

# **CURRICULUM VITAE OF BOITUMELO (TUMI) MMUSINYANE**



- ❖ Associate Professor of Law (NWU)
- ❖ Advocate of the High Court of SA
- ❖ Deputy Director NWU-Faculty of Law: Mahikeng Campus: Undergraduate programmes
- ❖ Potchefstroom Electronic Journal Editor

## PROFILE

African Indigenous Knowledge systems, African law, Constitutional law, human rights scholar, and a touch of practice.

## GENDER

Male

## HOME LANGUAGE

Setswana

## OTHER LANGUAGES

English, Sotho, Pedi

## CONTACT

PHONE:

EMAIL

## HOBBIES

Hobby #1 Reading

Hobby #2 Camping

Hobby #3 Traveling

Hobby #4 Cycling

## LEADERSHIP ATTRIBUTES

1. **CURRENT:** Deputy Director of Undergraduate Studies: Faculty of Law Mahikeng Campus
2. **Former:** Chairperson of the Madibeng Local Municipality Commission of Integrity (acting)
3. **Former** Chairperson of the Council for Built

## EDUCATION

### **Doctor of Laws (LLD) on Comparative right to Adequate Housing**

2016

University of South Africa

### **Diploma-in Human Rights (Intensive Course on the Role of Human Rights in Development: Impact and Responsibility)**

November 2010

Institute for Human Rights-Åbo Akademi University,  
(Turku/Åbo, Finland)

### **LLM (Masters of Laws) with Specialization in Human Rights & Democratisation in Africa.**

13 January-10 December 2003

University of Pretoria

### **LLB (U)**

1999- 2002

Vista University

### **Matric**

1998

Kgosietsile Lethola High School, North west Province (Taung)

### RESEARCH GRANT RECIPIENT

NRF Sabbatical Grant for Completion of the LLD Recipient: **Ref:**

**SGD13020616971**

ADVOCATE OF THE HIGH COURT OF SOUTH AFRICA UNDER CASE

NUMBER: 21462/2011 (NON-PRACTISING ROLL-LPC NW)

### SELECTED SHORTCOURSES

2016: Advanced Programme in Labour Law,  
University of South Africa.

2017: Commercial Mediation Skills Course  
(Conflict Dynamics)

- Environment Disciplinary Appeals Tribunal
4. **Former** Chairperson of the National Home Builders Registration Council Disciplinary Tribunal
  5. 2015:Chairperson of UNISA College of Law Social Security Flagship Since
  6. 2007:Co Founder of Kgosietsile Lethola School Alumni (a Non Profit Organisation)
  7. 2007:Treasurer of Kgosietsile Lethola School Alumni
  8. 2004-2005:Chairperson of the Social Committee at the office of the Public Protector (Mahikeng), (North West Office)
  9. 2004-2005: Outreach Project Manager to Educational and Training Institutions at the Office of the Public Protector (north west regional office)
  10. 2002:Treasurer of Vista University Law Society (VULSOC)
  11. 2001:Class representative of civil procedure course
  12. 2001:Class representative of civil legal practice course
  13. 1998:Captain of the under 19 soccer team (Kgosietsile Lethola High School)

2017: Advanced Construction Contracts Course  
(University of Pretoria)

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**WORK EXPERIENCE (CURRENT)**

**Position: Deputy Director: Faculty of Law Undergraduate Studies: Mahikeng Campus**

**Duties: Strategy Development:**

- a) Co-determine Mahikeng campus Law faculty strategy and joint accountability for the implementation thereof.
- b) Jointly accountable for the successful implementation of the NWU Teaching and Learning strategy.
- c) Jointly accountable for successful implementation of the overall NWU strategy Translate the Faculty strategy into a site implementation plan and operationalise.

**Operational management:**

- a) Lead and direct day-to-day operational planning, performance and quality ensuring alignment with the faculty plan at Mahikeng Campus.
- b) Participate in planning with other Directors and Deputy and the annual faculty calendar.
- c) Oversee and manage utilisation of resources and finances as allocated by the Director Undergraduate Programmes at Mahikeng Campus.
- d) Deputise for the Director Undergraduate Programmes Ensuring the effective and accurate management of the faculty's administration at Mahikeng Campus, thus creating an effective administration support service.

