

CV OF MR NGWAKO ISIAH RABOSHAKGA

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SUMMARY

Admitted Attorney of the High Court of South Africa (admitted in 2012), currently practising as an attorney and Pro Bono Coordinator at Edward Nathan Sonnenbergs Inc (ENSafrica)

Teaching and training: Since 2013 I have served as a sessional lecturer on three occasions for the LLB courses 'Constitutional Law: Bill of Rights' and 'Constitutional Law – Structures of Government' at Wits Law School. I have also given ad-hoc lectures at Wits and the University of the Pretoria as well as for visiting students from Randolph-Macon University, USA. I have also lectured in the Law Society's LEAD programme on at least six occasions. I also have a strong interest in constitutional law and human rights and legal education in communities, having facilitated and taught a Constitutional Law and Human Rights Course for community leaders and activists in Alexandra for the past four years as well as run human rights literacy initiatives for high school learners for over five years. Other subjects of interest in teaching of law include administrative law; family law; African customary law; property law; and the law of delict.

Research and Editorship: This included working as a law clerk to a judge of the Constitutional Court of South Africa; completing an LLM in public law (with distinction) with strong research focus; employment as a full time researcher for two years at the South African Institute for advanced Constitutional, Human Rights and International Law (SAIFAC), a research institute. My research focus area is South African constitutional law and administrative law. I have also served as an editor of the *Constitutional Court Review* for a period of four years and I am currently an editor of the *South African Journal of Human Rights* since 2014 (and the incoming Editor-in-Chief as of March 2018). My existing publications and conference papers can be summarised as follows:

- 'Towards participatory democracy, or not: The reasonableness approach in public involvement cases: Political rights since 1994' (2015) 31 *SAJHR* 4.
- 'The doctrine of separation of powers and interim interdict cases involving the state: National Treasury v Opposition to Urban Tolling Alliance' (2014) 131 *SALJ* 740.
- 'The separation of powers in interim interdict applications' (2014) 5 *Constitutional Court Review* 366.
- 'National Legislative Authority' in Woolman and Bishop *Constitutional Law of South Africa* 2nd ed (2012) Chapter 17 (co-authored)
- 'Housing In Alexandra: Transforming the Legacy of Decades of an Oppressive Housing Scheme' Paper delivered at the Conference on Twenty Years of South African Constitutionalism hosted by the New York Law School (2014).
- 'Meaningful Constitutional Literacy to Help Build South Africa's Culture of a Participatory and Responsive Democracy' Paper delivered at the Conference on Twenty Years of South African Constitutionalism hosted by the New York Law School (2014).
- 'Is there really any chance of economic justice within a constitutional state built upon a foundation of state capture?' Paper delivered at the *SAJHR* Colloquium on *Conquest, Constitutionalism and Democratic Contestations* (2017)

Constitutional Law and Governance: My legal career has thus far focused on constitutional and human rights law and related subjects and more recently family law and child law. As a legal practitioner I have advised various clients on matters involving constitutional and administrative law, government arrangements, public sector procurement and financial management, public private partnerships, infrastructure and other public sector transactions, various aspects of regulatory law, right to housing and children's court matters.

Pro Bono and Community Development: I then moved to pro bono lawyering and community development work as ENSafrica's Pro Bono Coordinator based the firm's Alexandra Office. Here I have facilitated the provision of free legal services on vast areas of the law to people of Alexandra by over 300 of ENSafrica's lawyers. In recognition that the community needs more than just traditional lawyering, I have run various community legal and other education initiatives in the community of Alexandra and beyond.

