

community required that the conduct complained of should, delictually speaking, be regarded as wrongful. The *Ewels'* case stands out as a fine example of the young Craig Howie's skills in advocacy and his legal ability and judgment.

Judge Howie has had a long and distinguished career on the Bench. He was appointed as an acting judge on the Eastern Cape Bench in February 1978 at the comparatively young age of 39 years. The appointment was made permanent in December 1978. In 1985 he was transferred to the Cape Bench. In December 1991 he was appointed as an acting judge of the Appellate Division. He became a permanent member of that court in December 1993. In November 2002 he was appointed President of the Supreme Court of Appeal with effect from 1 January 2003. He has presided in his court with courtesy, firmness and dignity in a wide spectrum of authoritative decisions which have shaped the legal landscape in this country. His soundness as a lawyer is complemented by his innate sense of fairness and justice: both merit the highest praise. One of the hallmarks of his quality as a judge is the elegant and disciplined lucidity of his judgments. A recent example of judicial writing at its best is the clarity of his

exposition of the difficult legal issue analysed in his judgment in *Bid Industrial Holdings (Pty) Ltd v Strang* [2007] SCA 144 (RSA). This is the landmark decision which holds that an arrest to found or confirm jurisdiction is unconstitutional, and illustrates the proper way for the courts, in such a case, to develop the common law by filling the gap created by the abolition of a principle which has guided them for centuries.

Judge Howie has also made a significant contribution to the practice and administration of the law. During his years in private practice he was active in the affairs of his profession, first as secretary to the Eastern Cape Bar Council, and later as one of its members. On the Bench he continued with extra-curial service to the profession as a member of the SA Law Commission from 2001 to 2006, inter alia chairing the project committee which investigated and reported upon counter-terrorism laws. He has arranged the heavy work load of the judges of appeal with energy and efficiency. Until his retirement he was a member of the Judicial Service Commission. He has also made a significant contribution in the field of education. While in practice at the Bar in Grahamstown he was a part-time lecturer in law at Rhodes University, and an external

examiner. For many years he was a member of the council of a number of prominent schools, both in Grahamstown (1974 - 1985) and in Cape Town (1986 - 1996). In 1984 he served as a member of the Rhodes University council. After his transfer to Cape Town he was a member of the council of the University of Cape Town until 1996, and thereafter, a member of the University of Cape Town Trust. He remains a trustee.

Howie, P fully deserves his place among the leading jurists of the land. On 1 January 2003 he became the first permanent President of the Supreme Court of Appeal, a position which, until December 2001, had the title of Chief Justice. He has been a worthy successor to the distinguished Chief Justices who went before him, and has set high standards for the Presidents who follow him. I had the privilege of practising at the Bar with him, taking his place on the Eastern Cape Bench when he moved to Cape Town, and sitting with him as an acting judge of appeal in Bloemfontein. I can say with confidence that the legal profession will miss appearing before him, and that his colleagues on the Bench will miss his camaraderie, his dry and subtle sense of humour, and the strong collegial support which his long experience in the courts was able to impart. 



Justice Jan Steyn

Lesotho says farewell to Justice Jan Steyn

Address by Justice Michael Ramodebedi at a gathering in the Court of Appeal of Lesotho on 11 April 2008.

Today we bid farewell to the President of this Court. He first served on it temporarily more than two decades ago. He has been a permanent Judge of Appeal for 18 years now, and President of the court for the past 11 years. He has served with each of us, and with our former colleagues Jules Browde, Chris Plewman and Leo van den Heever, who have all travelled specially to Maseru to join us today.

We feel his departure very keenly. On behalf of my other colleagues and myself, and I am sure all lawyers and litigants before the Court of Appeal, I wish to say a few words in tribute.

Jan Hendrik Steyn was born on 4 March 1928 in Cape Town. Educated there and at Stellenbosch University, he commenced practice at the Cape Bar in 1950. He became one of the youngest judges in South Africa's history when (at the age of 36) he was appointed to the Cape High Court in 1964. He is now the only surviving judge to have served on a Bench in Southern Africa in the 1960s. A judicial career which began 44 years ago ends in this Court today.

As a young judge Jan Steyn soon became known for a number of reported judgments, many of which are cited to this day, and for his pioneering work in criminology and penology in South Africa.

On 16 June 1976 South African society was changed forever, and with it, the course of Jan Steyn's life. The Soweto uprising took place. He resigned from the Bench shortly thereafter, turning his back (it seemed at the time) on a judicial career. He led the Urban Foundation, a non-profit body which fought for the recognition of the rights of Black South Africans to live permanently in the cities, for proper housing and for social reconstruction.

