Caption:

NMMU’s Prof Andre Mukheibir is putting the spotlight on South Africa’s constitution.

Starts

**SA’s constitution: What difference has it made?**

Twenty-two years into democracy, has our much-lauded constitution transformed what was a very unjust and unequal society into something better?

This is one of the questions Nelson Mandela Metropolitan University Professor of Law, Andre Mukheibir, will explore during her inaugural lecture on 8 September, titled: “Transformative constitutionalism and reconciliation: Balancing the interests of victims and beneficiaries”.

“Many people faulted the Truth and Reconciliation Commission for not paying enough attention to the ordinary victims of apartheid – the poor and the destitute – or the beneficiaries of apartheid, those who did not commit gross human rights violations, but who benefited from the system nonetheless.

“Our constitution is transformative in the sense that it has to not just lay down rules for how government works, but the courts have an imperative to develop the common law and to transform our society from one marred by inequality, division and suppression, to one of equality, dignity, social justice and a better “life for all”.

Her lecture has been inspired largely by her own personal experience of the #FeesMustFall movement, which has been the catalyst for a revival in this country of the ideas of Steve Biko and the Black Consciousness Movement.

Mukheibir, who was Acting Dean of Law when the #FeesMustFall movement broke last year, has been very vocal about her own privileged upbringing but, through discussions with some of the student leaders of NMMU’s #FeesMustFall movement, has been challenged with the question: “What are you going to do about it?”

She said the #FeesMustFall movement had sparked a “personal epiphany”, making her aware that most white people in South Africa were “completely indifferent” to continuing human rights violations.

Mukheibir said her stance was deeply influenced by her Catholic faith, with its emphasis on equality, dignity and social justice.

Mukheibir is a specialist in the Law of Delict (private law, e.g. family law, contracts, wills, etc.) so her constitution-focused lecture is “way out of [her] comfort zone”.

“But as I tell my students, all law is subject to the constitution … Everyone is a human rights lawyer.”

The Faculty of law is supporting ongoing efforts by the University to raise funds for academically-deserving but financially-needy students. “In support of Vice-Chancellor Prof Derrick Swartz’s #Trailblazing campaign [for which he is climbing Machu Picchu in Peru to raise funds], our dean [Prof Avinash Govindjee] has asked me to come up with a fund-raising initiative, and I have asked my second-year human rights law class to assist with the planning and execution of this. Not only will we be raising money, but we also see this as an opportunity to create awareness of human rights."

She also spearheads a drive by the Faculty of Law to provide a “coffee and sandwich” station for students and others on campus who don’t have enough to eat. This is funded by the Faculty staff.

* Prof Andre Mukheibir’s inaugural lecture takes place on 8 September, at NMMU’s North Campus Conference Centre.