



Justice Goldstone awarded Honorary Degree



Justice Richard Goldstone



Speaking at the UFS, the first chief prosecutor of the United Nations Criminal Tribunals for former Yugoslavia and Rwanda, Justice Richard Goldstone, spoke about the future of international criminal justice.

"The leaders of the University of the Free State can hold their heads up high about their achievements"

On the 3rd of February 2012 Justice Richard Goldstone, who is the recipient of 26 honorary doctorates from universities all over the world, received another such a degree from the university he referred to as "home". Judge Goldstone said that the University of the Free State "now takes its place as a leading university on our continent" and that "the leaders of the university can hold their heads up high about their achievements."

Delivering a lecture as part of Professor Johan Henning's Prestige Lecture Series the previous evening, Judge Goldstone made mention of the vital role that the International Criminal Court (ICC) situated in the Hague has played and continues to play as far as the achievement of International Criminal Justice is concerned.



Prof. Jansen neem waar as Vice-Dekaan

Professor Rita-Marié Jansen, mede-professor aan die departement Privaatreg, is aangewys as waarnemende vise-dekaan van die Fakulteit Regsgeleerdheid. Sy is die eerste damespersoon wat in hierdie pos aangestel is. Die pos sal in 'n latere stadium permanent gevul word.



Gerda besoek Indië

Gerda du Toit het in September 2011 'n besoek afgelê aan die Regskool van die Banaras Hindu Universiteit, Varanasi, Indië. Die doel van hierdie besoek was om toekomsmoontlikhede vir samewerking tussen ons fakulteit en die Banaras Regskool te bespreek. Geen formele ooreenkoms is aangegaan nie, maar die weg is wel oop vir informele samewerking, veral op departementele vlak. Ek het ook die geleentheid gehad om die personeel en nagraadse studente aan die regskool toe te spreek deur 'n lesing te lewer oor natuurlike rampbestuur in derde wêreld lande.

Hierdie besoek het deel gevorm van 'n jaarlikse gemeenskapsprojek wat deur Annette Furter en Henda Bosman, 2 Bloemfonteiners, geloods is om skole en klinieke in verskil-



Gerda du Toit, Annette Furter, Henda Bosman

lende dele van Indië en Nepal te ondersteun. Dit was 'n ongelooflike voorreg en belewenis om hierdie ervaring met hulle te deel.

Indië is voorwaar 'n besige land met baie om te bied en vir die tyd het, sal ek dit verseker aanbeveel om self te probeer.

Seven law students on Student Representative Council

No fewer than seven students attached to the Faculty of Law have been elected to serve on the Student Representative Council for the 2011/2012 term. These seven students include Mr Richard Chemaly, who is the current president of the SRC, and Mr Lefata David Maklein, who is the current Vice-President of the Council.

The other law students who serve on the Council (and their portfolios) are:

- Mr Werner Pretorius – Treasurer
- Mr Bonolo Thebe – Sport
- Mr Jean Vermaas – Academic Affairs and Ex Officio
- Ms Annemieke Plekker – City Student Affairs and Ex Officio
- Ms Glancina Mokone – Postgraduate Affairs and Ex Officio.



Jo-Marí attends conference in Beijing



The profession of forensic science and evidence law should no longer operate in separate exclusion. This was the definitive message that echoed throughout the Third International Conference on Evidence Law and Forensic Science in Beijing, China from 16 to 17 July 2011.

Attended by Jo-Marí Visser, lecturer from the Department Procedural Law and Law of Evidence, the Conference hosted some of the world's foremost

experts in the arenas of forensic science and law of evidence. Dr Henry Lee, forensic criminalist from the United States of America and best known for his testimony in the O.J. Simpson murder trial, supported the message imparted by most attendees: to attain greater accuracy in truth-seeking in criminal justice, practitioners in forensic science and law should work in greater proximity to provide and use evidence in criminal trials.

