**University of Notre Dame Law School**

**Introductory Address:**

**Justice Dumisa Buhle Ntsebeza**

**Monday, January 30, 2023**

Ladies and Gentlemen,

Good afternoon.

In South Africa, a highly esteemed guest is introduced by no ordinary person, but by a specifically designated person in society, called an *imbongi*. Loosely translated into the English language, an *imbongi* is a “praise poet” of significance. In African oral tradition, the *imbongi* is the voice of the people, is deeply rooted their social consciousness, and acts as an intermediary traversing the landscape that is the past, present and future. He looks to the past, and summons forth the great deeds of the men and women who came before, and in so doing, temporally situates the honoree as part of a historical continuum in the evolution of that society. Importantly, the *imbongi* also bears the heavy task of speaking to the future. To posterity.

Ladies and gentlemen, I am by no means an *imbongi*. But, I humbly ask the privilege, Justice Ntsebeza, that I may appropriate unto myself - if only temporarily - this honor of introducing you, a most distinguished guest, on behalf of our people of South Africa and the peoples of the African continent in its entirety, before our scholarly community gathered here today at the University of Notre Dame Law School.

It seems predestined that your name *Dumisa* in *IsiXhosa* means “praise”, for there is an abundance of international praise and accolades attached to your name to mention in a single short introduction: valiant political activist, renowned academic, a legal practitioner of unassailable integrity and jurist of venerable stature. To the peoples of Africa, you are affectionately called “the peoples’ Advocate.”

It is no surprise that from your ancestral soil of *Cala*, on the banks of Tsomo River, sprung forth giants in the liberation of South Africa. For we know of the legends of the great *AmaXhosa* philosopher warrior Kings: Hintsa, Makhanda, Ngqika, who during the 17th, 18th and 19th centuries, valiantly waged the first anti-colonial wars for the freedom of our people. In their relentless pursuit of freedom, they were among the first political prisoners in our country’s history even on Robben Island. In continuation of these brave acts, in the 20th century, yourself and many young South Africans were engaged in the liberation struggle against Apartheid. In 1976 - the year in which apartheid aggression manifested itself in the killing of high school students in Soweto - you were arrested, and spent five and a half years of your youthful life in prison. It was in the confines of your jail cell that you completed your law degree. Between 1985 and 1993, you established and became the Chairperson of the Prisoners’ Welfare Programme, which agitated for the release of political prisoners and the grant of court injunctions against the torture of those arbitrarily detained.

We acknowledge our indebtedness for the benefit we have derived from your remarkable life lived in defense of humanity. You have joined the ranks of revolutionary South African lawyers of the 20th century: Pixley ka Isaka Seme, Oliver Tambo, Nelson Mandela, Godfrey Pitje, Mlungisi Mxenge, Nonyamezelo Mxenge, and Duma Nokwe, to name but a few. Growing up during the apartheid regime and during the transitionary period my childhood curriculum involved learning about the triumphant tales of these extraordinary, yet almost mythical, legends of Africa. In dedicating their lives to the fight for the recognition of the rights of a people denied their humanity, they un-gated the law, they entered it, occupied it, restructured it, corrected it, all the while refusing to be defined by the very same laws that refused to recognize them. Justice Ntsebeza, you would become the first African Senior Counsel in our history at the Cape Bar. Your generation ennobled the practice of law, made it universal, and gave it a voice for future generations of lawyers such as myself. Your heroism is a reminder that the world need not be taken nor left as it was found.

You have worked with three Nobel Peace Prize recipients in advancing human rights domestically, regionally and internationally. During the fragile transitionary period when South Africans chose peace instead of civil war – an exemplary human achievement - you were among those exceptional people entrusted with the delicate task of facilitating truth and reconciliation. In 1996, you were appointed by President Nelson Mandela as Commissioner of the South African Truth and Reconciliation Commission (TRC). Working with Archbishop Desmond Tutu in your capacity as Head of the TRC’s Investigative Unit, you heard and poured over thousands of our peoples’ tearful testimonies, located and exhumed the bones of those who were forcibly taken in broad daylight and those stolen in the dead of night, disappeared and killed. You uncovered untruths that would liberate us. You went into that forbidden territory of the human heart - where evil resides – you sought to unlock its truths in the hope that the perpetrator may by his own truth-telling liberate himself. Our beloved Madiba reminds us in his *Long Walk to Freedom* that “A man who takes away another man’s freedom is a prisoner of hatred. The oppressor must be liberated just as surely as the oppressed. …The truth is that we are not yet free; we have merely achieved the freedom to be free, the right not to be oppressed…I look back on the distance I have come,” reflects Madiba, and I realize that “with freedom come responsibilities, and I dare not linger, for my long walk is not ended.”

You have not lingered, Justice Ntsebeza, as you continue tirelessly in service of humanity in post-apartheid South Africa. From 2001 to 2013, you were lead counsel in *Ntsebeza v. Citibank and Others* filed under the U.S. Alien Tort Statute against U.S. corporations which allegedly aided and abetted the Apartheid regime. In 2005, you served at the request of Secretary General Kofi Annan, as Commissioner on the United Nations International Commission on Inquiry in Darfur. You have served on the South African judiciary. You have also served on the South African Judicial Services Commission – a constitutional body responsible for recommending the appointment of judges. Most recently, in February 2021, you were voted by the members of the All Council to the continental African Court for Human and People’s Rights.

An illustrious academic: from high school teacher, university professor, and Chancellor of the University of Fort Hare - the only African university to have produced various international Heads of State. You have also been a Distinguished Visiting Professor of Political Science and Law at the University of Connecticut, U.S.A.

Heavy is the burden on history’s witness, for he must bear testimony for posterity. Scripture tells us in Revelations 1:19 to “write down all that you see of present happenings and of things to happen.” In the age of contested narratives over truth, reconciliation and justice, you remind us through your work, that when recounting and evaluating the events and decisions in history, from the comfort of the future, hindsight is the most exact of sciences. That the project of truth and reconciliation remains “unfinished business.” I would be remiss if I did not quote one of your major political influences, Karl Marx, who aptly states in his *Eighteenth Brumaire of Louis Bonaparte* (1852) that men and women:

“make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past. And just as they seem to be occupied with revolutionising themselves and things, creating something that did not exist before, precisely in such epochs of revolutionary crisis they anxiously conjure up the spirits of the past to their service...”

Marx speaks to the past and present. Your work also speaks to posterity. We are poignantly reminded in this regard of the famous poem, *To Posterity*, in which the German playwright and poet, Bertolt Brecht speaks to us – the people of the future:

*You, who shall emerge from the flood*

*In which we are sinking,*

*Think –*

*When you speak of our weaknesses,*

*Also of the dark time*

*That brought them forth.*

*But you, when at last it comes to pass*

*That man can help his fellow man,*

*Do not judge us*

*Too harshly.”*

Out of one of the most violent of political regimes in world history emerged a Constitution and TRC that captured the world’s imagination. It is truly an honor to have one of its architects with us here today.

On April 28, 2021, my *alma mater*, Rhodes University, conferred on Justice Ntsebeza, the degree of Doctor of Laws (*honoris causa*). The Vice-Chancellor aptly stated: Our country owes you an inestimable debt of gratitude and appreciation for all the sacrifices you have made throughout your life in our liberation struggle and as voice of conscience for that which is good.

It is an honor to welcome you to Notre Dame. *Wamkelekile Tata, e kaya lethu.* Welcome to our home.

Ladies and Gentleman, may we please welcome the Most Honorable Justice Dumisa Buhle Ntsebeza.