

ADVOCATE LWAZI P KUBUKELI (BA, LLB, MPhil)
MEMBER

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**THE PORTFOLIO COMMITTEE
JUSTICE AND CORRECTIONAL SERVICE
C/O COMMITTEE SECRETARY
Mr Vhonani Ramaano
3rd Floor, 90 Plein Street
CAPE TOWN**

19 SEPTEMBER 2019

Dear Honourable MPS,

DEPUTY PUBLIC PROTECTOR VACANCY

I humbly express my interest in being considered by the committee for selection and appointment as the country's next Deputy Public Protector.

I trust that it will be evident from my attached CV, copies of academic qualifications, and copies of other relevant career related materials, that my academic, and professional life has been honed in areas that qualify me for successful service of my country in this position.

All originals of the attached copies will be made available whenever required. I am available to address any further queries you might have of me, at your convenience.

My contact details appear above on the letterhead, and on my CV.

Yours truly,

Lwazi P Kubukeli

Attached copies:

1. CV
2. Identity Document
3. High School Certificate
4. BA Degree Certificate – San Francisco State University
5. LLB Degree Certificate – UNISA
6. MPhil Certificate – University of the Western Cape
7. Certificate in Anti-Corruption and Commercial Crime Investigation
8. Certificate of Admission as an Advocate
9. Commercial Law Certificate
10. Certificate of Honour – City and County of San Francisco Board of Supervisors
11. Certificate of Recognition – Found Foundation International Fellowship Program
12. Certificate of Completion – Leadership for Social Justice Institute
13. Award of Excellence – Black Faculty and Staff of San Francisco State University

CURRICULUM VITAE

LWAZI P. KUBUKELI

**BA (Radio & Television), LLB, MPhil (Land & Agrarian Studies)
Certificate in Anti-Corruption & Commercial Crime Investigation**

NAME:	LWAZI PUMELELA KUBUKELI
Place of Birth Date of Birth Gender & Marital Status Identity Number Current Residential Address Postal Address Telephone Mobile phone Drivers Licence Criminal Record Email	Cala, Eastern Cape Province, South Africa Male, Married Code B None L
PROFESSIONAL PURSUITS	LAW PRACTICE <i>Admitted Advocate of the High Court (2003)</i> <i>Member of The Cape Bar (2006-2010 with 2 years spent as Counsel at the Cape Town Legal Resources Centre)</i> <i>Member of the Bhisho Society of Advocates (2010–Present)</i>
CAREER HIGHLIGHTS	Completed a Basic Course for Aspirant Judges at the South African Judicial Education Institute (SAJEI); Recipient of a Ford Foundation International Fellowship award; Recipient of a community betterment award from the City of San Francisco USA; Recipient of an award for superior academic achievement and community service from San Francisco State University's Black Faculty and Staff. Junior Counsel in public interest law litigation matters resulting in landmark Constitutional Court judgments; Chaired an enquiry into a complaint lodged with the UCT office of Discrimination and Harassment involving acts of alleged discrimination and writing a report on findings and making recommendations.

