

“Racial bias” in the judiciary

The General Council of the Bar of South Africa in a recent media release expressed its strong support for a statement by the Chief Justice and the President of the Constitutional Court regarding reported criticism of the Bench in the trial and subsequent appeal of Dr Allan Boesak.

This statement was a consequence of public comment by the spokesman for a political party, ascribing Dr Boesak's conviction and prison sentence to racial bias in the judiciary.

The GCB's media release reads as follows:
“It is noted that the spokesman has

since stated that he was misquoted. If this is so, the serious nature of the reported remarks would doubtless warrant an immediate complaint to the editor of the newspaper concerned. We are not aware that this has happened. If the spokesman was accurately reported, it is important that what he said be corrected at the highest level.

Both President Mandela and President Mbeki have set an example in their relations with the judiciary. Both have accepted adverse judgments without vilification of the kind now reported.

Judges and their judgments are not free from criticism. Like the senior judiciary, the GCB believes however that constitutionalism in South Africa is not advanced by ill-informed and intemperate criticism of the kind reported.

***JJ Gauntlett SC
Chairman: General Council of the
Bar of South Africa
25 May 2000”***

Pius Langa Bar Scholarship

The General Council of the Bar is pleased to announce that the Nedcor Group has agreed to sponsor an annual scholarship for pupils at constituent Bars of the GCB. The scholarship of R45 000 will be known as the Pius Langa Bar Scholarship, and

its recipients as Pius Langa Scholars.

The award will be made by a selection committee comprising a nominee of Justice Pius Langa, the GCB chairman (or nominee), and the chairman of Nedcor (or nominee). The scholarship

will be administered by the GCB, in consultation with Nedcor.

Pupils at all Bars have been invited to apply before 30 June 2000. It is expected that the first award will be made shortly.

IBA Conference

The biennial conference of the International Bar Association will be held in Amsterdam, the Netherlands, from 17-22 September 2000. As many as 3 000 lawyers are expected to

attend the conference, which will present approximately 120 working sessions, an extravagant social programme, and extensive networking opportunities.

Full programme and on-line registration available to view/download at www.ibanet/Amsterdam.org. Also: tel +44(0)20 7629 1206 or fax +44(0)20 7409 0456.

AFSA'S Arbitration Appeal Panel

***Peter Volmink: member of the AFSA Steering Committee
Cape Bar***

Arbitration is steadily gaining ground as the preferred means of resolving certain types of disputes including large commercial and administrative matters involving government or organs of state on the one

hand, and legal persons or individuals on the other. As a result of administrative red-tape and heavily burdened court rolls, it may take years to bring a court case to finality - thus increasing costs and anxiety levels for all the parties involved. These problems are not peculiar to our times. Voet already observed that “...it is a common thing for arbitrators to be approached with a

view to the termination of a suit and the avoidance of a formal trial. The reason is that resort is commonly made to such persons by those who are frightened of the too heavy expenses of lawsuits, the din of legal proceedings, their harassing labours and pernicious delays, and finally the burdensome

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