



**COUNCIL**  
FOR THE ADVANCEMENT OF THE  
SOUTH AFRICAN  
CONSTITUTION

**INDEPENDENT ELECTORAL COMMISSION**

**COMMISSIONER INTERVIEW REPORT**

**2018**

## **Introduction**

Interviews for the nominated candidates who are to be appointed as Commissioners at the Independent Electoral Commission (IEC) were held on 26-27 June 2018. The Panel was comprised of Chief Justice Mogoeng Mogoeng, Public Protector Advocate Mkhwebane, Deputy Chairperson of the Commission for Gender Equality, Ms Mathebula and Commissioner Makwetla from the South African Human Rights Commission. Of the 23 candidates that were shortlisted and interviewed, only 8 were recommended to the National Assembly's Portfolio Committee on Home Affairs.

This report is aimed at identifying and highlighting pertinent statements made by the eight shortlisted candidates – it also includes prior research that was conducted by CASAC and My Vote Counts on each of the candidates, and which was made available to the Panel ahead of the interviews.

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## **Rev Bongani Finca**

Reverend Finca boasts a distinguished career in public service and is currently serving as a Commissioner of the IEC. He has rich experience as an ordained cleric and also served as a Commissioner of the Truth and Reconciliation Commission (TRC). Prior to his appointment as IEC Commissioner in 2011, the Reverend had already worked with the Commission since 1998 as the Provincial Electoral Officer for the Eastern Cape. In addition, he sat on the executive committees and governing councils of numerous institutions since the 1980s. He was awarded an Honorary Doctorate in Public Service from the University of Maryland Eastern Shore in 2008.

### **Work Experience**

<b>Position</b>	<b>Employer</b>	<b>Period</b>
Minister of Religion in the Reformed Presbyterian Church	Somerville Mission, Tsolo, Transkei	1976 – 1985
Managing Director at Lovedale Publishing House	Alice	1985 – 1994
Transitional Homeland Administrator	Ciskei	1994 – 1995
Commissioner	TRC	1994 – 1995
Provincial Electoral Officer, Eastern Cape	IEC	1998 – 2011
Commissioner	IEC	2011 – Present

### **Part-Time Employment**

President	Border Council of Churches	1986 – 1994
Member of the Executive Committee	South African Council of Churches	1986 – 1993
Member of the Governing Council	Federal Theological Seminary of South Africa	1990 – 1993
Member and Vice-Chairman of the Governing Council	The University of Fort Hare	1998 – 2001

Chairperson of the Governing Council	Border Technikon	2002 – 2005
Member of the Governing Council	Walter Sisulu University	2005 – 2006

### Qualifications

Qualification	Institution	Year
Bachelor's Degree in Systematic Theology	Associate Theological Seminary of SA	1975
Diploma in Global Politics and Development Studies	Selly Oak Colleges, Birmingham (UK)	1978
Partnership Student in Christian Stewardship	Church of Scotland, Edinburgh (UK)	1979
Honorary Doctoral Degree in Public Service	University of Maryland Eastern Shore (USA)	2008

### Previous IEC Work

During his tenure as IEC Commissioner, the Reverend joined his colleagues in speaking out against the misconduct that led to the resignation of former chairperson Pansy Tlakula. The maladministration in question concerned a hefty rental lease for IEC premises<sup>1</sup> – the details of which were revealed in a report issued by the Public Protector entitled ‘Inappropriate Moves’.<sup>2</sup> Following Ms Tlakula’s resignation, Rev Finca was implicated in allegations suggesting that he and Co-Commissioner Mr Terry Tselane had misspent institutional funds. This affair was dismissed by Mr Tselane as a ‘smear campaign’ and yielded little further media attention.<sup>3</sup>

In his previous role as Provincial Electoral Officer he stated that his team in the Eastern Cape was one of the best-performing teams in the country, and that he brought this ‘rural experience’ to his role as IEC Commissioner when elected in 2011. He asserts that he continues to ‘advocate

<sup>1</sup> Available at <https://citizen.co.za/news/south-africa/168465/four-commissioners-turn-against-pansy/> accessed on 2 June 2018.

<sup>2</sup> Available at [http://www.corruptionwatch.org.za/wp-content/uploads/migrated/REPORT%20NO%2013%20of%202013%202014%20\(3\).pdf](http://www.corruptionwatch.org.za/wp-content/uploads/migrated/REPORT%20NO%2013%20of%202013%202014%20(3).pdf) accessed on 3 June 2018.