<p>ACADEMIC QUALIFICATIONS (starts with the last)</p>	<p>1. Master of Philosophy (2005) (Land and Agrarian studies)</p> <p><i>Institute for Poverty, Land and Agrarian Studies</i> School of Government University of the Western Cape (UWC)</p> <p>A research-driven multi-disciplinary (legal, social and economic) study of land and agrarian reform designed to enhance the development and implementation of policies of land and agrarian reform that seek to achieve both the redistribution of productive assets and sustainable development.</p> <p>Field Research Thesis:</p> <p><i>An evaluation of the Public Participation Process in Environmental Impact Assessment (EIA): A Case Study on the Wild Coast of South Africa.</i></p> <ul style="list-style-type: none"> - Took temporary residency among the aMampondo communities on the eastern coastline of South Africa during the feasibility studies for the development of the N2 Wild Coast Toll Road and conducting study for MPhil qualification. Study was in the form of an investigation, assessment, and evaluation of compliance by EIA Consultants to the EIA statutory and regulatory framework in their conduct of the exercise. The communities canvassed had been identified as situated on the path of the proposed toll road. Study also focused on possible risks to land-based livelihoods, and possible disruptions to organic community settlements patterns. <p>2. Bachelor of Laws (LL.B) 2002 Rhodes University & University of South Africa (UNISA).</p> <p>Completed courses in all areas of law and 10 Elective Courses:</p> <p>3. Bachelor of Arts 1997 (Radio and Television) San Francisco State University, California USA</p> <p>Concentration:</p> <ul style="list-style-type: none"> • Social impacts of Broadcast Electronic Media
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<p>Other Qualifications/ courses</p>	<p>1. Certificate in Anti-Corruption and Commercial Crime Investigation (2017) <i>cum laude</i> UNISA Centre for Criminological Sciences A study and application of the Legal Contexts and Procedures for Anti-Corruption and Commercial Crime Investigations.</p> <p>2. Completed Basic Aspirant Judges Program South African Judicial Education Institute May 2018</p> <ul style="list-style-type: none"> • Judgement writing • Judicial ethics • Judicial practice in unopposed motion, opposed motion, civil trials, criminal trials • Judicial reviews <p>3. Commercial Law Practice Black Lawyers Association Legal Education Centre October 2007</p> <p>4. MK Guerilla Military Combat Training Caculama MK Guerilla Training Camp Eastern Angola 1986</p>
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<p>PROFESSIONAL EXPERIENCE From current</p>	<p>1. Currently: Member of Bhisho Society of Advocates (2010 - present) Holding Chambers at Justitia Advocates Chambers KPMG Terraces Building Cnr Quartzite Road & Stewart Drive Berea, 5241 EAST LONDON Admitted advocate for 16 years and practicing as counsel for 13 years. Undertook pupillage at the Cape Bar in 2006, and practiced there until 2010 before relocating to the Eastern Cape Province in 2010 and joining the Bhisho Society of Advocates. Practice focus in public administrative law, land tenure law, traditional leadership and governance, navigating questions of law arising at the nexus of the right to development, and community rights to land focusing on community entitlement to benefit from developments</p>
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	<p>taking place on their land.</p> <p>Nature of work is on advising and instituting or defending legal proceedings involving rural land based communities, organs of State including municipalities, provincial and national government. Dealing with novel, and complex questions of law arising. Acquired skills in canvassing and expressing the collective will of communities whilst navigating the disjuncture which sometimes arises between traditional leadership and community interests. Sharing knowledge and skills with pupil advocates at the Bar as a pupil mentor.</p> <p>2. MANAGING DIRECTOR Border Rural Committee (BRC) (Jan 2010- September 2010)</p> <p>Responsibilities included management and oversight of the organizations' land programme targeted at pressuring government through impact litigation, and a public campaign known as 'vulamasango singene', to re-open the lodgment of claims for land restitution in order to include those communities who were displaced through the apartheid policy of betterment schemes in former homelands of Transkei and Ciskei. The campaign did, in no small part, contribute to a countrywide campaign resulting in the successful reopening of the lodgment of land claims.</p> <p>2. ADVOCATE OF THE HIGH COURT Member of the Cape Bar (2006 – Dec 2009) Counsel at the Legal Resources Centre (2008-2009) Cape Town</p> <p>Highlights</p> <p>As counsel at Legal Resources Centre responsible for advancing human rights and access to justice through public interest litigation</p> <ul style="list-style-type: none"> • Actively participated as case manager from initial stages in cases that ended up as landmark Constitutional Court judgments. Also participated as junior counsel to some of this country's distinguished silks. • Involved in the landmark case involving over 20 000 residents of the Joe Slovo informal settlement which stands as the largest eviction for the stated purpose of upgrading an informal settlement by the State in South Africa to date. Case involves an extensive exploration of our eviction law within the context of an established community, and the concept of "reasonableness" of negative state action within
