

**Law and Poverty Colloquium of the Law Faculty of Stellenbosch University
Welcoming address by Prof H Russel Botman, Rector and Vice-Chancellor
Stias, 29 May 2011**

Thanks, Sandy [Session Chair, Prof Sandra Liebenberg]. Middag, almal. Molweni. Good afternoon, and welcome to this important event. It is heartening to see such a good turnout. It means that the decision of our Law Faculty to focus on the relationship between law and poverty was spot on.

Ladies and gentlemen, thank you all for coming, Allow me to single out a few VIPs:

- Justice Albie Sachs, formerly of the Constitutional Court of South Africa
- Judge Dennis Davis of the Western Cape High Court
- Acting Judge Steve Kahanovitz of the Land Claims Court
- Prof Anton Kok, waarnemende dekaan van die Universiteit van Pretoria se Fakulteit Regsgeleerdheid
- Prof Gerhard Lubbe, dekaan van ons Fakulteit Regsgeleerdheid
- In the course of the next day or two we should also be joined by Justice Pius Langa, Justice Kate O'Regan and Judge Fikile Bam, as well as Mr Edmund Beerwinkel, the Head of Juta & Co

Welcome, to all of you, in Stellenbosch. I am sure you will agree, we are blessed to have such a beautiful setting for a campus. But, on a serious note, there was a time when this university enjoyed a rather ugly reputation – as the so-called “cradle of apartheid”.

Stellenbosch was where some theologians had proposed a Biblical justification for racial segregation. This was where some academics had contributed to the intellectual construction of Afrikaner nationalism. And a number of apartheid prime ministers had once been Maties.

Now, it is unfortunate that the institution as a whole was tarnished, because Stellenbosch was also a cradle of progressive thinking. This was where the late Dr Frederik van Zyl Slabbert was a student – and for some time, a lecturer in Sociology. He would later first join and then walk out of parliament, before going on to organise the Dakar Safari in 1987, breakthrough talks between the then banned ANC and a group of mainly white and Afrikaans-speaking business people, writers, academics and students.

By the way, the Dean of our Law Faculty, Prof Gerhard Lubbe, was the organiser of the South African Lawyer's Conference, held with exiled ANC lawyers in Harare in January 1989.

Stellenbosch was also where the late Kobus Pienaar of the Legal Resources Centre got his LLB. As Professor Sandra Liebenberg said earlier this year, Kobus “played a key role in the creation of legislation and programmes in South Africa's new Constitution aimed at the restoration of land and land reform, as well as security of tenure for marginalised communities.”

I can also tell you that Kobus helped launch a petition here at Stellenbosch in 1981 that led to the Student Parliament at the time accepting a recommendation by the SRC to open the University to all races.

We have come a long way since those days. And a milestone along that journey was a formal acknowledgment in 2000 by Council and Senate that the University had “contributed to the injustices of the past”. This was contained in an important policy document, the University’s “Strategic Framework for the Turn of the Century and Beyond”.

Having taken responsibility for its past actions, the University then went on – in the second part of the sentence – to commit itself to “appropriate redress and development initiatives”. In time, this commitment would become the University’s advancement campaign, which we call the HOPE Project. In a nutshell, the HOPE Project is about using our key strengths – our academic excellence and cutting-edge research – to be of service to society.

But it also represents the University’s moral decision to break with the past and help build a better future. We set about analysing the local and international development agenda – as reflected in, among others, the government’s Medium-term Strategic Framework, and the UN’s Millennium Development Goals – and formulated five themes of our own.

We are convinced that if we work to (1) eradicate poverty and related conditions, and promote (2) human dignity and health, (3) democracy and human rights, (4) peace and security; as well as (5) a sustainable environment and a competitive industry, then we would have helped to change the world for the better.

Now, across the University, our staff and students came up with concrete academic initiatives designed to make a tangible difference in society. This colloquium has been organised as part of the activities of our Law Faculty’s HOPE Project initiative on “Combating Poverty, Homelessness and Socio-Economic Vulnerability under the Constitution”.

The Law and Poverty project is aimed at promoting greater socio-economic justice through the law. This rests on the view that the law is not just a sphere of justice; it is also a sphere of hope for the destitute.

The faculty is following a three-pronged approach. It is training a new generation of lawyers focused on using the law to help people realise their socio-economic rights. It is conducting relevant research about how the law can be used more effectively to empower disadvantaged citizens. And it is augmenting the assistance already being provided to marginalised communities by the Stellenbosch University Legal Aid Clinic.

For the past two years, senior faculty members and postgraduate students have been conducting extensive research into transformative property law, land reform and security of tenure, constitutional and statutory interpretation, socio-economic rights, administrative justice, equality and redress, and consolidating and deepening democracy.

All this training, community work and research have now culminated in this Colloquium on Law at Poverty. This is exciting. We have reached the point where you – our local and international experts – can share experiences and insights.

I trust you will emerge from this gathering with a clear picture of how the law can address the socio-economic challenges we face.