

**Graduation Address of Prof H Russel Botman,
late Rector and Vice-Chancellor of Stellenbosch University,
for his Honorary Degree of Doctor of Laws from the University of Aberdeen

Elphinstone Hall, Old Aberdeen, 8 July 2014, 3 pm**

To be delivered on his behalf by his widow, Mrs Beryl Botman

[Preceded by the conferral of the following degrees: (1) Designated and Honours Degrees of MA: Legal Studies (Single and Joint); (2) Degrees and Honours Degrees of LLB]

Thank you. Good afternoon, everyone. Distinguished Chancellor, Principal, graduates and their loved ones, ladies and gentlemen ...

I stand here with mixed feelings, as you can imagine. Having just lost my husband, I am filled with sadness. But I am also immensely proud of his many achievements. He was an activist, a peacemaker, a theologian, an academic and a thought leader of note ... and a great husband and father too!

Thanks to the University of Aberdeen for honouring him in this way. And thank you for your kindness and hospitality. We appreciate it.

Ladies and gentlemen, I want to share with you the Graduation Address that my husband had prepared for this occasion. He had been looking forward to this moment with great anticipation, and had thought about his message a lot.

So, here is what he wanted to tell you. He was going to say ...

It is good to know that we have friends in Scotland. Stellenbosch University shares the University of Aberdeen's mission of making a positive difference in people's lives. And I think you would agree that it is by *collaborating* that universities can maximise their impact on society.

Now, to all the new graduates in the audience, I have a message for you ... but let me start with a story. Some of you would know it as "Government of the Republic of South Africa V Grootboom"¹ ... but as always, there's a flesh-and-blood tale behind the title, in this case, the story of Irene Grootboom, a destitute woman who took on the State.

This was not too long ago, in the year 2000. At the time, Irene Grootboom was living in a Cape Town squatter camp, the term for a slum or "informal settlement" in South Africa. This one was earmarked for a low-cost housing development. Because the land had been occupied illegally, she and her fellow residents were evicted by force. Their shacks (dwellings) were destroyed and their possessions scattered.

Nearly 400 adults and more than 500 children were left homeless. Did they have legal recourse in post-apartheid South Africa? Irene thought so, and that's why she led her fellow residents in a challenge against the State.

The highest court in the land – our Constitutional Court – agreed they had a case, and ruled that the community could not be evicted without being given alternative accommodation. Now, the interesting thing is not *that* the case was won, but the *grounds* on which it succeeded.

¹ See <http://www.saflii.org/za/cases/ZACC/2000/19.html>

It was the first Constitutional Court judgement enforcing South Africans' newly won socio-economic rights following our country's transition from apartheid to democracy in 1994. The Court found that the State had not complied with South Africa's new Constitution², adopted in 1996, which states in its Preamble that it aims to: "improve the quality of life of all citizens ... and free the potential of each person".

The Court drew attention to the "right to adequate housing" guaranteed by Section 26 of the Constitution. And based on that, it ruled that the State was "obliged to take positive action to meet the needs of those living in extreme conditions of poverty, homelessness or intolerable housing".

Now, why is this important? Because, in the words of the late Justice Pius Langa³, former Chief Justice of South Africa, "how we respond to poverty is critical to democracy, development and the stability of the State".

I would like to argue that this question – how we respond to poverty – is one that is faced not just by us in Africa, but by societies everywhere, including Scotland. No country is exempt, as we have seen in the wake of the recent World Financial Crisis. The lives of hundreds of millions of people worldwide are degraded by poverty. And this threatens social cohesion and political stability across the globe.

It is this kind of challenge that inspired the HOPE Project⁴ at Stellenbosch University⁵. Allow me to tell you a bit more.

When I was first appointed Rector and Vice-Chancellor in 2007⁶, I inherited a first-rate institution – a tower of academic excellence and world-class research. But it was clear that there were pressing needs in society all around us – caused by poverty and sickness and oppression and violence and pollution. We had to ask ourselves, what use would all our knowledge be if it did not make a difference to people's suffering?

So, I challenged Stellenbosch University to move "from success to significance". We had to become more relevant to society – especially its most vulnerable members.

I am glad to say my colleagues and students responded positively. Even some of our most sceptical professors agreed that to "change the world" would not be such a bad thing after all.

In our Law Faculty this gave rise to an initiative called "Combating Poverty, Homelessness and Socio-Economic Vulnerability under the Constitution"⁷. This rests on the understanding that the law is not just a sphere of justice⁸, it is also a sphere of hope – especially for the powerless and the marginalised ... people like Irene Grootboom.

² See <http://www.gov.za/documents/constitution/1996/a108-96.pdf>

³ In: Liebenberg, S. and Quinot, G. (ed.), 2012. *Law and Poverty – Perspectives from South Africa and Beyond*. Cape Town: JUTA & Co. p. 4

⁴ See <http://www.thehopeproject.co.za>

⁵ <http://www.sun.ac.za>

⁶ See <http://hdl.handle.net/10019.1/90910>

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<http://thehopeproject.co.za/hope/projects/academic/CombatingPovertyHomelessnessAndSocioEconomicVulnerability/Pages/default.aspx>

⁸ See Walzer, M, 1983. *Spheres of justice: A defense of pluralism and equality*. New York: Basic Books

Sadly, having glimpsed the Promised Land following that favourable Constitutional Court judgment in 2000, Irene died eight years later ... still homeless and penniless. The government departments charged with enforcing the Court's decision had not made much headway. The bureaucratic mill had turned too slowly.

None the less, the legacy of Irene Grootboom lives on. Her "victory gave legal muscle to the poorest of the poor and has been studied around the world," it has been reported⁹.

"The Grootboom judgement became the foundation case in assessing the State's responsibilities on socio-economic rights ... And it has been used as the basis of other legal arguments ... It was a key component of the Treatment Action Campaign's successful court case against the South African government for its delays in providing effective measures to cut mother-to-child transmission of HIV."¹⁰

And it is an important point of reference for Stellenbosch University's Legal Aid Clinic¹¹ in assisting farm workers in the Cape Winelands area who face eviction.

Ladies and gentlemen, this brings me to my message to all the new graduates here today. I want to challenge you to use your knowledge of the law to become a champion of hope. At a time of increasing inequality and a widening wealth gap the world over, use the law as an instrument of hope. Defend human rights, including social and socio-economic rights. Become a thought leader for a better future, a thought leader for justice, a thought leader for dignity for all. It's the right thing to do.

I thank you.

ISSUED BY:

Desmond Thompson, Office of the Rector, Stellenbosch University.

Email: desmond@sun.ac.za

Tel: +27 21 808 3724

Cell: +27 82 777 5729

⁹ From <http://mg.co.za/article/2008-08-08-grootboom-dies-homeless-and-penniless>

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¹¹ <http://blogs.sun.ac.za/law/legal-aid-clinic/>