<sup>3</sup> Available at <http://www.enca.com/south-africa/tselane-expense-claims-smear-campaign%E2%80%99> accessed on 2 June 2018.

for the policies that are sensitive to the challenges of the rural and underdeveloped communities of our country'. The Reverend's seven-year term as IEC Commissioner is set to expire this year by ordinary application of the rules and he is eligible for re-appointment. His experience in the field has seen him embark on multiple international observer missions. An example is his serving as head of the SADC observer mission to the Seychelles for that country's national election.<sup>4</sup>

### **Business Interests**

<b>Company Name</b>	<b>Registration Date</b>	<b>Status</b>	<b>Type</b>	<b>Position</b>	<b>Status</b>
Outlook Publications	15.01.1969	AR Final Deregistration	Private Company	Director	Active

### **Political Affiliation**

No evidence of political affiliation. The candidate's CV specifies that he is not politically aligned with any party.

### **Any other information**

Rev Finca has, for decades, laboured amongst the cogs of social justice and democracy.<sup>5</sup> His managing directorship of Lovedale was a fitting start to a respected career in public service; the publishing house earned legendary historic status as a printing press for being the earliest distributor and promoter of African (especially isiXhosa) texts. His selection as Commissioner of the TRC cemented his role in South Africa's narrative on the transition to democracy.

He was appointed by the transitional government to the position of administrator of the Ciskei homeland, which saw him charged with overseeing its management and re-incorporation into the new Republic of South Africa. His knowledge and experience in that province saw him appointed to the position of provincial electoral officer; the mandate of which he undertook for fourteen years. The candidate draws attention to the underdeveloped nature of the Eastern Cape and accounts for this as the basis for which it could be regarded as the most challenging post for an electoral officer.

<sup>4</sup> Available at [https://www.sadc.int/files/8114/7393/1888/FINAL- Seychelles SEOM Interim Statement - OPDSA 12\\_09\\_16\\_0926HRS-1.pdf](https://www.sadc.int/files/8114/7393/1888/FINAL- Seychelles SEOM Interim Statement - OPDSA 12_09_16_0926HRS-1.pdf) accessed on 2 June 2018.

<sup>5</sup> Available at <http://www.elections.org.za/content/About-Us/Commissioner--Rev--Bongani-Finca/> accessed on 1 June 2018.

## **Interview Overview**

### **Discussion on prospects of reappointment**

Reverend Finca is a current Commissioner at the IEC. He noted that he and other Commissioners had tried to uphold the high standards set by their predecessors, through the creation of Vision 2018. This vision included a period of consultation at the IEC's national, provincial and local offices, which looked at perfecting the electoral systems technologically and consulting with political parties.

Rev Finca said that *"It has been a very difficult decision for me to resolve, to accept the nomination unlike, unlike the first time, but a number of considerations were put to me by those who nominated me about the state of the organisation"*

He further emphasised the importance of not bringing into disrepute the office that they serve and attributed his success to planning

### **Lessons learnt from his tenure**

He noted that the IEC had experienced challenges with ballot papers being discarded on the road during the 2016 elections and attributed this primarily to *"tardiness in the care that you expect an organisation with 20 years of experience in running elections not to be doing"*. The challenges could be attributed to, amongst others, a lack of adequate training for staff members, a system of having people work for close to 24 hours on election day and a clear absence of protocols, which the Commission is currently attempting to address.

### **Cybersecurity Threats**

According to the Reverend, the threat of cyber security attacks is real, especially after allegations of foreign interference during the recent elections in the USA. He offered a solution to this, by suggesting that the IEC must redouble its efforts and work together with IT technocrats (including those in political parties) for audit purposes.

However, he assured the panellists that the Commission had not been compromised to date and its firewalls were effective. He noted that all stakeholders are alerted to the specific challenge and work together to ensure that checks and balances are in place.

## Ms Maletlatsa Monica Ledingwane (nee Ramohano)

Ms Ledingwane is an admitted attorney who runs her own legal practice, a dress-making and selling business and manages a motel. Her career history includes roles in the Limpopo Legislature as well as the Independent Electoral Commission. Ms Ledingwane holds a BA in Law from the Lesotho University, an LLB from the University of Witwatersrand and Honours in Strategic Leadership Development. She also holds diplomas and certification in various aspects of the law, particularly in relation to mining and energy. A significant portion of her work experience was in roles held at the Department of Minerals and Energy – largely managerial roles. She has previously represented the Department as the head of Delegation during international assignments and bilateral talks regarding Minerals and Energy.

