

Other Volumes



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Editorial:

On 22 and 23 April 2010 the NWU (Potchefstroom Campus) Faculty of Law hosted a colloquium in collaboration with and sponsored by the *Konrad-Adenauer Stiftung* on the theme **Good Governance in Land Tenure**. In this issue we publish a selection of edited and reworked papers presented during the colloquium. A foreword to this joint issue of the Faculty and KAS by the Resident Representative of KAS in South Africa, Dr Werner Böhler, opens the discussion of a topic of global and local significance.

The eminent German international environmental lawyer Thilo Marauhn (who recently published, with Ulrich Bayerlin, a comprehensive work entitled *International Environmental Law* (Hart Publishing, 2011)) prepared a keynote address, but could not travel to Potchefstroom due to the disruption of international air traffic at the time by the volcanic eruption in Iceland. Professor Marauhn's address, in which he addressed land tenure from the perspective of international law, is published here as an *oratio*, followed by a response by Gerrit Ferreira of Potchefstroom. The growing importance, but need for further development of the notion of good governance in international environmental law and how land use is a key concern in this regard, is clearly demonstrated.

Next Juanita Pienaar of the University of Stellenbosch addresses the challenges and responsibility of the South African Land Claims Court in the context of good governance in its adjudication of matters concerning the restitution of land. She suggests that the Court should become more involved in pro-actively deciding the exact form that restitution or restoration of land should take in the cases before it.

The role of local government in South Africa in evicting unlawful occupiers of land and buildings and in administering measures dealing with redistribution of land and land tenure is addressed by Jeannie van Wyk of UNISA. She concentrates on constitutional directives under which municipalities should perform these difficult tasks, and on their procedures, duties and responsibilities in this regard.

In her paper on the reform of tenure security, Hanri Mostert of the University of Cape Town comparatively explores the contradictory debate on the different types of tenure security interests that need to be served. Drawing on registration practices in English law, she demonstrates the beneficial possibilities of the employment of electronic deeds registration systems, also pointing out what further research is needed to be done on the matter.

Leslie Downie, a legal consultant on low cost housing registrations and corporate social responsibility poignantly points out that her paper is intended to "give a legal practitioner's insights into why, at the threshold of the twenty-first century, if the system does not adapt, conveyancers of low-value properties might be well advised to turn to a career in painting." She deals with South African law applicable to and the potential of a project intended to address the difficulties of providing consumer protection to "the low-literate and other vulnerable holders of rights."

Jennifer Whittal of the University of Cape Town also takes up the theme of the unique difficulties surrounding the transfer and registration of land under the current South African conditions of mass land distribution and housing provision. She investigates the potential use of cell-phone technology, which has penetrated poor communities thoroughly, as a possible means of improving the over-burdened deeds registration system.

Francois Venter

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Edition Editor
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