- **PERIOD: 01 July 2023-01 June 2026**

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**Position: Associate Prof of Law, at North West University, Mahikeng Campus**

01 August 2018-to date

Duties:

- 1) **Lecture undergraduate and Postgraduate Courses:**
- 2) **Participate in the Faculty's community project**
- 3) **Supervise Postgraduate Students**
- 4) **Conduct and publish research articles**
- 5) **Mentor Junior Colleagues**

## COMMITTEE MEMBERSHIP

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1. April 2023-Former member of North West University Senate
2. April 2023-Former Senate Representative to the North West University Institutional Forum
3. August 2021- 29 February 2023-Former Commissioner of Integrity for Madibeng Local Municipality.
4. Jan 2021-Dec 2023-Former North West Pension Fund Trustee.
5. 2012-2016-Former Commissioner of the Broadcasting Complaints Commission of South Africa
6. 2014-2015:Member of the Executive Committee of the Department of Private Law
7. 2010-2013:Committee Member of the UNISA Institute for Dispute Resolution
8. 2009-2010:Member of UNISA's College of Law Transformation & Employment Equity Sub-Committee
9. 2007:Member of UNISA Street Law Committee
10. 2007: Member of UNISA's Student Disciplinary Committee

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## PREVIOUS EMPLOYMENT

**Promotional Position: Senior Lecturer at the University of South Africa**

**Private Law**

**January 2012-31 July 2018**

Duties:

- (i) designed & edited law of persons study guides/manuals & tutorial letters
- (ii) Lectured Undergraduate and Postgraduate courses
- (iii) conducted assessments & providing feedback to Students
- (iv) Supervised Master's Students
- (v) Published research in Journals
- (vi) Participated in the College of law Community Engagements projects
- (vii) participated in the College of Law/University Committees

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**Position: Lecturer at University of South Africa**

**Department**

**Private Law**

**Period: Feb 2007-Dec 2011**

**Duties: Same as above**

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**Assistant Director (Liquor Compliance Unit)**

**Institution: Gauteng-Department of Economic Development**

**Period: May 2005-feb 2007**

Duties:

- a. Presented cases and led witnesses before the liquor board
- b. Investigated any suspected or reported failure to comply with or a contravention of any term or condition of a license or permit or a provision of Gauteng Liquor Act.
- c. Summoned any person who may be able to give information concerning the subject of the investigation or who is believed to have in his or her possession, custody or control any book, document or thing which

## SKILLS

- Lecturer, negotiator, Lawyer, and Scholar
- Diversity & Conflict management
- Published author (journal and book chapters)
- Keynote Speaker, Talk Show Panellist, Public Speaker
- Developer of training and assessment programs
- Member of several educational & professional bodies
- Management of staff with varying levels of skills and competencies
- Registered (SASSETA) Facilitator, Assessor, Moderator and Designer of Outcome based assessments

## MODULES TAUGHT

1. Constitutional Law (LLB) (NWU)
2. Administrative Law (LLM in Public Law and Philosophy) (NWU)
3. Jurisprudential Approaches to Southern African Law (LLM in Public Law and Philosophy) (NWU)
4. Law of Delict (LLB) (NWU)
5. Private International Law (LLB) (NWU)
6. Moot Court (LLB) (NWU)
7. Street Law (LLB) (NWU)

has or might have a bearing on the subject to appear before it at a time and place specified in the summons to be questioned or to produce such book, document or thing.

- d. Conducted an inspection and monitored and enforced compliance with the Gauteng Liquor Act and any other law which authorizes me to conduct an inspection or monitor and enforce compliance of any liquor related matter.
- e. Issued compliance and non-compliance notices to traders failing to comply with terms and conditions of their liquor licenses
- f. Enforced orders of the Gauteng Liquor Board;
- g. Compiled reports and make presentation to the Gauteng Liquor Board

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### **Position: Investigator**

**Institution Office of the Public Protector, (North West Provincial Office)-Matikeng**

**Period :02 February 2004-May 2005**

### **Duties:**

- (1) Conducted an investigations into governmental institutions and to any person performing a public function, at provincial level, state departments and local authorities, as well as corporations or Companies where the state is involved, for example, Eskom, post office and Telkom.
- (2) conducted own initiative or upon receipt of a complaint investigations into allegations such as improper prejudice suffered by the complainant or another person, for example as a result of:
  - (ii) abuse of power on the part of the government any person performing a public function;
  - (iii) unfair, discourteous or other improper conduct on the part of the government or any person performing a public function;
  - (iv) undue delay on the part of the government or any person performing a public function;

8. Foundations of South African Law (NWU)
9. Law of Persons (LLB) (UNISA)
10. Advance Land and Housing Law (Masters in Property Law)
11. Property Law PVL3701-(LLB) (UNISA)
12. Advance Constitutional Property Law in (Property Law) (UNISA)
13. The Film and Publication Board: nature, scope and purpose (Short Course) (UNISA)
14. Cyber-crime and the protection of children (Short Course) (UNISA)
15. Cinematography, the power of film and film classification (Short Course) (UNISA)

#### MODULE LEADER/COORDINATOR

1. Street Law (NWU)
2. Moot Court (NWU)
3. Private International Law (NWU)

- (v) violation of a human right,
- (vi) Any other cause brought about, or decision taken by the authorities.
3. maladministration,
4. dishonesty or improper dealings with respect to public money,
5. improper enrichment,
6. receipt of improper advantage
7. interviewing complainants and witnesses;
8. gathering information and presenting evidence in formal investigations
9. conduct legal research;
10. drafting correspondence, memoranda and reports
11. handling general enquiries about the office of the Public Protector
12. conducted public awareness campaigns/outreach programmes to educational and training institutions.

