

**WELCOME AT THE 'THE EASTERN CAPE
BENCH AND SOCIAL JUSTICE' CONFERENCE**

1 SEPTEMBER 2010

The Dean of the Law Faculty, Prof Campbell, honourable former Judge President Cecil Somyalo, former Judge Jos Jones, colleagues, ladies and gentlemen: molweni, good evening

It is a great pleasure to welcome you to Rhodes University, to iRhini/Grahamstown, and the Eastern Cape.

For a number of reasons, it is entirely fitting that the Rhodes University Law Faculty has taken the initiative to host this conference on '**The Eastern Cape Bench and Social Justice**'.

First, the Rhodes Law Faculty has a long association with the Bench of the Eastern Cape Division of the High Court.

Second, the values and social purposes of Rhodes are strongly congruent with making our Constitution and Bill of Rights lived features of our day to day existence.

It is therefore appropriate that our Faculty has gathered eminent jurists, academics and legal practitioners to celebrate the **progressive** jurisprudence of the Eastern Cape Bench of the past 16 years.

Finally, and not least, former Judge President Somyalo and former Judge Jones both serve on the Rhodes University Council, Judge Jones as Chairperson. This conference is a fitting way to also pay tribute to them for their years of service and contribution to Rhodes University.

1994 was a significant breakthrough in that for the first time almost all the inhabitants of South Africa became citizens.

As a society, as diverse social groups, and as individuals we made a significant transition and advance in 1994 from being, in many respects, 'subjects' to becoming 'citizens'.

Critical here was a commendable Constitution, including a Bill of Rights, which held out the promise of an extensive range of rights that did not exist for all, or at all, prior to 1994.

Still, despite significant advances a number of current realities compromise our Constitution and the promise of a substantive citizenship that the Constitution holds out.

Indeed, they condemn many of our people, black and white, women and men, young and not so young to conditions that are more associated with being subjects and subjecthood.

We have the dubious honour of being the most unequal society on earth.

Much of our public schooling system continues to compromise the provision of high quality education to children and youth and thwart the realization of their potential.

Large parts of our public health system fail to provide effective for our ill and sick.

Laws and policies are being enacted which make rural people the subjects of unelected traditional leaders, with sometimes severe consequences for women and girls.

And a Protection of Information Bill with the proposal to establish a statutory Media Appeals Tribunal could have far-reaching consequences for the free flow of information and freedom of expression.

On the final page of *Long Walk to Freedom*, Tatamkulu Mandela writes:

‘The truth is that we are not yet free; we have merely achieved the freedom to be free, the right not to be oppressed.

For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the (well-being and) freedom of others. The true test of our devotion to freedom is just beginning’.

He adds: ‘I can rest only for a moment, for with freedom comes responsibilities, and I dare not linger, for my long walk is not yet ended’.

In this context, the themes of ‘**Social Justice**’ and **progressive jurisprudence** are highly pertinent, as reminders of the challenges and responsibilities that continue to confront us as a society, citizens and judiciary.

This conference is one of many that are currently being hosted at Rhodes. This is a testimony to the quality of the scholars and scholarship that is associated with Rhodes, and the recognition that the University enjoys nationally and internationally.

Indeed, as a University we take pride in having the best pass and graduation rates among South African universities and the 3rd best research output per academic staff member. Some like to say that our successes have to do with the fact that there is very little to do in our small town. Hardly!

You will be amazed at how much happens here on any day and evening, and at the vibrant intellectual culture and cultural life of Rhodes and Grahamstown.

We like to think that our achievements have to do with the fact that at Rhodes we take knowledge and scholarship very seriously, and we work hard to create an institutional culture that values, celebrates, and facilitates intellectual labour and the pursuit of scholarship and knowledge.

Conferences such as this one are important opportunities for advancing the frontiers of knowledge and of understanding, and for also forging partnerships with other colleagues,

universities and institutions that are equally committed to knowledge in the service of equity, democracy and social justice.

I wish you well in your deliberations, thank **you** for your participation and the **Law Faculty** for its organising of this conference and fitting tribute to Judges Somyalo and Jones.