

Alumni

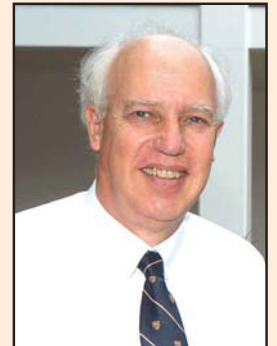
Nuusbrief

Voorwoord

Soos blyk uit die artikels wat hierin vervat is, presteer Fakulteitslede en studente steeds uitstekend op die gebiede van onderrig, navorsing en gemeenskapdiens, die aanbied van konferensies en voorlesings en die deelname aan skynhofkompetisies. Oor die algemeen is die stand van sake in die Fakulteit positief. Daar is met die skryf hiervan steeds onsekerheid omtrent die aanstelling van 'n nuwe dekaan, maar hopelik sal 'n volgende uitgawe van hierdie nuusbrief uitsluitel hieroor bied.

Afgesien van die internasionalisering van die regspraktyk en die implikasies daarvan vir resgopleiding veskaf die eise van die transformasieproses vir die land in die algemeen maar ook die regsberoep in die besonder, besondere eise aan die Fakulteit. Die noodsaak om die diversiteit van die studentekorps te vergroot en studente van gehalte uit die aangewese groepe af te lewer vereis nie alleen die inskerping van onderrigaktiwiteite nie, maar ook die ondersteuning van studente op die finansiële vlak. Die ervaring leer dat akademiese prestasie nou saamhang met finansiële sekuriteit van studente: iemand wat twee of drie werke aan die gang moet hou om fisies te kan oorleef gaan noodwendig sukkel om akademie te mas op te kom. In die lig hiervan is die artikel oor die Amicus Fonds op p 5 van enorme belang. Hierdie projek bied aan oud-studente die geleentheid om die Fakulteit en sy studente direk te ondersteun op 'n manier wat betekenisvol bydra tot die eise waarna hierbo verwys is.

Hierdie nuusbrief is 'n poging van die kant van die Fakulteit Regsgeleerdheid om bande met sy oud-studente te verstewig. Die verwagting is enersyds dat alumni inligting oor verwickelinge in en om die Fakulteit sal verwelkom, maar ook dat daar 'n behoefte is om die soeklig te laat val op die doen en late van oudstudente, waar hulle hulself ook al mag bevind. Nuus hieroor word derhalwe verwelkom en kan gestuur word na Andra le Roux by andra@sun.ac.za. Besonderhede aangaande oud-studente wat nie die nuusbrief ontvang nie en op ons databasis geplaas sou wou word, kan verskaf word aan me Malena Fourie by mfour@sun.ac.za.



Prof Juanita Pienaar neem waar as regter van die Grondeise Hof

Artikel: Kampusnuus 2006.08.31 Foto: Hennie Rudman, SSFD

Prof Juanita Pienaar van die Departement Privaatreg en Romeinse Reg is onlangs aangestel as waarnemende regter van die Grondeisehof in Randburg. Prof Pienaar bekleë die pos van 1 Augustus en sal tot einde Maart 2007 daar diens doen. Prof Pienaar sal saam met die President van die Hof, Regter Fikile Bam asook saam met Regters Antonie Gildenhuis, Yasmin Meer en Justice Moloto werk. "Daar is redelik druk op die hof om 'n klomp sake af te handel en te prosesseer en dit is waarmee ek gaan help," sê prof Pienaar. "Die drie verskillende grondhervormingsprogramme, naamlik herverdeling, grondbeheerhervorming en restituisie, is nou redelik op dreef, maar die tempo sal veral by herverdeling moet versnel. Omtrent 3% van landbougrond is reeds herverdeel, maar die teiken wat deur die staat gestel is, is 30% teen 2014, sê sy.



"Daar is nog 8 jaar oor waarin die uitstaande 27% van grond herverdeel moet word. Grondbeheerhervorming is verder ook kompleks en raak miljoene mense landwyd. Die uitstaande restituisieeise is die meer ingewikkelde eise of gevalle waar daar botsende aansprake ten aansien van dieselfde stuk grond is." Volgens haar was dit 'n groot verrassing om as waarnemende regter aangestel te word, aangesien sy nie vir die pos aansoek gedoen het nie. "Die President van die Hof het my gebel en gevra of ek dit sou oorweeg," sê sy. Gelukkig is prof Pienaar tans op 12 maande studieverlof en gee dit haar meer vryheid om by die hof betrokke te wees. Tussen hofverrigtinge sal sy ook besig wees met haar eie projekte wat die skryf van 'n boek, draes tot hoofstukke in verskeie boeke en haar eie navorsingsprojekte insluit. Boonop is sy ook ma vir Juanette (10) en Wium (6). Sy is getroud met Eduard, 'n apteker