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#### Position: Intern

**Institution Ghana Environmental Protection Agency (Accra)**

**Period :6 months-July to December 2003**

#### Duties

- (i) conducted monitoring and inspection to institutions that are required to comply with environmental protection standards/legislations;
- (ii) involved in technical review meetings to discuss and decide on projects that are not properly planned and can have a potential impact on the environment. (Environmental Impact Assessment):
- (iii) wrote reports and presented them to the technical review committee.

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**Selected to serve a three-week internship organised by**

**the Integrated Bar Project (Centre for Human Rights UP:**

**Intern Institution Naudes Attorneys Firm (Bloemfontein)**

**Period:24 June-12 July 2002**

#### Duties:

- (a) attended CCMA cases and drafted opinion judgements or

- CCMA cases,
- (b) conducted client's consultation in conjunction with attorneys and attended arbitration cases,
  - (c) visited different courts, master of the high court and deed office to familiarise myself with legal procedures followed in such respective offices.
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**Position: Student Assistant**

Institution: Vista University

Period :January-November 2002

Duties:

- (a) conduct tutorial classes to junior students (family and property law)
  - (b) recorded junior student marks in record sheets,
  - (c) Invigilated during the writing of tests.
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**Voluntary Jobs**

(a) **Institution Krugersdorp Magistrate Court**

Period: June Holidays 2002

Duties: issued subpoena in criminal proceedings with supervision from the Senior Prosecutor.

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**BOARD MEMBERSHIP/CHAIRPERSONSHIP: PREVIOUS**

**1. POSITION: ACTING COMMISSIONER OF INTEGRITY 'COI'  
(CHAIRPERSON OF THE INTEGRITY MANAGEMENT COMMITTEE)**

**Institution: MADIBENG LOCAL MUNICIPALITY**

**Responsibilities:**

- a) Assisted the Municipality to establish and set up systems for the operation of the new Commissioner of Integrity Offices, and hold the fort until the appointment of the COI;
- b) Oversaw the implementation of the integrity and ethics programmes;
- c) Conducted Independent and external oversight over the investigations undertaken internally by the relevant departments;

- d) Ensured the implementation of recommendations arising from investigations undertaken by the Office of the Commissioner/Internal Audit/any other office delegated to investigate;
- e) Liaised with the SAPS and Auditor General, Provincial Departments on civil and criminal matters related to the Municipality cases opened;
- f) Held the Municipality's senior management and other officials accountable for the enforcement of remedial action.

**Period: August 2021 - 29 February 2024**

**CHALLENGES: Political interference/delaying tactics/not providing the COI with necessary resources to execute its mandate**

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## **2. NORTH WEST UNIVERSITY PENSION FUND TRUSTEE (CLAIMS & AUDIT COMMITTEE REPRESENTATIVE)**

**Duties:**

- (a) took all reasonable steps to ensure that the interests of members in terms of the rules of the fund and the provisions of the Pension Funds Act are protected at all times ;
- (b) acted with due care, diligence and good faith
- (c) acted with impartiality in respect of all members and beneficiaries. In addition,
- (d) ensured that proper registers, books and records of the operations of the fund are kept, inclusive of proper minutes of all resolutions passed by the trustees
- (e) ensured that proper control systems are employed by or on behalf of the trustees
- (f) ensured that adequate and appropriate information is communicated to the members of the fund informing them of their rights, benefits and duties in terms of the rules of the fund
- (g) took all reasonable steps to ensure that contributions are paid timeously to the fund
- (h) obtained expert advice on matters where the trustees may lack sufficient expertise

- (i) ensured that the rules and the operation and administration of the fund comply with the Pensions Fund Act, the Financial Institutions (Investment of Funds) Act and all other applicable laws

**Period:** 01<sup>st</sup> January 2021-31<sup>st</sup> December 2023

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### **3. NORTH WEST UNIVERSITY SENATE MEMBER**

**Duties:** contributed to the regulation and governance of the academic functions of the University, which inter alia include all teaching, learning and research, subject to the provisions reflected in the Higher Education Act and the NWU Statute.

**Period** 21 April 2020 until 21 April 2023.

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### **4. INSTITUTIONAL FORUM-NWU SENATE REPRESENTATIVE**

**Duties:** contributed advisory support to the Council on matters affecting the University, including the following:

- a. the implementation of the Higher Education Act and national higher education policy;
- b. the selection of candidates for appointment as office bearers in accordance with the Rules for the Appointment of Office Bearers ;
- c. policy on equity in respect of race, gender and disability;
- d. codes of conduct;
- e. dispute resolution processes and procedures;
- f. the management of cultural diversity across the university;
- g. the fostering of a university culture that promotes tolerance and respect for human rights and creates an environment conducive to learning, teaching and research.

**Period: August 2022- 21 April 2023.**

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### **5. Chairperson of the Council for Built environment Statutory Appeal Committee**

**Duties:**

- 1. Chaired the Appeals Tribunal hearings.