### Work Experience

Employer	Position	Period
Pabala Dress Designs	Partner	2017-date
Phiri's Motel	Sole Proprietor	2016-date
Ledingwane Attorneys	Sole Proprietor	2016 – to date
Hogan Lovells Attorneys	Consulting Attorney	2015 - 2016
Limpopo Legislature	Secretary/Head of Department	2013 - 2014
Gold Fields	VP Governance and Compliance	2013 - 2013
Ledingwane Attorneys	Sole Proprietor	2012 - 2012
University of Pretoria, Law Society LEAD	Candidate Attorney	2011 - 2012
Ledingwane Family	Trading and Projects	2010 - 2011
Shell Energy SA	Communications and Manager, Projects Coordination	2007 - 2010
Department of Minerals and Energy, Pretoria	Chief Director: Mineral Development	2007 - 2007
Petroleum Agency SA	Acting General Manager, Regulation	2006 – 2007



Department of Minerals and Energy	Various roles	1997 – 2006
Independent Electoral Commission	Presiding Officer: Party Agent	1999, 2000, 2011
Johannesburg City Council	Labour Relations Consultant	1996 – 1997
Magistrate Court, Maseru	Public Prosecutor	1990 – 1992
Part-time Teacher	WUS School, Rome	1987-1988

### Qualifications

Qualification	Institution	Year
Various Certificates in Management and Law	Various	1997-2017
Honours: Presidential Strategic Leadership Development	SA Management Development Institute	2003 – 2004
LLB	WITS	1994 – 1996
BA Law	Lesotho University	1986 – 1990

### Business interests

Company Name	Registration Date	Status	Type	Position	Status
African Elegance Boutique	2010.05.26	Reinstatement process	Close corporation	Member	Active
SMF Developers	2012.08.21	Deregistration process	N/A	Director	Active
Rale Consultants	2012.10.10	Deregistration process	Private company	Director	Active
Phiri's Motel	2013.01.14	In Business	Private company	Director	Active

Ledingwane Properties	2015.11.03	In Business	Private company	Director	Active
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### **Academic publications**

Unknown.

### **Political party affiliation**

Ms Ledingwane stood for election in 2016 as an African National Congress ward councillor for the Tshwane Metro Municipality, ward number 79900084. She confirmed that she is also a member in good standing, during her interview.

### **Interview Overview**

#### **Prospective Appointment as a Commissioner**

Ms Ledingwane has detailed planning, project management and legislative drafting skills which would be of benefit to the IEC.

#### **Challenges faced by the IEC**

In her opinion there are four challenges faced by the IEC currently which include;

The integrity and reliability of the voter's roll, technical issues with the registration and non-appearance of citizens on the roll, as well as a lack of coverage and connection from voting stations in some areas.

She would address the challenge of the distance between voting districts by making use of existing government infrastructures, multipurpose centres, traditional leadership and unemployed persons in local communities to capture information.

#### **Legislative Amendments to the IEC**

Ms Ledingwane advocated for reform of the current legislative provisions at the IEC, more specifically section 6 and 16 of the Electoral Act. She noted that section 6 does not list the requirements for registration of voters for elections, whereas section 16 requires that political parties and independent candidates must receive a voter's roll inclusive of addresses. Should the legislation not be amended, Ms Ledingwane proposed that the IEC consider creating a guiding manual to consolidate section 6 and e-voting.

She further noted that the IEC has a small number of Commissioners in comparison to other Chapter Nine institutions and advocated for an increase in the number of Commissioners.

## Ms Nomonde Tantaswa Mapetla

Ms. Mapetla is an economist and has a managerial career that spans over 25 years. She holds a Post Graduate Diploma in Economics, an MA in Economics, an MBA from the De Montfort University and a BA in Economics and Accounting. She has held positions at Eskom, the Department of Public Enterprises, Enterprise South Africa and the National Electricity Regulator of South Africa. She was appointed as the Chief Executive Officer of the Estate Agency Affairs Board (the EAAB) in 2004 on a three-year contract that was subsequently renewed. She was suspended and dismissed at a time when she was investigating suspected unethical conduct by several estate agents. She lodged a complaint with the Office of the Public Protector and it was determined that she was wrongfully terminated from her role as the Chief Executive Officer and received a public apology. The then Public Protector, Advocate Thuli Madonsela investigated the actions of the Board presided over by Mr Thamsanqa Bolani in 2011 and found that she: “was improperly suspended and dismissed as the Chief Executive Officer of the EAAB; was victimised for uncovering and pursuing abuse of funds by estate agents; and suffered prejudice as a result of the improper suspension and dismissal.”<sup>6</sup>

### Work Experience

Employer	Position	Period
Forever Africa Pty	Chief Executive Officer	2012 – date
Estate Agency Affairs Board	Chief Executive Officer	2004 – 2011
National Electricity Regulator	Executive Manager	2002 – 2004
Enterprise South Africa	Chief Executive Officer	2000 – 2002
Office of Public Enterprises	Head of the Office	1998 – 2000
Eskom	Business Development Manager	1993 - 1998

