

Keynote address by the Minister of Justice and Correctional Services, the Hon Adv TM Masutha, MP, at the launch of the South African Law Reform Commission Legal Essay Writing Competition, UNISA Main Campus, Pretoria, 23 February 2018

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Chairperson of the South African Law Reform Commission, Judge Jody Kollapen,

Members of the South African Law Reform Commission

Members of the Langa Family

Members of the judiciary

Representatives of the University's Law Faculties

Representatives of the Chapter 9 Institutions

Representatives of the Legal Profession

Officials from the Department of Justice and Constitutional Development

Competition Sponsors, Juta Law

Law Students

Ladies and gentlemen, friends

Good afternoon and welcome.

I would like to start by thanking you all for joining us this afternoon in celebration of the launch of the 2018 season of the South African Law Reform Commission Legal Essay Writing Competition.

Before I forget, let me acknowledge from the onset that today's launch is not intended to announce the beginning of a completely new initiative by the South African Law Reform Commission.

It is simply intended to symbolize the beginning of a period of transition in a long existing legal essay writing competition.

As you may be aware, the South African Law Reform Commission in partnership with Juta Law has been running the Ismail Mahomed Law Reform Essay Competition, since 1999.

The competition was established in honour of the late Chief Justice and former Chairperson of the South African Law Reform Commission, Justice Ismail Mahomed.

The main purpose of the competition has been and still is to encourage critical legal writing by law students, while generating new and innovative ideas for law reform which are aligned with South Africa's priorities as a developmental state.

This purpose has been carefully aligned with the objects of the South African Law Reform Commission that appear on section 4 of the SALRC Act 19 of 1973, which require the Commission to do the following:

- to do research with reference to all branches of the law of the Republic;
- to study and investigate all such branches of the law in order to make recommendations for the development, improvement, modernization or reform thereof;

- to repeal obsolete or unnecessary provisions of the law;
- to remove anomalies and bring about uniformity in the law in force in the various parts of the Republic;
- to consolidate or codify any branch of the law; and
- take steps aimed at making the common law more readily available.

In its section 5(2) the SALRC Act conveniently provides that the Commission in order to achieve its objects may include in its programme any suggestion relating to such objects received from any person or body.

Who better to invite fresh innovative ideas from than the young legal enthusiasts such as the students?

Also, what better mechanism is there to encourage students' involvement in law reform than through a competition of this nature?

Apart from getting new and innovative ideas about law reform, this competition obviously hones the students' legal research and writing skills.

Undoubtedly, these are foundational skills, among many others, which any lawyer requires and not only in order to be successful in his/her legal career, but in order for justice to be effectively achieved.

Also, what comes to my mind right now is that more often than not when one speaks about the legal profession, students often think about being attorneys and advocates.

The legal profession is vast, and apart from practising as attorneys and advocates students can choose to be professional legal researchers, which is what this competition is also trying to expose them to.

At this juncture, let me thank the Deans of Law Faculties for taking this competition seriously by encouraging their students to participate in it.

Since 1999 to date, this competition has produced a combined total of 37 winners in both the LLB and LLM categories.

Interesting topics such as "Constitutional Damages: A call for the development of a framework in South Africa" are some of the very innovative ideas for law reform that are suggested by student participants of this competition, which I have read about.

The student's argument in this paper is that constitutional damages is a viable alternative to vicarious liability in certain circumstances where, for example, institutional failures in the government system have resulted in the police causing physical injury to citizens.

Interestingly, I have been reliably informed that the South African Law Reform Commission is currently busy considering whether to adopt in its programme a new investigation, which will deal with the question of appropriate legal consequences following a breach of the provisions of the Constitution of the Republic of South Africa.

Moving forward, I would also like to thank the University of South Africa for allowing us to launch the 2018 season of this competition here today.

Guided by the idea of inclusivity, the South African Law Reform Commission identified the need to change the name of this competition from Ismail Mahomed Law Reform Essay Competition to the South African Law Reform Commission Legal Essay Writing Competition.

The main aim for this change is to provide the South African Law Reform Commission with an opportunity to honour, through this competition, all the Chief Justices as well as other great legal minds that this country has ever produced.

The South African Law Reform Commission is committed to honouring them by rotating periodically the naming of the prizes for this competition after a particular legal stalwart.

For the year 2018, the South African Law Reform Commission has chosen the late Chief Justice Pius Nkondo Langa as the legal stalwart in whose honour the 2018 season of this competition should be dedicated.

Chief Justice Langa obtained a B Juris and an LLB degree from the University of South Africa in the 1970's.

He began his legal career as a Messenger of court, and later became an Interpreter before becoming a Magistrate.

In 1977 he was admitted as an Advocate of the Supreme Court of South Africa.

His love for law and justice saw him serve in various task teams and committees.

For example, he was a founding member of the National Association of Democratic Lawyers (NADEL) and served as its president from 1988 until 1994.

He served as a founding member of the Release Mandela Committee in KwaZulu-Natal.

Justice Langa also served in the regional and national reception committees that were formed to apply pressure on the apartheid government to release political prisoners.

He was a member of the Constitutional Committee of the African National Congress and of the Advisory Technical Group during the Groote Schuur Talks and the Pretoria Talks about Talks.

He played a crucial role in the drafting of the current Constitution of the Republic of South Africa.

He was appointed as the Commonwealth's Special Envoy to assist the Fiji Islands in resolving its political problems.

He was involved in constitutional review commissions in Rwanda, Zimbabwe, Tanzania and Sri Lanka.

He was a member of the Judicial Integrity Group, the watchdog for international judicial norms and standards, and was charged with overseeing the drafting of the Bangalore Principles for Judicial Ethics.

Justice Langa was one of the first judges appointed to the Constitutional Court of South Africa.

He became the Constitutional Court's Deputy President and, in November 2001, Deputy Chief Justice of South Africa.

He became the country's Chief Justice and Head of the Constitutional Court with effect from June 2005, a position he held until his retirement in October 2009.

As the Chief Justice of South Africa, Justice Pius Langa was the chairperson of the Judicial Services Commission.

He also served as the chairperson of the Southern African Judges Commission.

In recognition of his work, Justice Langa received many awards, including the:

- 2008 Supreme Counsellor of the Order of the Baobab (Gold);
- 2004 Justice Prize by the Peter Gruber Foundation in the United States of America;
- 2006 Sydney and Felicia Kentridge Award for Service to Justice;
- 2008 eThekweni Living Legends award on 11 March 2008.

Justice Pius Langa received honorary doctorates from various universities within and outside of the boundaries of South Africa.

- Such universities include:
- the University of Zululand;
- University of KwaZulu-Natal;
- University of the Western Cape;
- University of South Africa;
- Stellenbosch University;
- Nelson Mandela Metropolitan University;
- North West University;
- Rhodes University;
- Yale University (USA);
- the National University of Ireland;
- the North Eastern University, Boston, Massachusetts; and
- the Southern Methodist University, Dallas, Texas.

He served for several years as a Distinguished Visiting Professor at the Southern Methodist University in Dallas, Texas.

Justice Pius Langa served South Africa with dignity.

He was indeed a legal giant, and I believe that his legal excellence, which is still evident today from his legal work, will continue to guide this country for generations to come.

I thank you.