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<p>Other responsibilities</p>	<p>the context of realizing section 26 rights in the Constitution: Residents of Joe Slovo Community, Western Cape v Thubelisha Homes and Others 2010 (3) SA 454 (CC);</p> <ul style="list-style-type: none"> • Involved in another matter concerning the power of the President to grant pardon under section 84(2)(j) of the Constitution to people who claim that they were convicted of offences committed with a political motive: Albutt v Centre for Study of Violence and Reconciliation and Others 2010 (3) SA 293 (CC) • Involvement in the LRC's parliamentary public participation programme of preparing and making written and oral submissions to parliamentary committees when they are dealing with legislation that falls within their area of focus. • As counsel in the matter of Fanti v Boto and Others 2008 (5) SA 405 at 414 par 21 in advancing the rights of rural women, one argued successfully for the development of customary law on the role of women to participate as equals in roles that were the exclusive preserve of men in line with section 39(2) of the constitution, and the court agreed emphatically in stating as follows: <p><i>"I want to make it very clear that the mother of a girl whose father died or is for some other acceptable and understandable reason absent and/or unable to discharge duties normally meant for the 'kraalhead', is quite entitled to act as the head of the family... I state categorically that such a mother would legitimately negotiate for and even receive lobolo paid in respect of her daughter. That in no way would be repugnant to the customary law of marriage as practiced in this country. In my view if the courts do not recognize the role played or to be played by women in society, then that would indicate failure and/or reluctance on their part to participate in the development of our customary law, which development is clearly in accordance with the 'spirit, purport and objects' of our Constitution."</i></p> <p>3. PROGRAMME DIRECTOR (1999-2002) Earth First International (EFI) Project Underground (Defending the right of communities impacted by mining and oil extraction) Berkeley, California USA</p> <p>EFI is an international environmental and human rights NGO that monitors and documents risks and impacts of mining and oil extraction operations of multi-national companies on the land based livelihoods of indigenous communities located in proximity to the operations. As Programme Director at project underground, an affiliate to EFI, we undertook investigations, on the ground, and compiled detailed reports on the livelihood impacts of oil and mining operations. These reports were utilised by other NGOs and community based organisations to lobby for stricter regulation of extractive resource operations of multi-national companies.</p> <ul style="list-style-type: none"> • Currently the Chairperson of the President Primary School SGB
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	<p>In service to my local community I am currently in my second year of serving as the chairperson of the School Governing Body of President Primary School in Quigney, East London.</p> <p>Responsible for governance and professional management oversight of one of the best performing (academically and administratively) public primary schools in East London.</p>
HONOURS AND AWARDS	<ul style="list-style-type: none"> • Certificate of Honour San Francisco City and County Board of Supervisors <i>"In appreciative public recognition of distinction and merit for outstanding service to a significant portion of the people of the City and County of San Francisco".</i> • Award of Excellence for academic achievement and community service San Francisco State University <i>"for superior academic achievement and community service"</i> • Ford Foundation International Fellowship <i>Awarded to people who have demonstrated superior achievement in their undergraduate studies, have substantial experience in community service or development-related activities and possess leadership qualities.</i>
PERSONAL ATTRIBUTES	<p><i>Articulate, confident and fluent speaker; leader, teacher and consensus builder; sociable mentor and team-builder; self-starter; highly responsible and accountable; uncompromising personal ethical standards; high work ethic; self-starter; excellent listener and independent thinker.</i></p>
RECREATIONAL ACTIVITIES:	<p>Keeping fit; cooking; hiking and camping in natural environments; volunteering for community causes.</p>

REFERENCES:

1. **Adv. Mzwandile Ntsaluba SC**
Chairperson of the Bhishe Society of Advocates

2. **Adv Dumisa Buhle Ntsebeza SC**
Victoria Mxenge Group of Advocates

3. **Mr Dugmore Ngwenya**
Acting Head State Attorney's Office (East London)