OBJECTIVES

I am looking for an opportunity as an academic (teaching and research) in a South African university

EDUCATION AND QUALIFICATIONS

LLM (Public law) – With Distinction

University of the Witwatersrand - Distinction (2008 - 2009)
Research Report titled, 'The Adequacy of the Reasonableness Approach in Public Involvement [in legislative making processes] Cases'

LLB Grade 12

University of the Witwatersrand (2003 - 2006)
John Orr Technical High School (1999-2002)

PROFESSIONAL TRAINING

Certificate on Justiciability of Economic, Social and Cultural Rights (2 ECTS) -

Abo Akademi University's Institute for Human Rights in Finland (November 2013)

CAREER SUMMARY

November 2013–date

EDWARD NATHAN SONNENBERGS INC (ENSAfrica)

November 2013–date

Pro Bono Coordinator for ENSAfrica's Johannesburg Office

- Overall responsibility over ENSAfrica Johannesburg's *pro bono* office, based in Alexandra Township
- Co-ordinating ENSAfrica Johannesburg's *pro bono* calendar and facilitating ENSAfrica practitioners' involvement in the *pro bono* work conducted at the Alexandra Office. There are over 300 practitioners required to do *pro bono* work
- Overall responsibility in screening all *pro bono* matters and deciding which ones the firm will take on.
- Developing and implementing the firm's *pro bono* strategy and reporting directly to the firm's COO in this respect
- Overall responsibility on staff employed at or contracted to the Alexandra Office (four employees)
- Overseeing relationships between the firm and stakeholders to the work we do both in and outside Alexandra
- Advising and representing clients from Alexandra and surrounding areas on vast areas of the law
- Overseeing the work of the ENSAfrica Business Centre, which hosts the community legal education/awareness programme as well as entrepreneur development initiatives. Here I personally run the youth programme which entails human rights literacy for high school learners, mostly through moot court coaching. Over the years the learners we have coached have qualified for and participated in the national rounds of the National Schools Moot Court Competition. I also run and teach the annual six-months long *Constitutional Law and Human Rights Course*, an in-depth this course designed for community leaders and activists, with the main aim of empowering the community with tools to hold government accountable and develop a human rights culture in Alexandra.

January 2014- date

EDITOR, SOUTH AFRICAN JOURNAL ON HUMAN RIGHTS

January 2014- date

EDITOR, CONSTITUTIONAL COURT REVIEW

January 2013

South African Institute for Advanced Constitutional, Public, Human Rights and International Law, a centre of the University of Johannesburg (SAIFAC)

Jan- Nov 2013

Researcher

- Conduct legal research for publication in peer reviewed journals.
- Conduct SAIFAC research projects and write research reports as required by the Director.
- Comment on research produced by colleagues at SAIFAC.

- Organise seminars and co-organise SAIFAC conferences.
- Co-organise the annual Constitution Hill Debating Tournament for high school learners across Gauteng, based on human rights topics.

Key Achievements

- A paper titled: 'The Reasonableness Approach in Public Involvement Cases' (accepted for publication by the South African Journal on Human Rights). This paper was presented at the Ninth Annual Eastern and Western Cape Emerging Researchers' Conference 2013 at the University of Fort Hare.
- A case note titled: 'The Place of Separation of Powers in Interim Interdict Cases against the State: *National Treasury v Opposition To Urban Tolling Alliance*' (accepted for publication by the South African Law Journal). This paper was presented at the Constitutional Court Review Conference 2013.
- A note titled: '*National Treasury v Opposition To Urban Tolling Alliance*: An Alternative Reading. A Reply to Swart and Coggin' (accepted for publication the Constitutional Court Review).
- Re-writing a chapter on South Africa's Public Protector as a chapter 9 institution for publication in the loose-leaf commentary, Constitutional Law of South Africa (with Prof Stu Woolman and Michael Bishop).

January 2013

Other work or involvement while at SAIFAC

- Lecturing an LLB third year course 'Constitutional Law: Bill of Rights' at Wits Law School.
- Co-lecturing the subject 'Constitutional Practice', which forms part of the Law Society's LEAD programme for candidate attorneys.
- Organising and facilitating career guidance for hundreds of matric learners in KwaZulu-Natal and Limpopo provinces, under the auspices of Ikwezi Community Developers.
- Organising youth projects for young people in the Steilloop Area (Limpopo), particular the Nkobo Matrics Academic Camps, where we organise and host academic camps for matric learners of five local high schools before each of their quarterly exams. This is being done under the auspices of The Rural Development and Education Foundation, of which I am the Secretary.