<sup>6</sup> See more at

[https://www.eaab.org.za/article/apology\\_by\\_estate\\_agency\\_affairs\\_board\\_to\\_mrs\\_nomonde\\_mapetla](https://www.eaab.org.za/article/apology_by_estate_agency_affairs_board_to_mrs_nomonde_mapetla) also available is a copy of the 2016 report by the office of the Public Protector “collateral damage a report that relates to an investigation into the alleged maladministration and abuse of power by board of the Estate Agency Affairs Board through its termination of the contract of employment of Mrs Nomonde Tantaswa Mapetla, former Chief Executive Officer of the EEACB without instituting a disciplinary hearing” Report No. 9 of 2016/17 available at <https://mkuseli.files.wordpress.com/2017/01/report-no-9-of-2016-2017collateral-damage-a-report-that-relates-to-an-investigation-into-the-alleged-maladministration-and-abuse-of-power-by-board-of-the-estate-agency-affai.pdf> and <https://nationalgovernment.co.za/entity.../1315/2017-public-protector-annual-report.pdf>

## Qualifications

Qualification	Institution	Year
MBA	De Montfort University	2003
Executive Development Programme	National University of Singapore	2000
MA Economics	Bell State University, Indiana	1980
Diploma Development Economics	Economics Institute, Colorado	1979
BA Economics	National University of Lesotho	1977

## Business interests

Company Name	Registration Date	Status	Type	Position	Status
Forever Africa	1995.12.05	In Business	Private Company	Director	Active
Jabula Travel	1997.07.01	AR Final Deregistration	Private Company	Director	Active
FinTrain	2002.07.11	AR Final Deregistration	Close Corporation	Member	Active
Lwazi Management Solutions	2003.04.16	AR Final Deregistration	Private Company	Director	Active
Sandsave Marketing 18	2007.02.17	AR Final Deregistration	Private Company	Director	Active
Sindani Trading	2007.03.15	AR Final Deregistration	Private Company	Director	Active

ViturSpace	2013.10.02	In Business	Private Company	Director	Active
Enyatype	2014.08.27	Deregistration process	Private Company	Director	Active
Uvuvio Holdings	2017.08.23	In Business	Private Company	Director	Active

### **Academic publications**

Unknown.

### **Political party affiliation**

Ms Mapetla confirmed that she is a member of the ANC during her interview.

### **Interview Overview**

#### **Prospective Appointment as a Commissioner**

Ms Mapetla possesses a skill set of guiding management processes. If appointed she would consult with stakeholders and convene focus groups to assess the challenges faced by the Commission.

#### **Voter Education**

Ms Mapetla advocates for an early introduction of voter education and noted that *“there is room for improvement in that area so that maybe it could even be part of life skills so to take away the pressure, you know, of it becoming this monster that we must all attack after every five years”*.

#### **Cybercrime**

In her opinion the IEC must employ technocrats who can pre-empt any possible interferences with their technological systems and *“put together a collective interest in securing the integrity of the elections, it could receive funding, specifically directed at strengthening the IT systems”*.

## Dr. Nomsa Praisny Masuku

Dr Masuku is currently the Electoral Commission's Deputy Chief Electoral Officer responsible for Outreach. She previously headed Standard Bank's Corporate Social Investment Unit. Before she joined Standard Bank, Dr. Masuku worked for the Electoral Commission of South Africa for eight years in various roles as a Manager, Deputy Director and Speech Writer. Dr Masuku has a PhD in English from the University of Birmingham, UK. She has lectured at university level. She has worked with a number of women's groups including Women and the Law in South Africa, and the Swaziland Action Group Against Abuse. Dr Masuku was named the top Strategic Leadership Programme (SLP) student in 2005. This is an initiative of the International Women's Forum South Africa run in partnership with the Gordon Institute of Business Science.<sup>7</sup>

### Work Experience:

Employer	Position	Year
Independent Electoral Commission of South Africa (IEC)	Deputy Chief Electoral Officer: Outreach	May 2013 – Present
Standard Bank Group Ltd	Director/Head: Corporate Social Investment	October 2009 – April 2013
Standard Bank Group Ltd	Senior Manager: Corporate Social Investment	May 2006 – September 2009
Independent Electoral Commission, South Africa (IEC)	Manager: Electoral Democracy Development and Education	May 2001 – April 2006
Independent Electoral Commission, South Africa (IEC)	Deputy Director: Education and Research	1999 – April 2001
Independent Electoral Commission, South Africa (IEC)	Speech writing	March 1999 – March 2001
Department of Welfare, South Africa	Editing and synthesis	1999

