and listening, he looked out for our interests – beyond completing our theses. He wanted us to excel in our careers and make an impact. He noted our different potentials, pointed out opportunities and encouraged us to take bold steps and make the most of any opportunities that may come our way. Some of the opportunities came in the form of publishing, presentations during seminars and conferences, arranging sessions where we would present our work-in-progress, internships with human rights organisations, fellowships, and involvement in some of the engagements he had within the UN and African human rights systems. These opportunities came in handy considering that doctoral students often experience a degree of isolation both academically and socially.

Evidently, Prof Heyns offered us technical support, wider intellectual support, administrative support, and the personal support required to

bring out the best of our theses. He encouraged us to work towards ensuring that our work is of great quality and relevance, creation knowledge and having an impact in the society. Indeed, Prof Heyns was an unparalleled and amiable teacher, mentor, and supervisor. As noted in our tribute upon his passing on, each one of us can speak to his wisdom, gentleness, kindness, generosity, and thoughtfulness. We were absolutely privileged and honoured to have been supervised by him.

* Director, Centre for Human Rights, Faculty of Law, UP.

** Current doctoral candidate, ICLA/Freedom from violence.

- 1 Claire Adionyi (Kenya, digital open source evidence: enhancing state accountability for human rights violations through the courts in Kenya); Fikire Tinsae Birhane (Ethiopia, studying the right to life of children associated with non-state armed groups); Dennis Chipao (Malawi, analysing how the Malawi Police Service can take advantage of new technologies to monitor and improve its effectiveness and accountability); Alero Itohan Fenemigho (Nigeria, studying counter-terrorism policing in Africa under international law); Dumisani Gandhi (Zimbabwe, exploring the relationship between body-worn cameras and accountable policing in a South African context); Anne Ireri (Kenya, is doing her research specifically in relation to investigation of child abuse in Kenya); Jim Karani (Kenya, Domestic and international standards on the use of force in counter-poaching operations in Africa); Joe Kilonzo (Kenya, Adherence to normative international human rights standards in designing and implementation of Disarmament, Demobilisation and Reintegration (DDR) interventions in countering violent extremism in Africa); Brenda Mwale (Kenya, focusses on prevention and repression of cyber-terrorism in Africa) (co-supervised by Stuart Maslen); Steven Ndhlovu (Malawi, Gender based violence and limitations of the criminal justice system response in Malawi); Beryl Orao (Kenya, The right to freedom of assembly in the context of the use of force and firearms in law enforcement: towards accountability for rights violations by law enforcement officers in Kenya); Lily Oyakhirome (Nigeria, The role of social activism in pursuing accountability for police abuse of powers in Africa) (co-supervised by Thomas Probert); Seyitan Solademi (Nigeria, Inclusiveness and participation of women in the AU counter-terrorism frameworks); Dagnachew B. Wakene (Ethiopia, is working on violence against persons with disabilities).
- 2 F Viljoen 'Review of the African Commission on Human and Peoples' Rights: 21 October 1986 to 1 January 1997' in C Heyns (ed) *Human rights law in Africa 1997* (Kluwer Law 1999) 47-116.
- 3 See C Heyns & M Killander 'Towards minimum standards for regional human rights systems' in Cogan et al (eds) *Looking to the future: essays on international law in honor of W Michael Reisman* (Brill 2010) 527-558.
- 4 C Heyns & W Kaguongo 'Constitutional human rights law in Africa: current developments' (2006) 22 *South African Journal on Human Rights* 673-717.
- 5 C Heyns & W Gravett "'To save succeeding generations from the scourge of war": Jan Smuts and the ideological foundations of the United Nations' (2017) 39 *Human Rights Quarterly* 574.
- 6 C Heyns, D Akande, L Hill-Cawthorne, & T Chengeta 'The international law framework regulating the use of armed drones' (2016) 65 *International & Comparative Law Quarterly* 791-827.