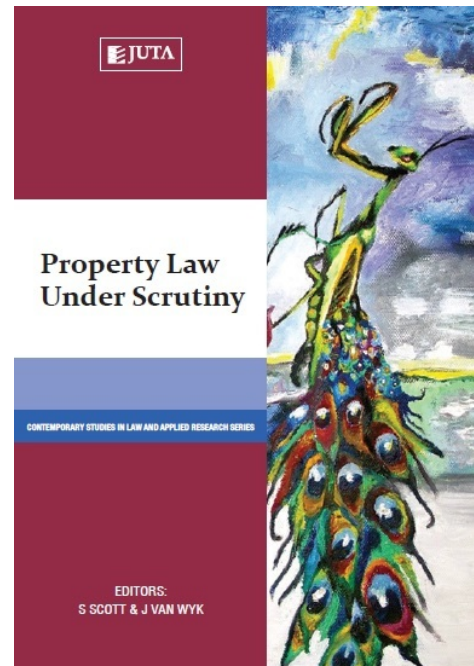


Property Law Under Scrutiny

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About this Publication:

South Africa's property law teachers have been convening annually since 1985 to exchange ideas, subject their work to peer scrutiny and build a collegial network. Over time, the agendas of the annual meetings became snapshots of the development of a discipline.

In celebration of the 25th anniversary of this meeting, the Property Law Teachers' Colloquium was expanded into an International Property Law Conference, giving South African property law teachers an opportunity to exchange their ideas on a much broader platform, with some of the world's best property law scholars and teachers.

Property Law Under Scrutiny brings together pieces that give an overview of property law twenty-five years after the establishment of the South African Property Law Teachers' Colloquium. A recurrent theme in all the contributions at the conference, and the ones included in this publication, is the tension between well-established principles of property law and the policies that drive legal development in the field.

The topics addressed are organised into four themes, as follows:

- The first cluster relates to an age-old issue in conventional property law: the accession of movables to immovables.
- The second cluster concerns the centrality of the real agreement in transfers and in the real security context.
- A third cluster deals with questions about the public law aspects of property.
- The fourth cluster captures some of the dilemmas and challenges concerning the abandonment and neglect of property. It ties together the underlying concerns aired in debates about the conventional property rules and issues surfacing in the crossover between private and public law, and the role of property law principles.

In capturing the interaction between South African and international scholarship, *Property Law Under Scrutiny* serves to introduce a new era in this developing discipline. Teachers and practitioners of property law, locally and internationally, will find this to be an invaluable resource.

Contents Include:

- The role of subjective intention in the case of building as original form of acquisition of ownership - *Lex Mpati*
- No right to neglect? Exploratory observations on how policy choices challenge the basic principles of property - *Hanri Mostert*
- The purpose and coherence of the rules on good faith acquisition and acquisitive prescription in the European Draft Common Frame of Reference: A tale of two gatekeepers - *Arthur Salomons*
- The recognition of the real agreement in the context of an abstract system in South African case law - *Flip Schutte*
- Real security rights: Time for Cinderella to go to the ball? - *Andrew JM Steven*
- The legal position of a pledgee of a document of title like a bill of lading under Dutch law - *Richard Zwitter*
- The gradual erosion of the distinction between deprivation and regulation of ownership - *Vincent Sagaert*
- Legal regimes governing groundwater and access to drinking water: The cases of Switzerland, India and South Africa - *Vanessa Rüegger*
- A system of original acquisition? The creation of property rights regarding goods in civil and common law - *Hanneke Spath*
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Of Interest and Benefit to:

International and national scholars, academics and practitioners interested in legal issues pertaining to the region.