2. Ensured all appeal hearings are conducted in accordance with section of 33 of the Constitution of the Republic of South Africa;
3. Ensured that all appeals are decided, with fully motivated reasons, within 60 days from the date of their lodgement and furnish same to the CBE
4. Directed the activities of the Appeal Committee to achieve items 1 and 2.
5. Written judgments of the Appeals Tribunal.

**Period:**

1. 01 April 2021 until 1 March 2022
  2. 01 May 2022 until 30 April 2023
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**6. Chairperson of the National Home Builders Registration Council Disciplinary Committee**

**Period: 2015-2018**

**Duties:** Adjudicates on NHBRC members misconducts cases with effect from October 2015-31 July 2018.

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**7. Commissioner for the Broadcasting Complaints Commission of South Africa (BCCSA) (Part time)**

**Duties:** adjudicate and form part of the BCCSA Tribunal Panel that adjudicate complaints from members of the public against members of the National Association of Broadcasters who have accepted the BCCSA's jurisdiction (i.e. Public and private Television stations, commercial and community Radio stations)

**With effect from January 2012-2016.**

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**SPECIALISATION PROJECTS:**

1. Delivered a keynote address: "**The historical context for the apparent chasm between human rights and customary law and practices and how this apparent chasm may be bridged, if at all**" at the SAHRC Provincial dialogue on "Bridging the gap between human rights and traditional customs, 04 October 2023 .
2. Delivered a Setswana customary law presentation: '**Go kwala molao wa Barolong boora Tshidi**," 16<sup>th</sup> February

2024, at the SAHRC Provincial dialogue on "Bridging the gap between human rights and traditional customs.

3. Invited by the Commission on Gender Equality to deliver a presentation **on the status of customary law on property allocation and land rights**, as part of its Stakeholder engagement session, on 22 Aug 2024.

#### BOOK CHAPTERS

1. The Batswana customary law governing the child's surname affiliation and the payment of *tsheny* to the mother's family: the struggle between cultural relativism and universalist values of the Bill of Rights, **chapter 22**, in **Mbuyiseli Madlanga, Mzukisi Njotini, Patrick Osode, Enyinna Nwauche and Nomthandazo Ntlama-Makhanya 2023, (eds) *Enforcing Accountability, Consolidating Democracy and Compelling Sustainable Development in the 21st Century* published by Juta & Company, South Africa (ISBN 978 1 48515 199 9), pp 491-513.**
2. Chapter 6: Constitutional transformation of the customary marriage laws of the Batswana, Dial A & Rautenbach (eds), 2024, *Reimagining Legal Pluralism in Africa: Balancing Indigenous, State, and Religious Laws* Volume 80 of Developments in International Law, Brill, ISBN: 9004696733, 9789004696730, PP 147-186.

#### JOURNAL PUBLICATIONS

2. Heyns A & Mmusinyane B Should the Alienation of Land Act 68 of 1981 be amended to address? Homelessness: *Sarrahwitz v Maritz* 2015 8 BCLR 925 (CC) (PER 2017 (20) 1-38).
3. Mmusinyane B The right to equality and inherent dignity of husbands and partners in paternity disputes: a South African perspective, *African Journal of Legal Studies* 9 (2016) 147-176.
4. Moses Montesh and Boitumelo Mmusinyane, 'An Analysis of the Gaps in the Newly Established South African Military Ombud' *Scientia Militaria, South African Journal of Military Studies*, 2013, Vol. 41/1, pp. 91-111.
5. Prof M Montesh, B Mmusinyane and SI Dintwe 'A Perspective of the White Collar Crime as a Global Financial Problem' in *the First International Conference on Development Finance & Economic Transformation*, ICEDFET 2013, ISBN: 978-0-9921971-1-7 at 61-74.
6. Mmusinyane B 'South Africa's Poverty Alleviation Strategy through Housing: Chasing the 2015 Millennium Development Goals' Pragmatic?' *Law, Governance and World Order* 2012, p478-489.
7. Mmusinyane B & Serumaga-Zake S 'An End to Impunity: The International Criminal Court's (ICC) Indictment of African Dictators/Leaders' *Law, Governance and World Order* 2012, p212-221.
8. Mmusinyane B 'The Complexity of invoking and enforcing the Right to (Adequate) Housing separately, and as part of the Socio-Economic Rights within the African, Inter-American and Asian Regional Human Rights Systems' *US-China Law Review* 2011 Volume 8/11, (serial number 84) p 1008-1034.

9. Mmusinyane B "Enforcing the Right to Adequate Housing within the Indian Constitution: A Lesson for Canada" *Law Across Nations: Governance, Policy & Statutes* 2011, 844-857.

10. Mmusinyane B "The Role of Traditional Authorities in Developing Customary Laws in accordance with the Constitution: *Shilubana and others v Nwamitwa* 2008 (9) BCLR 914 (CC)" *PER* 2009 Volume 12/3p 131-161.