Apart from a great learning experience provided by the Conference, Jo-Marí reveled in the treasures Beijing had to offer. From trying cooked scorpion in the food market (and then failing to follow through!), to climbing the Great Wall of China and discovering 'Old Beijing', sadly dying in light of the immense technological developments in the East. Beijing proved to be a truly magical place.

Labour Law Conference in Spain

Three members of the Department of Mercantile law, Professor Voet du Plessis, Advocate Denine Smit and Ms Maralize Conradie attended a Conference on all aspects of Labour law in Seville, Spain during the course of 2011.

Relevant topics that were discussed at the conference included Labour law and industrial relations in the light of the economic and social changes, collective bargaining rights in a globalised economy, public and private employment services as intermediaries in the hiring of workers and social protection of the unemployed.

The primary language of the conference was in Spanish, which meant that the delegates had to make use of interpreting services throughout.



Ms Maralize Conradie, Professor Voet du Plessis and Advocate Denine Smit.

Estate and Trust law conference

On the 16th of September 2011 the Centre for Financial Planning law sponsored and co-hosted an Estate and Trust law conference with the Centre for Estate Planning law at De Oude Kraal outside Bloemfontein.

Participants and their topics were the following:

Prof. F. de Villiers:

Die hervorming van die Suid-Afrikaanse Erfreg deur Wet 11 van 2009 in die vooruitsig gestel.

Adv. D. Nxumalo:

The rights of the descendants vs the rights of the surviving spouse in the law of intestate succession.

Adv. W. Oosthuizen:

Financial Planning Law explained in context of the accrual matrimonial property regime.

Prof. W. van der Westhuizen:

Some grey areas of practical trust law.

Prof. F. du Toit:

Enige lesse te leer ten opsigte van die bewind trust aan die hand van die Nederlandse testamentêre bewind?

Prof. J.C. Sonnekus:

Testeerbevoegdheid en testeervryheid as grondwetlikbeskermdes bates met besondere verwysing na die Levin-uitspraak.

Prof. M.J. de Waal:

Testamentsformaliteite in Regsvergelykende Perspektief.

Prof. M.C. Schoeman-Malan:

Verlore testamente ("Lost wills").



From the left: Advocate Wessel Oosthuizen, Mr. Louis van Vuren, Professor Willie van der Westhuizen, Professor Marius de Waal and Professor Jean Sonnekus

Prof. A. van der Linde:

- (A): Die HVK met erfregtelike bepalings: Enkele opmerkings na aanleiding van die beslissing in Radebe v Sosibo [2011] ZAGPJ 17
- (B): Enkele omstrede stellings in Van der Merwe NO v Hydraberg Hydraulics CC 2010 5 SA 555 (WCC); First National Bank v Britz [2011] ZAGPPHC 119 van 20 Julie 2011 en Mallinson NO v Slaters [2011] ZAECGHC 29; CA327/2010 van 1 Julie 2011.

Mnr. J.T. Faber:

Onsekerheid in die Suid-Afrikaanse erf- en trustreg: Kort besprekings van kwelpunte.

The conference was further attended by practitioners and members of the Centre for Financial Planning Law.

Professor Neethling lewer intreerede

Professor Johan Neethling is vanaf 1 Januarie 2011 aangestel as Senior Professor aan die Departement Privaatreg. Professor Neethling het op 21 September 2011 sy intreerede getiteld "Kenmerke van die Wetsontwerp op die Beskerming van Persoonlike Inligting, 2009 en die Deliktereg" aan die Fakulteit Regsgeleerdheid gelewer. Gedurende die intreerede het professor Neethling aangetoon hoe noodsaaklik dit is dat Suid-Afrika die voorbeeld van meer as 50 ander lande volg en ook 'n oorkoepelende wet met algemene beginsels sal aanvaar wat persoonlike data beskerm. Dit is ook so dat die enkele artikels in bestaande wetgewing, asook die gemenerereg en by name die deliktereg, nie genoegsame be-