Prof Pienaar se vakgebied is grondhervorming en grondverwante sake. Sy maak ook seker dat sy gedurig op hoogte bly van besluite wat deur die Hof gemaak word deur middel van analisestudies. Dit gee haar 'n akademiese inslag op die praktiese werk wat die Hof uitvoer. "Uiteindelik sou ek graag van die navorsing waarmee ek en my kollegas besig is, ook na die hof bring," sê sy. Sy sien dit ook as 'n geleentheid om te leer wat in die praktyk werk, maar nie altyd tydens navorsing in ag geneem word nie. Dit is die eerste keer dat sy haar kennis op 'n praktiese manier sal toepas. "Ek dink ek gaan baie leer in die proses en ek sien dit as 'n interessante ervaring om teorie oor te sit in 'n praktiese omgewing. Dit is ook baie anders om 'n saak in realiteit te sien uitspeel, want in die Hof werk jy met mense wat hulle eie persoonlike verbintenisse tot grond het - dit maak dit veel moeiliker as om net navorsing te doen. Dit sal my definitief 'n baie ander perspektief gee op die gevolgtrekkinge wat ek bereik in my navorsing," sê sy.

Die Fakulteit se tegemoedkoming sê sy help haar om hierdie ekstra werk aan te pak. "Dit is vir enige akademikus met 'n navorsingsfokus in grondverwante aangeleenthede 'n uiters interessante ervaring en 'n groot uitdaging om in hierdie Hof te sit," sê sy. Aan die anderkant sien sy die ervaring as 'n kans om die kennis wat sy in die praktyk opdoen weer met haar studente te deel. Sy sê prontuit dat sy nie op hierdie stadium gereed is om die akademie vir die praktyk te verlaat nie. "Die akademie bied baie spesiale geleenthede wat die korporatiewe wêreld nie noodwendig bied nie. Boonop hou ek ook baie van die werk wat ek hier doen sowel as die interaksie met studente. My navorsingsfokus en die vryheid wat daarmee gepaard gaan, sal ek nie graag wou verruil nie."

News Highlights:

Moot Court News

Willem C. Vis International Commercial Arbitration Moot 2005/2006

The Faculty's team, consisting of four members, experienced a successful year at the Moot Court Competition for 2005/2006. They were placed at number 82 of 160 teams with a final score of 1002 out of a possible maximum of 1200.

African Human Rights Moot Court

This Moot Court competition took place in Addis Ababa, Ethiopia.

Ms Nicole Singh and Lynne-Maree Matthysen represented the Faculty of Law, Stellenbosch University. About 60 other teams from across South Africa took part in this moot court competition. The Faculty of Law is proud to announce that our team was awarded eighth place. Not only did the team gain valuable experience during this competition but they also enjoyed the Ethiopia and surroundings.

Sport Law Conference

Artikel: *Kampusnuus 2006.09.19* Foto: *Onbekend*

The first ever local conference to focus exclusively on the role of the law in South African sport was recently held at Stellenbosch University in a bid to tackle important and relevant legal issues that affect contemporary SA sport.

The Sport Law Conference was organised by the Centre for International and Comparative Law / Centre for International and Comparative Labour and Social Security Law (CICLASS) at the Law Faculty of Stellenbosch University, in conjunction with the Sports Law Association of SA and the Institute for Development and Labour Law at the University of Cape Town. Participants included High Court judges, sports lawyers, academics, player representatives, national sports federations and trade unions.



The keynote address was delivered by Dr Ali Bacher, one of South Africa's most respected sports administrators both locally and abroad, on the opening day on 14 September.

According to Mr André Louw from CICLASS South African sport is currently experiencing major upheavals and uncertainty due to a number of factors. These include difficulties in adapting to professionalism and the demands and circumstances of the modern global sports market; grappling with the legacy of apartheid in respect of unequal development in different sports and between different groups within a sport; traditional discord and divisions in the governance of sport; the unique role of politics in the governance, regulation and development

of sport in South Africa post 1994; and recent, far-reaching, developments in respect of the State's regulatory scheme and role in sport.

"With these difficulties in mind, delegates came together to analyse from a legal perspective the issues facing South African sport and its management; specifically examining the different problems experienced in recent times in respect of the governance and regulation of the major professional sporting codes," said Mr Louw.