2010- 2012

EDWARD NATHAN SONNENBERGS INC (ENSafrica)

2010

Candidate Attorney and later Attorney and Associate

- Advising clients in both the public and the private sector on matters involving constitutional and administrative law, government arrangements, public sector procurement and financial management, public private partnerships, infrastructure and other public sector transactions, municipal law, broad based black economic empowerment law, energy law, as well as other aspects of regulatory law. I have attached to this CV an Annexure referring to some of the major matters I have worked on at ENSafrica.

2010

Other work or involvement while at ENSafrica

- Co-author of the chapter, 'National Legislative Authority', in the loose-leaf commentary, Constitutional Law of South Africa.
- Lectured the topic 'Basic Features of the New South African Legal System' during the 2012 University of the Witwatersrand Winter Law School.
- Panelist and presenter during 'The Constitution and the Masses' conference / seminar organised by the South African Institute for Advanced Constitutional, Public, Human Rights and International Law. Presented on the topic 'The Constitutional Court's account for a participatory democracy in South Africa'.
- Attended the 'Challenges to Administrative Justice' conference / workshop and the launch of the Administrative Justice Association of South Africa.

2009

South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC)

January- December 2009

Junior Researcher

- Conduct legal research
- Conduct SAIFAC research projects and write research reports as required by the Director.
- Comment on research produced by colleagues at SAIFAC.

Key Achievements

- Authored the 'SAIFAC Report on State Duty to Protect Against Corporate Human Rights Abuses in Africa'.

2009 Other work or involvement while at SAIFAC

- Co-lecturer of the 'Introduction to Law and Legal Concepts' course for honours and masters students in the School of Literature and Language Studies, Wits University (Semester course).
- Presented some lectures to undergraduate students at University of Pretoria Law School as part of the course, 'African Human Rights'. I also adjudicated students' street law community presentations at the same university.
- Presented lectures to Wits students on the topic 'Reasonableness' which forms part of the LLB final year Administrative Law course.
- Participated in a conference on 'Transformation of the judiciary and the legislation involved' organised by the Institute for Accountability in Southern Africa and Konrad Adenauer Stiftung.
- Presented a lecture to the students of Randolph-Macon University, Virginia, USA on 'The achievement of equality in South Africa's transitional democracy', during their educational tour to South Africa.
- Conceptualised and developed topics for the Constitution Hill human rights debating tournament for Grade 10 learners from around Gauteng Province and also adjudicated the debates.

2008 Harvard Law School Human Rights Programme

Researcher on apartheid reparation cases being heard in the US

Courts

- Research on relevant South African laws for the case.
- Field work, including seeking and interviewing potential plaintiffs.
- Fact-finding on apartheid conditions.

2007 Constitutional Court of South Africa

January – December 2007 Legal Researcher/Law Clerk to Justice B Nkabinde

- Research, opinion writing and supporting the writing of judgments. This generally includes preparation of memoranda on the papers before the Court; preparing drafts, editing and proofreading judgments.
- Assessing of new applications to the Court for set down.
- Leading and participating in Law Clerks' seminars on matters set down for hearing.
- Management of case flow and correspondence with Court administration.
- General assistance to the Judge in all her professional-related work

2007 Other work or involvement while at the Constitutional Court

- Presented a lecture to the students of Randolph-Macon University, Virginia, USA on the basic aspects of the South African Constitution.

2006 Centre for Applied Legal Studies (CALs)

August- September 2006 Part-time field researcher on problems experienced by residents of several buildings in the Johannesburg inner city, including water and electricity disconnections and evictions.

- Interviewing residents and their respective leaders/representatives.
- Codifying the interviews into required format.
- Facilitating meetings with residents.
- Discussing residents' situations with the supervisor at and other colleagues at CALS.

