



*Office of the Principal and Vice Chancellor*

## **PROF. MANDLA MAKHANYA'S OPENING REMARKS**

### **5<sup>TH</sup> ANNUAL SPRING LAW CONFERENCE**

**"Racism, Discrimination and oppression in post-colonial African**

**Societies: South Africa after 23 years of Democracy"**

26 September 2017

- 🏛️ Programme Director, Mr Phillip Monyamane
- 🏛️ Ms Teresa Oakley-Smith, Managing Director: Diversi-T
- 🏛️ Dr Moss Mashamaite, Author and Publisher
- 🏛️ Our esteemed panel of guest speakers who also hold leadership positions in our society
- 🏛️ Our guests from various institutions
- 🏛️ Members of Unisa management

- 🏛️ The Acting Dean of the College of Law, Prof Ompemetse Sibanda
- 🏛️ Prof Lesiba Teffo, Director: School of Transdisciplinary Research and Institutes
- 🏛️ Unisa academic and administrative staff
- 🏛️ Members of the NSRC and all student leaders and students gathered here today
- 🏛️ Members of Organised Labour
- 🏛️ Distinguished audience

It is a great honour for me to make opening remarks on this occasion of the 5<sup>th</sup> Annual Law Conference under the theme “Racism, Discrimination and Oppression in the post-colonial African societies: South Africa after 23 years of democracy.” Let me also add to the warm welcome that should embrace you in the spirit of Ubuntu/Botho.

Let me first commend our Unisa College of Law for initiating and sustaining this forum wherein scholars, policy makers, activists and human rights’ activists as well legal practitioners often gather to reflect on the pertinent issues of social justice and transformation. The Law Annual Conference is a flagship programme of this institution that seeks to address issues of social justice, transformation as well as societal journey since we began our

transition to a democratic order as a constitutional democracy. The topic chosen for this conference is timely and relevant to the societal challenges as well as the agenda of transformation of our university.

As I welcome you to this conference I am immediately reminded of some major trends which are driving forces that define the discourse of our time. In the last two years our universities have been profoundly shaken by the protests of what has been branded as the Fallist Movement. The #Fees Must Fall, #Rhodes Must Fall, #Gender Based Violence Must Fall, #Outsourcing Must Fall are rallying campaigns for social justice and transformation in our higher education system. That these protests and agitations for change have largely been driven and led by students is a rude awakening to our institutions that have been comfortable with the status quo without paying much attention to what is essentially an alienating institutional culture that sometimes is difficult to describe but profoundly felt by those who are the victims of this system.

As a young constitutional democracy going through some serious political, social and economic tests it has become abundantly clear that at this historical moment the judiciary has become the vital last line of defence given the apparent weaknesses of our legislative and executive arms of government. This has led to most cases being referred to the courts as the lawmakers and the executives as well as

political leaders often fail to play their mandated roles. It is for that reason that administration of justice itself should come under scrutiny given its prominent role as the final adjudicator in our increasingly human rights conscious society. Consolidation and/or weakening of our democracy now depends on the nature and character of our court system.

South Africa's growing inequalities also puts into sharp focus the issue of the correlation between social classes and access to justice. It is arguably the case that a wealthy person who can afford to get the best legal representation can sometimes keep justice at bay whereas a poor person is more vulnerable due to the lack of resources that make it possible to access legal assistance. It is also in this context that the issue of customary law and traditional courts feature prominently especially for the rural poor.

As we reflect on the state of our democracy after more than two decades of our transition from the apartheid system it has become important to reflect on how legacy issues of our colonial and apartheid past as well as some of our current policy choices have impacted on preserving or eradicating racism, social injustice, racism and general apartheid geography.

On this heritage month we should reflect on the role and sacrifices of the struggle heroes and heroines of our liberation struggles. September this year marks forty years since the brutal killing of the Black Consciousness leader, Steve Biko, who would have turned seventy years later this year. This year also marks fifty years since the mysterious death of Chief Albert Luthuli (the late President of the ANC) who was reported to have been run over by a train in 1967. It was also 100 years ago that OR Tambo was born in a rural village of Kantolo near Bizana. As we reflect on and clinically dissect the issues of racism, discrimination and oppression in the post-colonial South Africa we should ponder on whether we are still on track to honour the work of our worthy ancestors who made sacrifices fighting for the realization of a just post-colonial and post-apartheid society. As we face the rising scourge of gender-based violence against women and children as well as the rising tide of patronage and corruption we should use these forums to come up with practical solutions on how to tackle these social pathologies of our society today. When a great African-American scholar, WEB du Bois, wrote and predicted at the dawn of the 20<sup>th</sup> century that the problem of that century would be the one of colour-line or racism little did we know that this challenge would still be the main challenge of the 21<sup>st</sup> century as we are still grappling with the issues of justice that are defined by our identity particularly racial identity in a post-apartheid South Africa.

Given the galaxy of scholars, opinion makers and practitioners in the legal field that are gathered here today and are going to participate at this conference over the next few days of this week, I have every reason to believe that your deliberations will cumulatively bring us closer to our goals of realizing social justice. I wish you all the best in your deliberations and hope that the annals of our history will reflect this noble effort to analyse the trajectory that our post-apartheid society had taken as well as the noble efforts to find solutions to the challenges of our times.

I thank you.