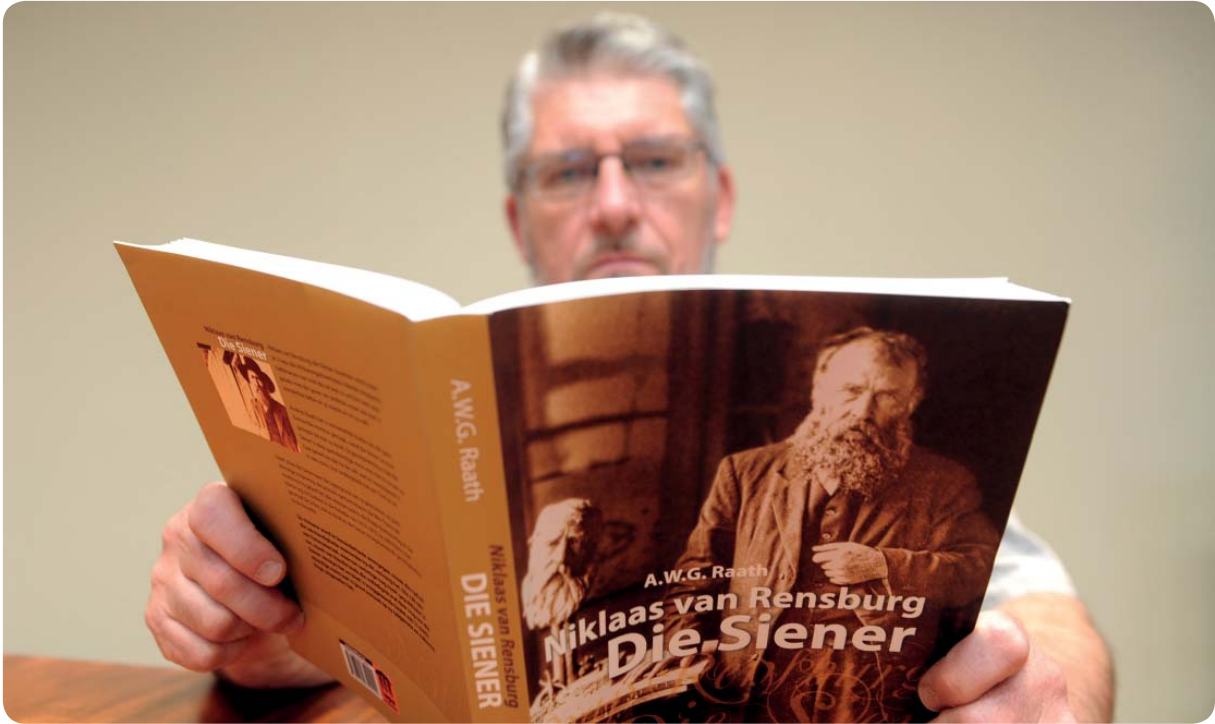


Op die foto is van links, dr. Brand Claassen, waarnemende dekaan van die Fakulteit Regsgeleerdheid tydens die intreerede, professor Theuns Verschoor, Vise Rektor: Institusionele aangeleenthede, professor Johan Neethling en professor Rita-Marie Jansen, waarnemende vise-dekaan van die Fakulteit Regsgeleerdheid.

skerming aan 'n persoon bied nie. Persone moet 'n sekere mate van kontrole oor hul persoonlike data kan uitoefen. Onder leiding van professor Neethling is 'n ver-

slag aan die Regshervormingskommissie, wat 'n "Protection of Personal Information Bill" insluit, reeds in 2009 gepubliseer.

Professor Raath publiseer nuwe boek



Professor Raath, met sy boek Niklaas van Rensburg: Die Siener.

Professor Andries Raath, van die Departement Staatsreg en Regsfilosofie aan die Fakulteit Regsgeleerdheid, se nuwe boek *Niklaas van Rensburg: Die Siener*, is die produk van twintig jaar se intensiewe navorsing oor hierdie besondere historiese figuur.