The conference sessions focused on developments in the governance of SA sport, the demarcation of the role and interests of different stakeholders in professional sport and issues around transformation of sport with regard to the three major professional sports in South Africa (namely rugby, soccer and cricket, all of which were represented by members of the national federations and commercial entities involved in managing the professional arm of these codes). In addition, a session on the afternoon of 14 September was dedicated specifically to current issues in SA football. Topics discussed included labour relations between players, federations and clubs, as well as preparation for FIFA World Cup 2010. This session saw a panel comprised of various experts, including the CEO of the SA Football Association, the chief legal counsel of the Premier Soccer League and the General Secretary of the SA Football Players' Union.

"The goal was to identify and debate the role and place of the law in the context of the current South African sporting landscape. In addition, the event served to identify specific areas and issues of importance to be examined in future legal research," said Mr Louw. A large group of delegates from the Western Cape Department of Cultural Affairs and Sport and provincial sports federations also attended the event, which was co-sponsored by the Department.

A number of delegates expressed the sentiment that the conference was the best sports law event to date in South Africa; the only regret was that the limited time available over the two days had not allowed all issues to receive in-depth attention. This last highlights the need for future events of this nature, especially in the run-up to 2010.

Human Rights Day: Seminar on 'Security of Tenure'

Artikel: *Prof S Liebenberg*

On 22 March 2006, the Faculty of Law hosted a half-day seminar focusing on the theme of security of tenure to mark Human Rights Day. The aim of this seminar was to highlight the extent and causes of insecure tenure in South Africa today, and to explore a range of responses from various institutional and civil society actors working in this field. In particular, the workshop aimed at highlighting the chasm that exists between our constitutional commitments to secure land and housing in sections 25 and 26 of the Constitution, and the reality of the precarious and insecure tenure of millions of poor people in South Africa, particularly in the rural areas. The workshop was attended by approximately 60 representatives of academic and research institutions, local governments, the SA Human Rights Commission, non-governmental organisations, and various trade union and community-based organisations. The seminar was chaired by Prof. Sandy Liebenberg, H.F. Oppenheimer Chair in Human Rights Law at the Stellenbosch Law Faculty.

Papers were presented by persons with expertise and experience on a range of topics pertaining to security of tenure. These included: an analysis of eviction trends in the pre- and post-apartheid era; forced evictions in a global context; the role of the SA Human Rights Commission in protecting and promoting

security of tenure; the experiences of attorneys litigating cases under the Extension of Tenure Security Act (ESTA) and the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act (PIE); and the role of the Stellenbosch Municipality in promoting the development of integrated human settlements. The presentations were followed by a discussion on how the courts' jurisprudence and the various legislative mechanisms dealing with security of tenure could be improved to provide better protection to those facing eviction from their homes. Debate also focused on the need to address the underlying socio-economic conditions fuelling evictions and insecure tenure, particularly in rural areas. The Faculty believes that the workshop served its purpose of promoting reflection and dialogue among a range of stakeholders on how the rights to land and housing entrenched in the Constitution can contribute to the transformation of conditions of poverty and insecure tenure in South Africa.

The papers presented at the workshop as well as further papers on the theme will be published in a special edition of the journal, *ESR Review (Economic & Social Rights Review)* of the Community Law Centre (UWC) on the theme of security of tenure. This edition, guest-edited by Prof. Liebenberg, will be published in November 2006.

Welcoming old friends to the Faculty

At the beginning of the 2007 academic year the Faculty was very privileged to welcome back two of its lecturing staff members after a long absence:

Professor CG van der Merwe left the Law Faculty in 2000 to become the Professor of Civil Law at the University of Aberdeen in Scotland. He retired from this post in September 2005 and spent the rest of that year until the end of June 2006 as Visiting Professor at the Seoul National University in Korea. During that time he gave a presentation on the enforcement of Conduct Rules at the University of Valladolid in Spain and two guest lectures at the University of Kyushu in Japan. He has taken up the post of Research Fellow at the University of Stellenbosch from the beginning of 2007 and presents courses in International Apartment Ownership in the LLM programme and in Sectional Titles for the final year LLB class. His main focus is still the Law of Property, Sectional Titles, Roman law and European Legal History.