<sup>7</sup> See her profile at <http://www.elections.org.za/content/About-Us/Deputy-CEO--Outreach/>

Independent Electoral Commission, South Africa (IEC)	Deputy Director: Voter Education	June 1998 – 1999
UNICEF	Report Editor	1997 – 1999
Macmillan Publishers, Swaziland	Editor, Expert Resource/Consultant	1997 – 1999
Women & Law in South Africa (WLSA)	Researcher, Editor	1997 – 1999
University of Birmingham, UK	Lecturer, Hall Tutor, Academic Tutor	1994 – 1996
University of Swaziland (UNISWA)	Lecturer	October 1986 – May 1998
Teachers' Service Commission (Swaziland Government)	Languages Teacher (Salesian High School)	June 1986 – September 1986.

### Qualifications:

Institution	Qualification	Year
University of Birmingham, UK	PhD in English (Applied Linguistics)	1992 – 1996
University of Sydney, Australia	Masters in Applied Linguistics	1988 – 1990
University of Sydney, Australia	Diploma in Teaching English as a Foreign/Second Language	1988
University of Swaziland	BA Humanities Concurrent Diploma in Education (Incomplete)	1982 – 1986

**Specialised Courses:**

<b>Institution</b>	<b>Course</b>	<b>Period</b>
Thunderbird School of Global Management, Arizona USA	Global Executive Leadership Programme	2010
Standard Bank Global Leadership Centre	Executive Leadership Programme	2009
Standard Bank Global Leadership Centre	Senior Leadership Programme	2006
International Women's Forum/Gordon's Institute of Business Science (GIBS)	Strategic Leadership	2004 – 2005
African Centre for the Constructive Resolution of Disputes (ACCORD)	Introduction to Conflict Management	2001
KPMG (KC Learning)	Project Management	2001
The British Council	Education for Citizenship: Preparation in Schools for Full Participation in Democracy and Adult Life	1999
The Centre for Human Rights, University of Pretoria	Human Rights Spring Course	1999
British Association of Literacy in Development (BALID)	Women and Literacy in the Development Process	1993
Human Sciences Research Council (HSRC)	Research Methodology in the Social Sciences	1991

**Other Information:**

Dr Masuku is a founding member of the Swaziland Action Group Against Abuse (SWAGAA). She is a member of the National Democracy and Human Rights Education Forum as well as a member of the Working Group for the generation of standards for the



SGB: Democracy, Human Rights & Peace Education in the South African Qualifications Framework. Dr Masuku is a member of the Working Group for the infusion of Human Rights and Inclusivity in the formal curriculum for the General Education and Training Band. She is also a member of the Working Group for the infusion of Human Rights, Inclusivity & HIV/AIDS in the formal curriculum for the Further Education and Training Board. Moreover, she is a member of the Corporate Social Investment (CSI) Working Group – Banking Association of South Africa. Dr Masuku is a representative of the Banking Association of South Africa to the CSI/Socio-Economic Development Trade Association Committee. She is a former board member of Open Society Foundation (South Africa)<sup>8</sup> and a voting member of World Alliance for Citizen Participation (CIVICUS).

### **Political Affiliation**

During her interview, Dr Masuku stated that she has never been a member of any political party.

### **Interview Overview**

#### **Prospective Appointment as a Commissioner**

Dr Masuku notes that the IEC is a “conduit for people to choose who governs them”. She has risen through the ranks at the IEC from teaching about democracy, to her current role as a Deputy Chief Electoral Officer and aims to make use of her strategy and policy implementation skills if appointed.

According to Dr Masuku political interference at the IEC could be addressed, by ensuring that there is a common basis for engagement with all political parties. In her opinion “ *there’s quite a significant disjuncture between the people that sit on the PLCs [party liaison committees] and the rest of the political party, for example, they don’t know enough in order to engage with the process...it is very clear that there’s a gap between what the members of the party liaison committees know, the leaders of the parties, never mind the fact that a lot of political parties are experiencing what I am going to call, probably to my detriment, a bit of fragmentation within the political parties, so you’ve got quite a lot of contesting groups within political parties that you’ve got to reach*”.

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<sup>8</sup> <http://www.osf.org.za/the-osf-sa-board-1/>

## **Election Preparation and E-Registration**

Regarding the current status at the IEC, Dr Masuku notified the Panel that the IEC has made provisions within the current electoral laws, that will allow it to move towards e-registration, to address the challenges faced in voting districts located in rural or inaccessible areas and increase the number of voting districts.