**OTHER PUBLICATION**

11. Is an Attorney also a suitable person under section 33 and 34 of the Children's Act *Codicilus* Vol. 48 no. 2 of 2007(15-17)

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**INTERNATIONAL & NATIONAL CONFERENCE PRESENTATIONS**

1. **TOPIC:** Advocating for the codifications of "village constitutions": retracing the African community's indigenous knowledge governance system within a constitutional state  
AND

2. **TOPIC:** The recognition and protection of indigenous knowledge systems on natural resource governance

*Mr. Mashiane kf & Prof T Mmusinyane*

Name of the Conference: Southern African Law Teachers Conference 2024

Dates: 15-19 January 2024

Venue: Sun City

3. **Topic:** The integration of the indigenous knowledge practice of divination in enhancing the investigation of crimes by the South African law enforcement agencies: missing persons and ritual killings perspective

**Name of the Conference:** The role of law and justice in the 4<sup>th</sup> Industrial revolution

**Date:** 29-31 August 2023

**Institution:** University of Limpopo School of Law

4. **TOPIC: Constitutional transformation of the customary marriage laws of the Batswana Tribe**

**Symposium:** *The future of personal laws in Africa: Reconciling indigenous laws within a constitutional order-*

University of the Western Cape

Date: 22 October 2021

5. **TOPIC: The Batswana customary law governing the child's surname affiliation and the payment of tshenyo to mothers family: the struggle between cultural relativism vs universalist values of the Bill of Rights"**

Conference: Society for Law Teachers of Southern Africa - 2022 conference

*Theme: Enforcing accountability: Consolidating democracy, compelling sustainable development in the 21st Century- University of Fort Hare*

**Date: 10-16 July 2022**

**6. TOPIC: Critical evaluation of the orally transmitted "evidence of the dead" and its applicability under the 1996 Constitution and section 3 of the Law of Evidence Amendment Act 45 of 1988 within traditional leadership disputes**

Name: Workshop on the role of women in traditional and minority governance structures in Southern Africa and elsewhere-

**NWU**

Date: 14-15 November 2022

**7. TOPIC: Status of Corruption in the Public Service: Regress or Progress- Searching for Moral and Ethical discourse**

Name of workshop: North West Anti Corruption Dialogue

Date: 14 November 2018

Venue: JB Marks Municipality-Council Chambers

**8. TOPIC: A critical evaluation of the South African adjudication of disputes system and the [un-] utilisation and or exclusion of the African indigenous knowledge systems: African spirituality and traditional beliefs perspective**

**Name of Conference:** UNISA'S 5<sup>th</sup> Annual Spring Law Conference

**Dates:** 27 September 2017 (UNISA-Pretoria)

**9. TOPIC:** The state of housing delivery in South Africa 21 years later: A statistical quagmire

**Name of Conference:** UNISA'S 4<sup>th</sup> Annual Spring Law Conference

**Dates:** 27-29 September 2016 (UNISA-Pretoria)

**10. TOPIC: 'South Africa's Poverty Alleviation Strategy through Housing: Chasing the 2015 MDG's Pragmatic?'**

AND

**11. AN END TO IMPUNITY: THE INTERNATIONAL CRIMINAL COURT'S INDICTMENT OF AFRICAN DICTATORS/LEADERS**

(CO-AUTHORING WITH ADV. STEVEN SERUMAGA ZAKE)

**Name of Conference:** The 7<sup>th</sup> International Conference on Legal, Security and Privacy Issues in IT, 3rd Intl. Private Law Conference, 2nd Intl. Public Law & Policy Conference and the 6<sup>th</sup> Intl Law and Trade Conference

**Venue:** CORAL HOTEL, Athens, Greece

**Date: October 2-5, 2012**

**12. TOPIC: MAINTAINING RDP HOUSES: A LEGAL CHALLENGE AND A QUAGMIRE FOR GOVERNMENT?**

NAME OF THE CONFERENCE: SOCIETY OF THE LAW TEACHERS OF SOUTHERN AFRICA CONFERENCE

Venue: - Nelson Mandela Metropolitan University-Port Elizabeth

Date: July 10-13, 2012

**13. TOPIC: ENFORCING THE RIGHT TO ADEQUATE HOUSING WITHIN THE INDIAN CONSTITUTION: THE INDIAN APPROACH A LESSON FOR CANADA**

NAME OF THE CONFERENCE: THE 2011 IAITL LEGAL CONFERENCE 1<sup>ST</sup> INTERNATIONAL PUBLIC LAW CONFERENCE

Venue: - University of Nicosia, Nicosia, Cyprus

Date: September 19-23, 2011.

**14. TOPIC: [De]-Serving Children's Rights and Interests by Criminal Courts-The Need to Protect Children – As Victims, Complainants and/or Witnesses of Sexual Offences'**

Name of the Conference: The Society of Law Teachers of Southern Africa Conference

Venue: -University of Stellenbosch

Date: 17 to 20 January 2011.