Professor Ockert Dupper returned to the US Law Faculty in January 2007 after spending the past three years at the Max Planck Institute for Foreign and International Social Law (MPISOC) in Munich, Germany on a post-doctoral research scholarship. During his time at the MPISOC, Professor Dupper worked

on a number of international research projects on a diverse range of topics, including the right of migrant workers to social security, labour market activation and on a project on affirmative action for the Equality Authority of Ireland. He also co-taught an annual seminar on Anti-Discrimination Law at the Law Faculty of the Ludwig-Maximilians University in Munich. During the 2002/3 academic year, Professor Dupper was the Edmond J. Safra Faculty Fellow in Ethics at the Harvard University Center for Ethics and the Professions. He teaches labour law at the US, and has a special interest in anti-discrimination law and affirmative action. He is also the co-director of the US / University of Johannesburg Centre for International and Comparative Labour – and Social Security Law (CICLASS). Professor Dupper holds degrees from the Universities of Stellenbosch and Cape Town and from Harvard Law School.



Regs bo: Prof Ockert Dupper en regs onder, prof CG van der Merwe

Prestige lesing: Hoofregter Pius Langa



Hoofregter Pius Langa (heel regs) het op 9 Oktober 2006 'n lesing in die Ou Hoofgebou gelewer getiteld: Transformative Constitutionalism. Die volledige lesing is elektronies beskikbaar by <http://law.sun.ac.za/LangaSpeech.pdf>

Reunies & Alumni inligting

LLB Klas van 1980: 'n Skemerkelkie en formele dinee is gehou op 14 Oktober 2006. Vir meer inligting oor hierdie reünie kontak asseblief Prof MJ de Waal by mjdw@sun.ac.za

LLB Klas van 1996: 'n Geselligheid vir hierdie klas is gereël deur Guy McLeod op 08 Desember 2006.

LLB Klas van 1977: 'n Geselligheid word beplan vir die naweek van 12 en 13 Oktober 2007. Vir meer inligting oor hierdie reünie kontak asseblief Me A le Roux by andra@sun.ac.za

Alumni inligting

Dit is belangrik dat u kontakinligting as alumnus korrek is by die Stellenbosch Stigting. Besoek gerus www.matiesalumni.net of kontak Malena Fourie by mfour@sun.ac.za

Nuusbrokkies

Internasionale Alumni Studente

Christoph Ewers, oorspronklik van Langenberg in Duitsland, het in Desember 2005 met 'n LLM in Privaatreg aan die Universiteit van Stellenbosch gegradueer. Hy het in 2006 permanent in Kaapstad gevestig en bedryf saam met sy vennoot Island Spirit SA, 'n onder-neming wat catamarans bou en uitvoer. Besoek gerus www.islandspirit.co.za vir meer inligting.

Amicus Fonds

Artikel: Prof JE du Plessis

Sowat 12 jaar gelede het drie oud-studente die Amicus-fonds gestig. Hul doel was om eensgesinde persone te nader om bydraers tot 'n beursfonds te wees wat finansiële steun sal bied aan verdienstelike maar behoeftige LLB-studente. Sedertdien is 22 beurse toegeken – die oorgrote meerderheid aan studente uit histories-benadeelde gemeenskappe in hul finale jaar van studie. Tans is die waarde van die beurs R18 000, wat ongeveer een jaar se volle studiegeld dek. 'n Besondere eienskap van die fonds is dat geen uitgawes uit bydraes betaal word nie – die administrasie word hanteer deur Elton Rochert van Webber Wentzel Bowens as sekretaris, en Jacques du Plessis van die Regsfakulteit as tesourier. Adv Jeremy Muller SC het vanjaar na ses jaar getroue diens die voorsittersleisels by adv John Newdigate SC oorgeneem. Die ander bestuurslede is advokate Henk du Toit en Charl Hugo, beide van die Kaapse Balie, en Robert Bricout van Investec in London.

Die afgelepe paar jaar organiseer die Fonds ook 'n Junie vakansie-projek. Hierdeur word belangstellende regstudente vir twee weke blootstelling gebied aan die werksaamhede van 'n advokaat of prokureur om hul te help met hul loopbaankeuses vorentoe."

Golden Key Dosente Toekennings

Prof Sonia Human (Voor, tweede van links) ontvang weer die Golden Key dosentetoekening vir die akademiese jaar 2006. Studente in elke fakulteit het elke jaar die geleentheid om vir hul gunstelingdosent (in die betrokke fakulteit) te stem om hierdie toekening te ontvang. Foto: Anton Jordaan



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Skakel Johan Krause of Laura Krause van Sanlam, Stellenbosch vir verdere inligting oor hierdie unieke twee voordele van PPS



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