

University of the Free State

Justice Richard Goldsone

Honorary Degree in Law

3 February 2012

Bloemfontein Campus

Mr Chancellor, Mr Vice-Chancellor and the Rector, Madam Acting Vice-Rector, Members of the Council of the University, Members of the Faculty, Students, Honourable Judges who are present, Ladies and Gentlemen. I am deeply appreciative of the honour that has just been bestowed upon me by this university.

I have enjoyed, as Prof. Henning referred to, a very happy relationship with this university over many years and this makes this visit to Bloemfontein and this honour all the more meaningful. In January 1981, I remember coming to this university for the first time as a then newly elected Chairman of the Executive Committee of NICRO, the National Institute for Crime Prevention and Rehabilitation of Offenders. I presided over a national meeting that was held at this university and it was hosted by the then Dean of the Law School, Prof. Dan Morkel. I remember very clearly that Winkie Direko attended that meeting and I am so delighted that she is with us this morning. She was then a senior member of the Executive Committee of NICRO and from that day, she became both a mentor and advisor, which I valued very much on that committee and in other areas as well. Little could I have imagined in 1981 that apartheid will come to an end in less than fifteen years and that Winkie Direko would become Premier of the Free State and the Chancellor of this university! Thank you very much, Winkie, for being with us.

Three hundred and fifty years of racial oppression left South Africa a sick and a very unfair society. The removal of discriminatory laws in the first half of the '90s on its own could in no way bring about a normal and fair society. The imbalances in our nation that are the legacy of apartheid and discrimination will be with us for decades to come and unfortunately are very apparent to any observer of the South African society.

The cost of removing those legacies of apartheid is obviously considerable. It is a cost not only in financial terms; it is a cost also in human terms. It should have been obvious that transformation of our society would not come without a high cost and much pain. It remains the greatest single challenge I would suggest that is still facing our people and has been facing us since 1994. Meeting that challenge successfully is critical if we are to have a future of success and harmony in South Africa.

That huge progress has been made cannot be doubted. The transformation of our country is there for all of us to see around us. On no account should we take these remarkable changes for granted. Indeed, they should inspire us to even greater effort. Where better to see those changes than at this institution and in this hall in which we are gathered this morning.

I must say it was with tremendous feeling of upliftment and excitement that I was walking through the campus with the Dean and Vice-Dean of the Law School yesterday at lunchtime. To see the vibe; to see the mass of students of all colours and all backgrounds and from many countries was truly an inspiration, which will always live with me. I read with great admiration the annual report of this university - a very impressive document. The progress that has been made is not only impressive, but also I would suggest presents the strongest evidence that

transformation need not result in compromised standards. The leaders of this university can hold their heads high and take much pride in their achievements.

This university now takes its place as a leading university on our continent. The students who will begin this academic year have good reason to be grateful to the faculty and to the administration of the University of the Free State for the opportunities that are been given to them.

I am indebted to my good friend, Dean, Johan Henning, for his continuing friendship and for his generous citation. Johan and I were colleagues on the Standing Advisory Committee appointed under the Companies Act for many years. As its Chair, I benefitted from Johan's deep knowledge and experience of Corporation Law and especially on Closed Corporations. For some decades, he has been one of the leading South African experts on this branch of the Law.

I might mention in passing that it was from Dean Henning that I first heard the word e-mail. It was really at the very beginning of the internet and he told me how academics had begun exchanging messages via e-mail. It sounded like science fiction when he told me about it and I dismissed it as something that really would not catch on and it was not going to be of much importance to me. I was no Steve Jobs.

It was with some trepidation that my wife, Nolene, and I moved to Bloemfontein in 1980 when I became a Judge of the Supreme Court of Appeal. We knew very few people here and could not help but wonder how happy we would be. It took no more than a few weeks for us to find out quite how friendly a city this is. We made friends not only amongst the judges and their spouses, but in the general community. We were introduced to the very cultural life that this city had on offer and in short, Bloemfontein became a home away from home.

Of many memories of our years in the city let me just share one of them. I recall a day I came out of court, the Appellate Division as it then was called and found a message from Gill Marcus who was then the spokesperson of the African National Congress. This would have been in 1992 or 1993 I guess. Of course Gill is now the Governor of the Reserve Bank. The message was to call her, which I did, and she said that she, together with Nelson Mandela, was in the Bloemfontein area and that Madiba had asked whether it would be appropriate for him to visit the Appellate Division. He said he had never been in the building and he would very much like to see it. Well, I assured her that it would be highly appropriate for him to visit and I arranged that he would arrive at 16:30 that afternoon after the court hearing had ended. During the adjournment, I went to the Chief Justice, then Michael Colbert, and told him that I hoped he did not think it was inappropriate, but I had invited Nelson Mandela to visit the court and have tea in my chambers that afternoon. He said that he had one serious complaint about the arrangement, which was that the tea had to be in his chambers, not mine.

And we had a wonderful visit. You can imagine the excitement when he arrived. The outstanding feature of the visit that sticks in my mind was of him walking up the stairs and facing all the photographs of previous judges of the Appellate Division going right back to 1910. And immediately Nelson Mandela recognised faces. He said, "Oh, there is Judge Nicholas, he taught me at WITS and there is Judge Hoekstra." He instantly recognised the faces of judges who had become relevant to him during the apartheid years. Since leaving the Appellate Division, the Supreme Court of Appeal and the Constitutional Court, Nolene and I have missed Bloemfontein.

For that reason, it was a special joy to receive the generous invitation from this university to spend two memorable days in your midst. I have sent my best wishes to the faculty and

students for this new academic year and again thank you very deeply and sincerely for honouring me today. Thank you very much.

This is a transcribed version of Justice Goldstone's acceptance speech.