In addition, she explained that South Africa is in need of a more interactive voter education campaign with a focus on constitutional rights, as the current programme utilised by the Commission requires improvement.

## Mr. Mosotho Simon Moepya

Mr Moepya served in the Independent Electoral Commission (IEC) for more than 18 years. He served for 5 years as the Chief Electoral Officer (CEO) of the IEC where he oversaw both the 2014 national and provincial elections and the 2016 municipal elections. In 2017 Mr Moepya's contract term as the CEO of the IEC came to an end. In 2013 the Public Protector's report indicated that due to improper conduct on the part of Mr. Moepya he should face disciplinary action-no disciplinary action had been taken at the time of his departure in 2017. Mr Moepya has an MBA from the University of Stellenbosch Business School.

### Work Experience

Employer	Position	Period
Self-Employed	Principal Consultant	1 April 2017 – present
Electoral Commission of South Africa (IEC)	Chief Electoral Officer	February 2012 – 31 March 2017
Electoral Commission of South Africa (IEC)	Deputy Chief Electoral Officer	February 2001 – February 2012
Electoral Commission of South Africa (IEC)	Senior Manager: Electoral Logistics, Planning and Voting Station Infrastructure	1999 – February 2001
Electoral Commission of South Africa (IEC)	Manager: Electoral Logistics	1998 – 1999

### Qualifications

Qualification	Institution	Year
Master of Business Administration (MBA)	University of Stellenbosch Business School	Not Available
Honours in Business Administration	University of Stellenbosch Business School	Not Available
University Education Diploma	University of the North	Not Available
Bachelor of Commerce Degree	University of the North	Not Available

**Business Interests:**

Company Name	Registration Date	Status	Type	Position	Status
Aluwe International (South Africa)	04.03.2005	AR Final deregistration	Private Company	Director	Active

He is currently a board member for Christian Businessmen’s Connection (CBMC) South Africa.

**Personal or Professional Allegations/Complaints:**

In 2013, former Public Protector Thuli Madonsela released her report titled “Inappropriate Moves” in which she recommended disciplinary action be taken against Mr Moepya and two other senior officials for failing to provide her with the budget as well as full sets of minutes of the Commission’s meetings in connection with the procurement of premises to accommodate the head offices of the Commission. This she held was in violation of their constitutional obligations to cooperate with the Public Protector. She held that their conduct in relation to cooperation with regard to information requests and treatment of employees that cooperated in the investigation became an issue of concern.<sup>9</sup> Report can be accessed here:[http://www.pprotect.org/sites/default/files/Legislation\\_report/REPORT%20NO%2013%20of%202013%202014%20%283%29.pdf](http://www.pprotect.org/sites/default/files/Legislation_report/REPORT%20NO%2013%20of%202013%202014%20%283%29.pdf)

In 2014, Mr Moepya was accused of allocating funding of about R500 000 to Ms Tlakula’s personal legal battle against the Public Protector’s report. This decision was alleged to have been taken without any authorisation.<sup>10</sup>

In 2016, Mr Moepya was accused by the Pan Africanist Congress of Azania (PAC) for preventing it from participating in the local government elections.<sup>11</sup>

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<sup>9</sup> Report of the Public Protector in Terms of Section 182(1)(b) of the Constitution of the Republic of South Africa, 1996 and Section 8(1) of the Public Protector Act, 1994

<sup>10</sup> See <https://www.heraldive.co.za/news/2014-04-30-new-row-as-iec-plans-to-pay-tlakulas-legal-fees/>

<sup>11</sup> See <https://www.pressreader.com/south-africa/sowetan/20160617/281612419686699>

**Academic Publications:**

Moepya, Mosotho. 2010. "The Role of Multi-party Liaison Committees in Preventing and Managing Conflicts in South Africa." In *When Elephants Fight: Preventing and Resolving Election-related Conflicts in Africa*, ed. Khabele Matlosa, Gilbert M. Khadiagala, and Victor Shale. Johannesburg: Electoral Institute for Sustainable Development in Africa.

**Political Party Affiliation:**

Not disclosed.

**Interview Overview****Prospective Appointment as a Commissioner**

Mr Moepya believes he is in good standing with stakeholders (political parties, voters) and understands governance issues at the IEC and brought credibility to his work, which resulted in five straight unqualified audit reports during his tenure as the CEO.

**E-Voting**

In contrast to other candidates, Mr Moepya was of the opinion that voter education is not deficient and the IEC must embark on this work with credible partners. He advocated for the neutrality of the Electoral Management Body, although he stated that the challenge may arise when officials place emphasis on one party over another.