SPECIAL ACHIEVEMENTS

- Awarded scholarship to attend the Advanced Course on Justiciability of Economic, Social and Cultural Rights at Abo Akademi University's Institute for Human Rights in Finland.
- Secretary of The Rural Development and Education Foundation (an NPO) (2013 -)
- Deputy Secretary of Ikhwezi Community Developers (an NPO) (2013 -)
- Chairperson of the Judges' Clerks Liaison Committee at the Constitutional Court (2007)
- Vice-Chairperson of the Constitutional Court Law Clerks Alumni Association: (2007 -2009)
- Secretary-General of the Wits Law Students Council: 2005/6

- Community Development Officer of the Wits Law Students Council, responsible for the Wits Law Students Community Development Programme: 2004/5
- Member of the Wits Law School Teaching and Learning Committee: 2005 & 2006
- Member of the University of the Witwatersrand Disciplinary Committee, sat on the panel of adjudicators as representative of the student community: 2006
- Wits Volunteer Programme: 2004 – 2006
- Bram Fischer Moot Court Competition participant: 2004
- Street Law Programme participant: 2006
- Recipient of the Attorneys Fidelity Fund Bursary: 2005 & 2006
- Recipient of the Read Hope Phillips Thomas & Cadman Inc Final Year Scholarship: 2006
- Several awards of recognition of academic excellence in primary and high school.

PERSONAL DETAILS

Driving Licence: Yes

Health: Excellent; non-smoker

Interests include: Community development, Reading, Debating and Travelling

REFERENCES ARE AVAILABLE ON REQUEST

ANNEXURE: MAJOR MATTERS WORKED ON AT EDWARD NATHAN SONNENBERGS:

- Advised one of the municipalities in Gauteng Province on the feasibility of a Public Private Partnership (“PPP”) for the upgrading of an existing and construction and operation of a new waste water treatment works;
- Advised a South African university on the feasibility of a project to design, construct, finance and operate new student accommodation facilities;
- Advised a bidder on regulatory issues (including constitutional law, public procurement law, energy law and administrative law) relating to peaking power generation procurement by the Department of Energy / Eskom;
- Advised the Government of the RSA on the regulatory environment (including constitutional law, public procurement law, BBBEE Law, energy law and administrative law) for electricity generation projects;
- Advised the Government of RSA on a model for the regulation of state owned enterprises, having regard to the requirements of the 2008 Companies Act;
- Advised the Financial and Fiscal Commission on issues relating to the annual Division of Revenue Act. Our findings were presented at the Commission’s annual conference;
- Advised a provincial government development corporation on powers and functions of provincial entities;
- Advised various corporate clients in developing their information manuals in terms of the Promotion of Access to Information Act, 2000;
- Advised a foreign education institution on accreditation requirements in South Africa;
- Currently advising a provincial health department on a proposed PPP for nursing colleges (including advising on constitutional law, public procurement law, administrative law, property law, health law and law regulating higher education);
- Advising a major corporate client on constitutional avenues for challenging Government policy and/or legislation regulating excise duties;
- Advising a major banking institution on compliance of its BBBEE trusts with the changes to BBBEE in the banking sector;
- Advising a major corporate clients on compliance of their trusts with BBBEE requirements set out in the BBBEE Codes of Good Practice and the Petroleum Products Act;
- Advising a client on constitutional implications of an international treaty impacting the airline industry;
- Advising the National Treasury and Department of Energy on the Renewable Energy IPP Procurement programme (for the establishment of new generation capacity from renewable energy sources), including regulatory review, procurement advice and bid evaluation;
- Advising major public entities on dealing with the requests for reasons in terms of the Promotion of Administrative Justice Act, 2000 and requests for information in terms of the Promotion of Access to Information Act, 2000, pertaining to tender processes
- Advising a multinational corporation on the status and role of traditional leaders and authorities pertaining to governance in traditional communities
- Advising a major corporate client of the consequences for its privatisation by the Government
- Drafting tender documentation for a sporting federation organising a major sporting event in South Africa, and providing advice on its partnership with the Government of RSA
- Advising ten clients from the community of Alexandra on various matters, relating to: labour disputes, the use of the small claims courts, claiming services from the Government, disputes relating to loans, etc; and
- Advising a multinational mining corporation on the requirements of the Voluntary Principles of Security and Human Rights.