Van Rensburg fassineer reeds meer as 'n eeu die Afrikanergemeenskap. Die boek is 'n omvattende studie van dié profeet vanaf die Siener se voorgeslagte tot en met sy dood. Professor Raath kom tot die gevolgtrekking dat die Siener 'n diep godsdienstige mens was wat so na aan sy God geleef het dat hy die self, wat so vooropgestel is in elke mens, kon ondergeskik stel aan God se wil.

Professor Raath plaas die Siener teen die agtergrond van sy gesins-

*“Die boek is 'n
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lewe, sy godsdienstige omgewing, die pioniersgemeenskap in die Wes-Transvaal waarbinne hy geleef het, die veldslae tydens die Anglo Boereoorlog en die epiese tog na Suidwes in die Rebelle van 1914–15, sy verbintenis met

generaal De la Rey, dié se dood en die Siener se beproewende gevangenskap ná die Rebelle.

Sy visioene word in besonderhede weergegee, asook die tyd en die omstandighede waaronder hy dit ontvang het. Die ryk oes aan fotomateriaal, waarvan sommige nog nooit gepubliseer is nie, maak van hierdie boek die volledigste wat daar nog oor die Siener verskyn het en bied 'n insiggewende beeld van 'n merkwaardige mens wat 'n groot invloed op sy tydgenote en nakomelinge uitgeoefen het.

Volgens Professor Raath is die boek “bedoel vir hulle wat die konteks en inhoud van die Siener se beskrywings wil verstaan sodat ons die reis na die geestelike bewussyn van die Siener kan onderneem.”

To Cambridge and back

Pieter Brits, a lecturer in the Department of Mercantile Law, has recently returned from a year of study at the University of Cambridge in the UK. He received a grant from the Harry Oppenheimer Memorial Trust, which enabled him to read for a Master of Law degree (LL.M) with specialisation in Commercial Law. The degree included the study of Intellectual Property Law, International Intellectual Property Law and International Commercial Tax.

His thesis was entitled The protection of intellectual property in the virtual world. This study entailed an investigation into computer reality games such as Second Life and included research into the possibility of creating a virtual jurisdiction in order to deal with cross-border electronic transactions and the problems encountered with intellectual property laws, taxation, e-commerce and private international laws.

The LL.M degree at the University of Cambridge is well represented by students from all over the world which creates a cross-pollination of ideas and academic networking opportunities. Diverse backgrounds enrich the cultural interaction between students, but it also leads to comic situations especially concerning the multitude of different accents, or shall we rather say “versions”, of the English language.

The collegiate system of the University of Cambridge entails that



every student has to belong to one of the 31 colleges which forms part of the university. Pieter is a member of Jesus College of which Prof. Barry Rider, an honorary professor in our Department of Mercantile Law, is also a member. The different colleges provided numerous opportunities for students to attend formal dinners at the invitation of fellow students and so many friendships were born. Pieter made friends with diverse people from countries such as Austria, Armenia, Singapore, Slovakia, Zimbabwe and also South Africa.

For the South Africans in Cambridge, a welcome get together place was Nando's – which food tastes exactly

the same as back here in South Africa, the only difference being that the UK Nando's has a more restaurant feeling than a take away place.

Pieter intends to invest the knowledge he has gained through his LL.M-studies at the University of Cambridge by developing LL.M courses in the field of International Intellectual Property Law and International Tax. He is also in the process of creating a unit for Intellectual Property Law research in the Faculty of Law.

His time at this renowned academic institution was well spent and although he endeavours to continue with a Ph.D in the UK, “nothing beats the African sun!” Pieter said.