**Allegations of misconduct in the Public Protector Report**

The Panel, led by Chief Justice Mogoeng, requested that he explain the findings and remedial action made against him in the Public Protector's *Inappropriate Moves* report.

Mr Moepya refuted all claims against him and notified the Panel that he has taken legal advice and is considering instituting review proceedings against the Public Protector's Report.

He noted that he had never made use of public finances to fund his own proceedings and had dealt with the matter in good faith. He has proof relating to the documentation, correspondence and receipt of documentation from the Public Protector's Office.

Furthermore, Mr Moepya stressed that he only sought to fulfil his duty as a then Accounting Officer.

When asked whether the Commission had taken him to task he noted that "*I dealt with both Commissioners on the same request that they had. And the Commission raised these issues, it is in Commission documents. And that is where all those issues including the opinion were,*

*were put forward. And the issue died there. It just became a fire outside of the Commission. None of the people that have reported that matter have come to the Commission or asked me to deal with it. I have never been accused, charged or even a hint from the Commission to say that you have now acted incorrectly. It has never been there”.*

The Panel requested that Mr Moepya depose to an affidavit that sets out all facts and the legal opinions he had received. He agreed but noted that he would have to obtain the legal opinion from the IEC, as he is no longer employed by them.

The affidavit and accompanying documentation submitted to the Panel after the interview by Mr Moepya, is attached to this report as Annexure One.

## Ms Bernedette Muthien

Bernedette Muthien is currently a part-time Commissioner at the Commission for the Promotion of the Rights of Cultural, Religious and Linguistic Communities. She specialises in research, producing publications, needs assessments and situation analyses, facilitation (including diversities), and programmes designed specifically for unique organisations and contexts. She is a consultant to various national and local government departments including Parliament and the Speaker’s Office, Health and Justice. She holds a Bachelor of Social Science Honours from the University of Cape Town and a Master’s in Political Science from Stellenbosch University. She was an Andrew W Mellon Research Fellow and the first Fullbright-Amy Biehl Fellow.

### Work Experience

<b>Employer</b>	<b>Position</b>	<b>Period</b>
Commission for the Promotion of the Rights of Cultural, Religious and Linguistic Communities	Commissioner	April 2014 – present
Transitional Advisory Group, International Institute of Peace, USA.	Member	2014- present.
International Advisory Board of International Journal, Human Security Studies	Member	2002 – present.
Executive Council International Peace Research Association	Member	2000- present.
Global Political Economy Commission	Convenor	2000- present.
African Peace Research and Education Association	Co-Founder and Deputy Chair	2000- present.

Shonaquip (Pty) Ltd	Member of Board of Directors	2015-2016
Council of Iziko Museums of South Africa	Chair of Strategy and Policy; Chair of Special Committee on Human Remains and	2013-2016
Department of Women in the Presidency: Social Transformation and Economic Empowerment	Deputy Director General	Jun 2015 – August 2016
Independent Consultancy: Bernedette Muthien & Associates	Consultant	2013-2015
Engender	Executive Director and Co-Founder	2003-2013
Gender Education Training Network	Member of Board	2011
Centre for Gandhian Studies	Visiting Fellow	2010
Gender Advocacy Programme	Member of Board	2009-2010
International Advisory Board of International Resource Network	Co-Founder	2002-2006
University of Western Cape; Government; University of Cape Town; Gender Advocacy Programme; University of Leuven, Belgium; Panos Southern Africa	Independent Consultant	2001- 2003
African Gender Institute, University of Cape Town	Programme Convenor	1999-2001



Executive Council of South African Association for Conflict Intervention	Member	1997-2001
Bonn International Centre for Conversion and Centre for Conflict Resolutions Joint Project on Demilitarisation and Peacebuilding	Research Associate	1998-2000
Quaker Peace Centre	Programme Coordinator and Researcher	1996 - 1998
National Association of Democratic Lawyers	Senior Researcher	1999
Independent Electoral Commission	Election Administrator and Counting Monitor	1994
IDASA Western Cape	Senior Facilitator	1993-1994
Local student, youth and community societies including Congress of South African Students.	Leadership positions	1979-1993

### **Business interests**

Bernedette is the founder of Bernedette Muthien & Associates, which organizes events, research and evaluations <sup>12</sup>. We were unable to verify whether this organisation or company is still in operation.

### **Commitment to Human Rights**

Ms Muthien has over 20 years' experience in civil society, academia and the public sector. Furthermore, she serves on international advisory boards such as the Institute on Peace Education and the *Human Security Studies* international journal. She is skilled in conflict

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<sup>12</sup> Bernedette Muthien & Associates Available at: [https://www.facebook.com/pg/bernedetemuthienandassociates/about/?ref=page\\_internal](https://www.facebook.com/pg/bernedetemuthienandassociates/about/?ref=page_internal) [Accessed 31 May 2018].

resolution, financial and business acumen, development, management and programme design to name a few. She has published over 200 publications and conference presentations.

