

Special Newsletter

Justice Catherine O'Regan

The Association of Arbitrators, Southern Africa, is very pleased to announce that Justice Kate O'Regan has accepted a position as our President and patron.



Kate O'Regan was born in Liverpool, England. She grew up in Cape Town. She obtained her B.A. from the University of Cape Town in 1978 and her LL.B. (cum laude) from the same university in 1980, an LL.M. from the University of

Sydney with first class honours in 1981 and a Ph.D. from the University of London (London School of Economics) in 1988.

For four years in the 1980s she practised as an attorney in Johannesburg specialising in labour law and land rights law. During this period she acted for a wide range of trade unions, anti-apartheid organisations and several communities facing the threat of evictions under apartheid land policy.

In 1988, she joined the University of Cape Town Labour Law Unit as a researcher. In 1990, she became a senior lecturer in the Faculty of Law at UCT. Over the next five years, she was a founder member of both the Law, Race and Gender Research project and the Institute for Development Law at UCT. She was also an advisor to the African National Congress on land claims legislation, and to the National Manpower Commission on gender equality law. She also served as a trustee of the Legal Resources Trust.

In this period she edited (with Christina Murray) a book on forced removals and the law entitled *No Place to Rest*; as well as the *IMSSA Arbitration*

Digest, a digest of labour arbitration decisions. She was also one of the authors of *A Charter for Social Justice*, a contribution to the South African Bill of Rights debate. She also wrote numerous articles that were published in academic journals.

In 1994, aged 37, she was appointed as a judge to the newly formed Constitutional Court. She acted as Deputy Chief Justice in the absence of Justice Moseneke from February to May 2008. Her term of office on the Court ended in October 2009. In 2010 and 2011 she has served as an ad hoc judge of the Namibian Supreme Court.

In 2008, she was appointed by the Secretary-General of the United Nations as chairperson of the newly established Internal Justice Council of the United Nations. The Council was established to help ensure independence, professionalism and accountability in the internal administration of justice within the United Nations. One of the primary responsibilities of the Council is to identify suitable candidates for appointment as judges of the UN Dispute Tribunal and the UN Appeals Tribunal and to make recommendations to the General Assembly for the appointment of such judges. Her term of office is for four years. She also serves as President of the International Monetary Fund Administrative Tribunal.

She continued her interest in academic teaching during her tenure as a judge. She has served as an honorary professor at the University of South Africa, an honorary professor at the University of Cape Town and is a visiting professor at the University of Oxford.

She has been awarded honorary doctorates by the University of KwaZulu-Natal (2000), the University of Cape Town (2004), the London

School of Economics and Political Science (2008) and the University of South Africa (2009). She is an honorary bencher of Lincoln's Inn (2007) and a foreign honorary member of the American Academy of Arts and Sciences.

She has been an honorary consulting editor of the *South African Law Reports* since 1997 and serves on the editorial board of many South African legal publications.

Justice O'Regan has played an instrumental role in furthering the cause of private arbitration in South Africa. She was involved in the landmark *Mphaphuli judgment*¹ where in a lengthy judgment with which the majority of the justices concurred, Acting Deputy Chief Justice Kate O'Regan, held that the values of the Constitution would not necessarily best be served by interpreting section 33(1) of the Arbitration Act in a manner that enhances the power of courts to set aside private arbitration awards.

Indeed, she said, the contrary seems to be the case:

"The international and comparative law considered in this judgment suggests that courts should be careful not to undermine the achievement of the goals of private arbitration by enlarging their powers of scrutiny imprudently."

As the Executive Committee of the Association of Arbitrators we feel privileged to have Justice O'Regan on board and have no doubt that she will certainly assist the Association in achieving its strategy and stated goals over the next 3 years.

Members will have an opportunity to meet Justice O'Regan at the next AGM scheduled for 31 May 2012. •

¹ Mphaphuli & Associates (Pty) Ltd v. Andrews and Another 2009 (4) SA 529 (CC)



The Association of Arbitrators (Southern Africa)

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