**15. TOPIC: The Complexity of realising the right to adequate housing under the African, Inter-American and Asian Human Rights Systems**

Name of the Conference: Workshop: Government of the RSA v Grootboom: A Ten Year Retrospective)

Venue: Lynwood Conference Centre- South Africa

Date: 07-08 October 2010

**16. TOPIC: The right to equality and inherent dignity of husbands and partners in paternity disputes: a South African perspective,**

Name of the Conference: Law, Gender and Social Transformation Conference-

Venue: University of Limpopo-Possible article publication late 2010.

Date: 30th August -03 September 2010

**17. TOPIC: The Realisation of the Right to Adequate Housing under the Canadian Charter of Rights and Freedoms**

Name of the Workshop: University of Toronto-Summer Workshop Series

Venue: Falcon Hall 3-84 Queens Park Rd-Toronto Canada

Date: 19 July 2010

**18. TOPIC: The role of traditional authorities in developing customary laws in accordance with the constitution**

Name of the Seminar: Equality & the future of traditional leadership in SA

Venue : **UNISA Sunnyside Conference Centre**

Date: 22 September 2009

**19. TOPIC: Serving the best interest of the child through inter-country adoption: AD and DD v DW and others, the Centre for Child Law (Amicus Curiae) and the Department of Social Development (Intervening Party) 2008 (4) BCLR 359 (CC)**

Name of the Workshop: 1<sup>st</sup> National Family Law Colloquium

Institution: **University of Kwazulu-Natal, Howard College Campus**

Date: 7 November 2008

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**MASTERS AND DOCTORAL SUPERVISION**

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**CURRENT 2024**

1. 3 Masters (LLM) Students
2. 4 LLD Students (NWU)

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**COMPLETED SUPERVISIONS**

1. Masters of law: The limitation and impact of the right to legal representation in disciplinary hearings: A South African perspective.

**Completed 2024**

2. Masters of Law: The regulatory framework of schools' safety in South Africa: Towards a safe learning environment

**Completed 2024**

3. UNISA: Masters of Law Title: An analysis of the adequacy of the current legal framework for the protection, promotion, and enforcement of human rights in Zimbabwe

**Completed: 2022**

4. Masters of Law: Title: Forced child begging in South Africa: implications on children's rights

**Completed: 2022**

5. UNISA: Masters of Laws Title: A critical evaluation of the independence of the Office of the Chief Justice and its role in promoting judicial transformation in South Africa

**Completed: 2018**

**Link:** [dissertation\\_phatshwane\\_rj.pdf \(unisa.ac.za\)](#)

6. UNISA: Patient's and Nurses' Rights in the Clinical Setting: A Perspective on Symmetry of Obligations and Rights

**Completed 2015**

**Link:** [dissertation\\_tsatsane\\_ms.pdf \(unisa.ac.za\)](#)

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#### COURSE/MODULES DEVELOPMENT

##### CURRENT PROJECTS:

1. **Development of the Customary law Module in Setswana language for the Faculty of Law: NWU**

##### COMPLETED:

2. Developed the Land and Housing Law Module forming part of the Bachelor of Human Settlement and Diploma in Law (UNISA-Private Law)
3. Advance Land and Housing Law (Masters in Property Law) (PRL5908)

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4. 2008 Developed Learning Materials for: D & D Lwazi Renaissance Research and Development Institute.

for: National Certificate: Family Law Practice: NQF level 5 SAQA ID 50265

5. Materials Developed were divided into:

- a. Unit standard id: 123223 demonstrate understanding of the legal principles of marriage in South Africa.
- b. Unit standard id 123216 utilise selected skills in children's court matters.
- c. Unit standard id 123218 assist people with family law matters.
- d. Unit standard id 123222 understanding of selected concepts of family law.
- e. Unit standard id 123225 understanding of the divorce system in South Africa.
- f. Unit standard id: 123210 demonstrate understanding of the children's court system in South Africa.
- g. Unit standard 123217 administer family law matters.

- h. Unit standard 123219 selected skills in children's court matters.
- i. Unit standard 123224 complete pleadings in divorce matters.
- j. Unit standard: 123228: conduct children's court matters.
- k. portfolio of evidence for each of the above mentioned learners guide
- l. knowledge memorandum for each of the abovementioned learners guide
- m. facilitator's guide for each of the above mentioned learners guide
- n. assessment guides for each of the above mentioned learners guide

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#### COURT JUDGMENT I WAS ACTING AS COUNSEL FOR APPLICANTS

1. *Tauetsile v Premier of the North West Province and Others* (M 123/2017) [2023] ZANWHC 7 (7 FEBRUARY 2023),
2. *Manyetsa v New Kleinfontein Gold Mine (Pty, Ltd)* (JS706/14) [2017] ZALCJHB 404; [2018] 1 BLLR 52 (LC); (2018) 39 ILJ 415 (LC) (7 NOVEMBER 2017)

#### ATTORNEYS' BOARD EXAMS

Passed all four required Attorneys Admission

Board Examination

Paper 1-Court Procedures

Paper 2-Estates

Paper 3-Attorneys Bookkeeping

Paper 4-Attorney's Practice & Ethics

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#### MOOT COURTS

##### Previous Involvement:

- (a) All Africa Human Rights Moot Court Competition Coordinator for UNISA Team, from 2014 onwards
- (b) **Judge** at the **04<sup>th</sup> National Schools Moot Court Competition**-2014 held at The University of Pretoria
- (c) **Presiding Judge** at the **3<sup>rd</sup> National Schools Moot Court Competition**-2011 held at The University of Pretoria
- (d) Assisting High School Students in preparations of the National Schools Moot Court Competition 2011-2012.