Third European Conference on Health Law

Two members of the Department of Private Law, Doctor Brand Claassen and Professor Rita-Marie Jansen, attended the third European Conference on Health Law held in Leuven, Belgium on the 6th and 7th of October 2011. Dr Claassen delivered a paper

entitled “The influence of Europe's ageing population on the standard of disclosure expected of medical practitioners”. In this paper, he argued that it is a fundamental legal principle that in the absence of required consent, medical treatment of a patient will be unlawful. Prof

Jansen in her paper entitled “Safe and effective medication for the elderly: the latest on the Avastin-Lucentis debacle” argued that the mentioned debacle illustrated the ethical, policy and even legal dilemmas encountered with the use of this medication.

Teaching and Learning summit



The Faculty of Law “dared to dream” about innovation at its maiden teaching and learning summit held at “The Willows” on 24 May 2011. The summit was assumed the format of a workshop presented by Marda Horn, teaching and learning manager, and her assistant, Leani van Niekerk.

An affirmative strength based approach was employed to discover and build upon the existing strengths of the faculty’s teaching and assessment practices. By employing the SOAR analysis (Strengths, Opportunities, Aspirations and Results) the faculty made a conscious value choice to

seek the most affirmative, valuing and generative information available.

The faculty reaffirmed its commitment to the integrity of its structures (Strengths); the Opportunity to expose students to different resources within an academic culture, thereby developing critical analytical skills (Aspirations) in their students; to inspire graduates to adopt and excel in an ever changing and demanding legal environment with the commitment to transform lives and stay lifelong learners (Measureable Results); within the value framework of academic freedom and autonomy.

Dr Saretha Brussöw, the Head: Sub Directorate Teaching and Learning (DIRAP), accepted an invitation to facilitate the first part of the session dealing with the pilot project of compulsory class attendance. Being one of the first priorities set by the Rector, Prof Jonathan Jansen in his Academic Turn-Around strategy, the faculty has played a leading role in this initiative.

During lunch the Vice Rector: Academic, Prof Driekie Hay, addressed the faculty on her passion for teaching. The Dean of the Faculty: Prof Johan Henning commented that the summit was both a fruitful exercise as well as an energising retreat.

Professor Henning delivers papers at Cambridge



Miss Hannerie Hay, Professor J.J. Henning and Dr Adri du Plessis at Cambridge University, where Prof Henning delivered a number of papers in 2011.

Sentrum vir Finansiële Beplanningsreg vier 10 jaar



Die Sentrum vir Finansiële Beplanningsreg van die Fakulteit Regsgeleerdheid aan die Vrystaat het onlangs sy tiende bestaansjaar gevier. Die viering op Woensdag 28 September 2011 het 'n seminar en 'n galadinee ingesluit. Die Sentrum vir Finansiële Beplanningsreg (SFPL), in samewerking met die Finansiële Beplanningsinstituut van SuiderAfrika (FPI), was die eerste akademiese instelling in Suid-Afrika om 'n formele nagraadse kwalifikasie aan te bied wat aan lede die internasionale kwalifikasie van 'n

gesertifiseerde finansiële beplanner besorg.

Die sentrum, onder leiding van Advokaat Wessel Oosthuizen, word nasionaal in die finansiële en opvoedkundige wêreld erken as die leier van gehalte en praktiese finansiële beplanningsprogramme in Suid-Afrika. Oosthuizen is ook vanjaar vereer met die voorsitter van die FPI se eerbewys vir 'n uitstaande lewenslange bydrae tot die finansiële beplanningsbedryf. Die sentrum se programme is almal op internasionale standarde gegrond en berei gesertifiseerde finansiële be-

planners akademies voorwat goed opweeg teen die beste ter wêreld. Programme wat deur die SFPL aangebied word, is die nagraadse diploma in finansiële beplanning, die gevorderde nagraadse diploma in finansiële beplanning, 'n LLM en 'n LLD in finansiële beplanningsreg.

Om die tien jaar van bestaan te vier is die seminar vir al die sentrum se heeltydse studente aangebied. Die studente is toegesprek deur prominente belanghebbendes in die finansiële beplanningsbedryf oor moontlike beroepsgeleenthede.



Briewe / Letters

Rig u skrywe aan/
submit your letters to:
mouldkl@ufs.ac.za