

JUSTICE MBUYISELI MADLANGA PROFILE

An alumnus of Rhodes University, Justice Mbuyiseli Russel Madlanga was born and raised in the rural village of Njijini, outside the small town of Kwa Bhaca (formerly Mount Frere), in the Eastern Cape. He matriculated from Mariazell High School in Matatiele in 1979. He obtained the BJuris degree at the University of Transkei (now Walter Sisulu University) in 1983 and was awarded the Juta Prize for being the best law student during this time. Justice Madlanga enrolled for his LLB degree at Rhodes University and tutored first-year law students in his final year.

After graduating, he lectured part-time at the University of Transkei Law Faculty while working for the Department of Justice towards fulfilling his contractual obligations under the government bursary that had funded his LLB studies. He proceeded to do an LLM in Human Rights and Constitutional Law, which he received *cum laude* at the University of Notre Dame in the United State of America. He interned at the Washington DC office of Amnesty International. On his return, he did pupillage at the Johannesburg Bar. On completion, he opened a practice at the Mthatha Bar.

At age 34, he was appointed as a Judge of the Mthatha High Court, becoming South Africa's youngest judge at the time. Within three years of this appointment, he was appointed Acting Judge of Appeal at the Supreme Court of Appeal in Bloemfontein.

He was then appointed – this time on a permanent basis – as a Judge of Appeal in the Competition Appeal Court. He continued acting at the Supreme Court of Appeal, but the acting stint which was to have been for a year was cut short because he was appointed to act as the Judge President of the Mthatha High Court. While holding that position, he received yet another appointment, as an Acting Justice of the Constitutional Court of South Africa.

In May 2001, he resigned from the Judiciary and returned to the Bar in June as senior counsel, practising in Mthatha and Johannesburg. His practice took off immediately, and he appeared virtually in all the High Courts in the country, the Supreme Court of Appeal, and the Constitutional Court. Notably, he received a brief to represent the Republic of South Africa at the International Court of Justice at The Hague (Den Haag) in the Netherlands. This was in the case of the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory". Another notable brief he received was his appointment by Mr Trevor Manuel, the then Minister of Finance, as

the Chairperson of the Exchange Control Amnesty Unit. This Unit did not only grant amnesty to people who had contravened Exchange Control Regulations in expatriating their assets, it also facilitated the disclosure of assets worth R68,6 billion; 70% of which had been taken out of the country in contravention of the Regulations. The process also raised R2,9 billion in levies. The disclosure of offshore assets resulted in an estimated R1.4 billion increase in the tax base. At the conclusion of this amnesty process Mbuyiseli Madlanga SC was hailed by the Ministry of Finance for having “led the Amnesty Unit impeccably and with great enthusiasm”. The process was so successful that it was regarded as an international benchmark.

In 2012, the Marikana Commission of Enquiry was appointed to investigate the killings of 34 striking mine workers and ten other people in Marikana, near Rustenburg, North West Province and Mbuyiseli was appointed as the Chief Evidence Leader. In that capacity, he was lead counsel in a team of seven advocates, three of whom (including him) were senior counsel. He held numerous other briefs in high-profile cases.

On appointment by the President, Justice Madlanga became a member of the Competition Tribunal for nine years, during three of which he was its Deputy Chairperson. As a nominee of the Advocates for Transformation component of the General Council of the Bar, the President next appointed him as a member of the Judicial Service Commission, a position he held for two years. He was then appointed – directly from his practice as an advocate – to become a Justice of the Constitutional Court of South Africa with effect from 1 August 2013, this time on a permanent basis.

Justice Madlanga has an interest in academia. At the invitation of the Law School of his *alma mater*, the University of Notre Dame, he held the prestigious Clynnes Chair as a Visiting Professor. This Chair is reserved for distinguished US and international legal scholars and jurists, and among those who have held it are US Supreme Court Justices. In that capacity, Justice Madlanga offered a two-credit three-week course in Comparative Constitutional Law in April 2016. In 2018, he was a Visiting Professor at Walter Sisulu University and the University of Fort Hare. The Boston University School of Law has now invited him to serve as the William and Patricia Kleh Visiting Professor, lecturing from August to December 2023 and delivering “the Annual Distinguished Kleh Lecture”. Over the years, he has delivered a number of papers at several universities in South Africa and abroad.

As a Justice of the Constitutional Court, Justice Madlanga has penned several groundbreaking judgments. He was the inaugural Editor-in-Chief of the South African Judicial Education Journal, launched in April 2018 and published under the auspices of the South African Judicial Education Institute. This is a statutory body with the mandate of providing continuing education to the Judiciary. He has been a member of the South African Law Journal editorial board. He currently serves on the editorial board of the *Yearbook of South African Law*.

Justice Madlanga's interests are not only in law and academics. For eight years, he was a member of the Arbitration Panel of his church, the Methodist Church of Southern Africa, having been appointed to that position by Conference, the church's highest governing body.

On 13 May 2016, he was awarded a Doctor of Laws (LLD) degree (*honoris causa*) by Walter Sisulu University.

In recognition of his distinguished judicial career and significant contribution to developing South Africa's jurisprudence, Rhodes University will honour Justice Madlanga with an honorary degree, Doctor of Laws (LLD) (*honoris causa*), at its 2023 Graduation ceremonies on 30 March 2023.