

CITATION: YVONNE MOKGORO

Justice Yvonne Mokgoro was appointed Justice of the Constitutional Court in 1994 and served that Court until 2009. She is known and admired for her commitment to sociological jurisprudence particularly in the fields of human rights, customary law and the impact of law on society generally, and on women and children specifically.

She was born in Galeshewe Township near Kimberley and matriculated at the local St Boniface High School in 1970. She studied at the University of Bophuthatswana from 1982 to 1987 where she obtained the B.luris LLB and LLM degrees. She has also been awarded a LLM degree by the University of Pennsylvania.

Her work experience prior to her judicial career covered a wide field including nursing, sales, clerking and employment as a maintenance officer and public prosecutor. Her passion and interest in education and research was evidenced by her employment at various academic institutions including the universities of Bophuthatswana, Western Cape and Pretoria as well as teaching at universities in the United Kingdom, the United States of America and the Netherlands. Her courses included Constitutional Law, Human Rights Jurisprudence, Comparative Law and Customary Law, and she rose to the rank of an associate professor.

She was also employed as a specialist researcher (human rights) at the Centre for Constitutional Analysis at the Human Science Research Council. In the course of her legal career she participated in a number of research projects and held positions on various non-governmental organisations including community-based organisations and other initiatives in South Africa and internationally where she was used extensively as a resource person. She has written and presented papers in her fields of interest at national and international conferences, seminars and workshops.

Justice Mokgoro has served on the Advisory Committee of the South Africa-Canada Linkage Project, from its inception until it ceased operations in 2004. From 1995-2005 she was President of Africa Legal Aid, a non-governmental organisation, which provides legal aid and human rights education throughout Africa. She has also served as Chairperson of the Selection Committee of the Press Council of South Africa. Her public addresses included titles like 'Protecting the Children', 'Legal Education and Training: Access to Justice' and 'The Critical Challenges of Nation Building in South Africa Today'.

In her separate judgment in *S v Makwanyane*, Justice Mokgoro secured a place for *ubuntu* in our jurisprudence, in our all-inclusive rainbow nation and at the forefront of constitutional interpretation. She explained that:

Although South Africans have a history of deep divisions characterised by strife and conflict, one shared value and ideal that runs like a golden thread across cultural lines is the value of *Ubuntu* ... Generally, *ubuntu* translates as humanness. In its most fundamental sense it translates as personhood and morality. Metaphorically, it expresses itself in *umuntu ngumuntu ngabantu*, describing the significance of group solidarity on survival issues so central to the survival communities. While it envelops the key values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity, in its fundamental sense it denotes humanity and morality. Its spirit emphasises respect for human dignity, marking a shift from confrontation to conciliation.

In this golden thread she included the all-embracing concepts of humanity and 'menswaardigheid.' She explained that *ubuntu* formed part of our "rainbow" heritage and provided 'a bridge between a history of gross violations of human rights and humanitarian principles, and a future of reconstruction and reconciliation.'¹

She is the current Chairperson of the South African Law (Reform) Commission and has served on that body since 1995. In January 2011 she was appointed as Judge in the Office of the Chief Justice with oversight responsibilities over its administration and implementation of its mandate to enhance the independence of the judiciary. She was recently appointed by the President as Chairperson of a Board of Inquiry into the allegations of misconduct against suspended police commissioner Bheki Cele. She is presently serving on the Boards of the Nelson Mandela-Rhodes Trust and the Centre for Human Rights at the University of Pretoria and is Chairperson of Venda University Council.

She has received wide acknowledgement for her accomplishments and is honorary (emeritus) Professor of Law at the Universities of the North, Western Cape, Cape Town, Pretoria, and South Africa, and has been conferred with the Doctor of Laws (Honoris Causa) by the Universities of North West, Natal, Toledo (Ohio) USA, Western Cape and Pretoria. She is the recipient of a number of other honours and awards, including the Educational Opportunities Council scholarship to study in the USA (1989-1990), the Womens's law and Public Law Fellowship, Georgetown University Law Centre (1990), the Human Rights Award by the Black Lawyers Association (1995), the Oude Molen Reserve Order of merit (1995-1996), the Legal Profession's Woman Achiever Award by the Centre for Human Rights, and the University of Pretoria (2001), University of the North School of Law Excellence Award (2003), the Kate Stone Democracy Award (Albany Law School, New York (2003), the Tshwane Outstanding Service Award (2006), and the James Wilson Award by the University of Pennsylvania Law School (2008).

She is a member of the International Women's Association, the International Association of Women Judges and the South African Lawyers Association and acts as Interim President of the South African Chapter of the International Federation of Women Lawyers.

She is married with four adult children and is renowned for her style and compassion and the encouragement she offers young female students and lawyers. It is befitting that the University of the Witwatersrand confers an honorary Doctor of Laws on Justice Mokgoro for her commitment to justice, education, research, the advancement of women in law and her inspirational leadership.

¹ *S v Makwanyane and Another* 1995(3) SA 391 (CC) paras 307-8