On 2 February 1990, in making his famous speech announcing the release of Nelson Rolihlahla Mandela and others, President De Klerk also announced a new initiative to be led by Judge Steyn: a R2 billion fund for social reconstruction.

Ultimately the law called Jan Steyn back. As I have said, in 1990 he became a permanent member of this court and in 1997 its President. In the same period he has served for seven years on the Court of Appeal in Botswana and 13 years on the Court of Appeal of Swaziland.

His contribution to the development of law and protection of the rule of law, in no fewer than four SADC countries, has been immense.

What are the characteristics of, and contributions by, Jan Steyn that we mark today and for which we thank him?

Firstly, in all things, he is an extraordinary leader. Without doubt he has been the greatest leader of this Court of Appeal. He has presided over its reconstruction since the last military coup, during which most of its members resigned in protest. He has overseen its move to this building, and engaged constantly with government to ensure that it has proper resources. It is his stature which has helped attract other distinguished lawyers here as members. He has worked in a close and warm relationship with both the present Chief Justice and his predecessor, Chief Justice Kheola, and the Law Society. He has been the first to invite High Court Judges of this Kingdom to serve on the Bench. He has built up a court in which it is a matter of pride that there are no delays, and that some of its judgments

are cited in other countries and reported in the Law Reports of the Commonwealth.

Secondly, Judge Steyn has made an enormous contribution as a judge. He has led from the front: he has taken some of the most burdensome and difficult cases. There is no time today to detail all his major judgments: the past two decades of law reports here stand as testimony. But it would be remiss of me if I did not mention Judge Steyn's massive contribution on the issue of the Lesotho Highlands bribery cases.

Lesotho stands internationally highly regarded for these efforts: a small country which confronted multinational giants on a basic issue of financial integrity and the rule of law. And he, with his colleagues, has built up a new body of constitutional law in Lesotho, applying the 1993 Constitution.

Thirdly, Judge Steyn has had a wider impact on the administration of justice in Lesotho. He has supported and at all times led initiatives for the prompt printing of the statutes, the publication, promptly, of the law reports, advocacy training for practitioners, and access to proper law libraries. It was at his initiative that the Ogilvie Thompson Library was established at the High Court, at a time when access to authorities in Lesotho had fallen behind.

Finally, Judge Steyn has set us all an example in public life. Whilst uncompromising on issues of integrity, dedication to one's work and quality, he has always been an approachable, unassuming leader.

This long service to law in Lesotho is one for which we all thank you. Tonight His Majesty will bestow on you one of Lesotho's highest awards for your services to justice in the Kingdom. It will join your five honorary doctorates and many other awards as a measure of your life. For that part of your life which you have given us, always with the gracious support of your wife, Ann, whom we are glad to have present in Court today, we thank you, from the bottom of our hearts. We are deeply privileged and indeed honoured to have served under your able leadership.

We say, in Sesotho, '*Tsamaea ka Khotso*,' which means 'go in peace.'



GCB annual general meeting: 2008

STOP PRESS GCB NEWS

The GCB held its 63rd annual general meeting (AGM) in Johannesburg on Friday, 25 July 2008.

The AGM took note of the fact that the judiciary will be celebrating its 100th year in 2010 and it was resolved that the GCB Executive should initiate a process aimed at using that occasion to reflect on the 100 years of the existence of our judiciary.

The Sydney and Felicia Kentridge Award for Service to Law in Southern Africa was presented to Jules Browde SC by the GCB at a gala dinner on the Friday evening. The award is presented annually to a person who has made an exceptional contribution to the development of the law in Southern Africa.

Patric Mtshaulana SC was elected as incoming chair for 2008/9 with the following members of his executive: Rashid Vahed SC (deputy chair), Seth Nthai SC (vice chair), Soraya Hassim (honorary secretary), Tayob Aboobaker SC, Ashley Binns-Ward SC, Kgomotso Moroka SC, Gerrit Pretorius SC, Izak Smuts SC; Archie Findlay SC (ex officio). The post of assistant secretary will be filled later in August.

The chair's report and other matters discussed at the AGM will be published in the next issue of *Advocate*.

Outgoing Executive of the GCB



Front L-R: TN Aboobaker SC; Rashid Vahed SC (vice chair); Jannie Eksteen SC (chair); Gerrit Pretorius SC.
Back L-R: TJ Bruinders SC; Soraya Hassim SC.
Absent when photo was taken: RT Williams SC; D Ntsebeza SC; K Moroka SC; M Sello.