- (e) **Judge** at the **First National Schools Moot Court Competition-2011** held at The University of Pretoria March 2011
- (f) **Presiding Judge** at the **2<sup>nd</sup> National Schools Moot Court Competition-2011** held at The University of Pretoria March 2012
- (g) **Presiding Judge** at the **3<sup>rd</sup> World Human Rights Moot Court Competition**, held at The University of Pretoria, on December 2011
- (h) Judge at the **Second World Human Rights Moot Court Competition**, held at The University of Pretoria, on December 2010
- (i) Presiding Judge at the Free State Provincial Oral Rounds of the Provincial Moot Court Competition on 16 April 2012.

**Participation:**

- (a) Participated on the Client Counselling Moot Court Competition Held at Pretoria school for legal practice  
Period :November/December 2007
- (b) Participated in the Phillip c Jessup International Law Moot Court Competition Held at University of Pretoria  
Period: February 2002
- (c) Participated on the Eleventh all Africa Human Rights Moot Court Competition Held at American University in Cairo (Egypt)  
Period:7-12 of august 2002

**POLICY DRAFTING EXPERIENCE**

- (a) Co-Drafted with Ms. Mmatsie Mooki: an Anti-Racism Policy for Dr Viljoen Combined School in Bloemfontein that was reported in the Media and investigated by the South African Human Rights Commission to have been anti-racist towards its learners: 2015
- (b) Conducted a One Day Anti-Racism workshop for Dr Viljoen Combined School in Bloemfontein.

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**ACADEMIC CITIZENSHIP**

**CURRENT:**

1. **PER/PEL Sub editor:**

- a) Request for external reviews on allocated/submitted articles for possible publication
- b) Ensure that that accepted all articles complies with the journal standard
- c) Review of submitted articles

**Period 2019 to date**

## 2. External Examination Duties

UNISA

### a) **Student Name withheld**

title: the eviction of occupiers under the Extension of Security of Tenure Act 62 of 1997 – recent developments

Degree: LLM

Date 2020

### b) **Student Name withheld**

Title: A quest for a uniform set of rules regulating eviction proceedings in South Africa by

Date: 2021

Degree: LLD

### c) **Student Name withheld**

Degree: LLM (family law)

Title: surrogacy confirmation agreements: a comparison between South African and Zimbabwean law

Date: 2020

### d) **Student Name withheld**

Degree: LLM in family law

Title: Section 21 of the children's act 38 of 2005: an evaluation of its impact on the South African legal position of the unmarried biological father

Date: 2020

### e) **Student Name withheld**

Degree: LLM with specialization in property law

Title: An evaluation of the housing database system and its effect on the allocation of low-cost housing in South Africa: a property law perspective

Date: 2020

**3. University of Fort Hare**

a) **Student Name withheld**

Degree: LLM

Title: Civil protests and their impact on human rights in the republic of

South Africa

Date 2022

**4. University of Cape Town**

a) **Student Name withheld**

Degree: LLM

Title: Consent to minor customary marriages perpetuates abuse towards African girls and women in South Africa

Date: 2022

**5. University of KwaZulu Natal**

a) **Student Name withheld**

**Title: Balancing the competing interests, enforceability, and remedies in restraint of trade agreements between employers and employees in South Africa**

Degree LLM

Date 2022

**6. External Examiner for Wits University LLB Independent Research Essay (since 2015 to 2018)**

a) External Examiner for University of Pretoria Faculty of Law (Private Law Department- LLD Proposal) 2017

**External peer review of articles**

b) University of Free State-Journal Article review for: JJS

(a) Reviewed an article for PELJ 2015, 2022

(b) Reviewed an article for *Studies on Ethno-Medicine (S-EM)* 2013

(c) Reviewed an article for Journal of Public Administration and Policy Research 2013

(d) Reviewed article for the JJS Journal (UFS), 2021

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## COMMUNITY ENGAGEMENT ACTIVITIES

### Media interviews:

#### 2023

- a) Adv B Mkhwebane's Impeachment proceedings- the relevance of Minority Judgement  
Power FM-TT Morning Show  
17 March 2023

#### 2022

- a) SA FM-Sunrise  
Lindiwe Sisulu comments on the Judiciary  
17 Jan 2022
- b) YOU FM-Current affairs  
JSC Chief Justice Interviews progress  
02 Feb 2022
- c) SABC Channel 404-Sunrise  
JSC Chief Justice Interviews and appointment of the first female CJ  
07/02/22

#### 2021

- a) Human Rights and their benefit to the people  
MAHIKENG FM:  
Marang a Dikgang-Current Affairs  
24 MARCH 2021
- b) The Constitutional Court heard an application by the Zondo Commission for former president Jacob Zuma to be jailed for contempt of court  
NEWSROOM AFRIKA CHANNEL 405  
25 March 2021
- c) Judge John Hlope and the findings of the Judicial Conduct Tribunal which unanimously concluded that Hlope is guilty of gross misconduct as envisaged in section 177 of the Constitution  
NEWSROOM AFRIKA CHANNEL 405  
12<sup>th</sup> April 2021

- d) The constitutional Court Judges interviews, Pravin Gordhan and Jacob Zuma: on the AM Report with Michelle Craig  
NEWSROOM AFRIKA CHANNEL 405  
14 April 2021
- e) Impact of the withdrawal of the Legal Representation for former President Zuma  
NEWSROOM AFRIKA CHANNEL 405  
21<sup>st</sup> April 2021
- f) Impact of the withdrawal of the Legal Representation for former President Zuma  
You FM Current Affairs  
21<sup>st</sup> April 2021
- g) The recusal of a Prosecutor application by the Former President Jacob Zuma lawyers  
SA FM  
Morning with Stephen Grootes  
26 May 2021
- h) Zuma Corruption Trial: Recusal of the Prosecutor Application  
YOU FM  
26 May 2021
- i) Zuma Corruption Trial | Nothing wrong with Zuma not divulging his defence:  
SABC CHANNEL 404  
26 May 2021
- j) Former President Zuma being sentenced to 15 months in jail  
You FM  
29 June 2021
- k) Zuma's Application for Rescission of the Constitutional Court Judgment  
SABC Channel 404  
03 July 2021
- l) Zuma rescission, impact on the Constitution and democracy  
News Room Africa Channel 405  
04 July 2021

- m) Incarceration of Jacob Zuma  
You FM- Current Affairs  
07-July 2021
- n) Incarceration of Jacob Zuma  
Power FM 98.7 Breakfast with TT  
08 July 2021
- o) Incarceration of Jacob Zuma  
MAHIKENG FM:  
Marang a Dikgang-Current Affairs  
08 July 2021
- p) Zuma's Virtual objection of his special plea  
POWER FM Breakfast  
19 July 2021
- q) JSC Interviews: Spur Restaurant Judge-  
You FM  
06 October 2021
- r) Former Chief Justice Mogoeng Mogoeng Tenure

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#### Projects-(Commercialization of law in Setswana ).

1. Making the law accessible to Batswana, through drafting of contracts and legal opinions in Setswana-
2. Translation and interpretation of key legal terms into Setswana (NWU Law Faculty).

#### EXPERT CONTRIBUTION

1. Contributing expert to the **World Justice Project**- Rule of Law Index: 2017
2. Contributing expert to the **World Justice Project**- Rule of Law Index: 2016
3. Contributing expert to the **World Justice Project**- Rule of Law Index: 2014
4. Contributing expert to the **World Justice Project**-South Africa-2010 Report

#### COUNTRY EXPERIENCE

Finland, Canada, Cyprus, Greece, India, Uganda, Ghana, Rwanda

## ACADEMIC ACHIEVEMENTS

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1. University of South Africa 10 Years: Long Service Awards
  2. 2000-Vice Chancellors Award (Mercantile Law)
  3. 2000-Vice Chancellors Award (Procedural law)
  4. 1999-Vice Chancellors Campus Merit award (Constitutional Law)
  5. 1999-Vice Chancellors Campus Merit award (Introduction to Law)
  6. 1999-Vice Chancellors Campus Merit award (Institutions and for Public Administration 5002)
  7. 1998-Certificate of Excellence in History
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## KEYNOTE ADDRESS

1. Delivered a keynote address at the South African Human Rights Commission's dialogue on Bridging the gap between human rights and traditional customs  
**Title: The historical context for the apparent chasm between human rights and customary law and practices and how this apparent chasm may be abridged.**  
4 October 2023, Rustenburg
2. UNISA Chancellor's address: Autumn Graduation Series: 22 May 2018-Speech title: "Do not die in Status"
3. A reply to the Adv Ngucakaitobi's Keynote Address: The meaning of Robert Sobukwe reappraised Land and Law in the Constitutional State"  
organized by the Sol Plaatje University, Dept. of Sports, Arts and Culture and the Black Lawyers Association-Kimberly-  
15 September 2018

## REFERENCES

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1. **Mr. Kagiso Masilo**  
My manager: Director Undergraduate Studies
2. **Prof RM Phooko**-Former Colleague-NWU

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3. **Prof SL Rapulana**-Former Colleague-Unisa

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