### **Qualifications**

<b>Qualification</b>	<b>Institution</b>	<b>Year</b>
Executive Course Certificate: Evidence Based Policy Making and Implementation	Graduate School of Development Policy and Practice, UCT and DPME	2015
MA Political Science	Stellenbosch University	2006-2007
B.Soc.Sci.Honours (Political Studies)	UCT	1993
BA (Political Studies, English Language and Literature, IsiXhosa)	UCT	1990-1992
Andrew W Mellon Research Fellowships	Unknown	2006-2007
Fellowship and Travel Grant	National Research Foundation	1999-2000
First Fulbright-Amy Biehl Fellowship	Stanford University	1994-1995
Various University Scholarships	Centre for Science Development and German Academic Exchange Service	1990-1993
Deans Merit List	Unknown	1992

### **Professional and Personal Conduct**

Ms Muthien has stated that she worked with the IEC in 1994 as an Election Administrator and Counting Monitor. She is also a poet and speaks on issues surrounding gender-based

violence and female oppression<sup>13</sup>. Moreover, her comments on cursing and gender were cited in the following article <https://www.news24.com/Archives/City-Press/Dookoom-Why-not-Larney-Jou-Piel-20150429><sup>14</sup> .

### **Academic Publications**

She has produced more than 170 publications and presentations on 6 continents and some of her work has been translated into several European languages<sup>15</sup>. Some of her publications are:

Bernedette, Muthien. The Khoisan and Partnership: Beyond Patriarchy & Violence.

Available at: <http://scholar.sun.ac.za/handle/10019.1/1879> [Accessed 31 May 2018].

Bernedette, Muthien. Queering Borders: An Afrikan Activist Perspective. Available at:

[https://www.tandfonline.com/doi/citedby/10.1300/J155v11n03\\_14?scroll=top&needAccess=true](https://www.tandfonline.com/doi/citedby/10.1300/J155v11n03_14?scroll=top&needAccess=true) [Accessed 31 May 2018].

Bernedette, Muthien. Human Security Paradigms through a gendered lens. Available at:

<https://www.tandfonline.com/doi/abs/10.1080/10130950.2000.9675811> [Accessed 31 May 2018].

Bernedette, Muthien. Strategic interventions: intersections between gender-based violence and HIV/AIDS. Available at:

<https://www.tandfonline.com/doi/abs/10.1080/10130950.2004.9674520> [Accessed 31 May 2018].

Bernedette, Muthien. Leader and Renewal: Cite, site and sight in women's movements.

Available at: <https://link.springer.com/article/10.1057/palgrave.development.1100222>

[Accessed 31 May 2018].

Bernedette, Muthien. Human Security and Layers of Oppression: Women in South Africa in Chapter 3. Available at:

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<sup>13</sup> Nasty Women. Available at: <https://www.nastywomen.org.za/author/bernedette-muthien/> [Accessed 31 May 2018] ; Fair Observer: Gender based violence in South Africa: Interview with Bernedette Muthien Available at: <https://www.fairobserver.com/region/africa/gender-based-violence-south-africa-interview-bernedette-muthien/> [Accessed 31 May 2018] and Right Activists call for women empowerment especially for those in rural areas: Available at: <https://www.parliament.gov.za/news/rights-activists-call-empowerment-women-especially-those-living-rural-areas> [Accessed 31 May 2018].

<sup>14</sup> Dookoom: Why not Larney Jou Piel? Available at : <https://www.news24.com/Archives/City-Press/Dookoom-Why-not-Larney-Jou-Piel-20150429> [Accessed 31 May 2018].

<sup>15</sup> Bernedette, Muthien. Available at: <https://www.linkedin.com/in/bernedettemuthien/> Accessed [ 31 May 2018]

<https://www.taylorfrancis.com/books/e/9781136198137/chapters/10.4324%2F9780203085431-9> [Accessed 31 May 2018]

### **Political Affiliation**

Ms Muthien is not actively involved with any political party but exercises her right to vote.

### **Interview Overview**

#### **Prospective Appointment as a Commissioner**

Ms Muthien possesses communication, research and policy skills along with a detailed knowledge of outreach programmes acquired through previous work, that will be useful to the Commission.

#### **The Right to Vote and Voter Education**

Ms Muthien identified voter education, civic education, stakeholder relations, management and participation of women as areas of concern at the IEC. In order to address these challenges, she identified three key ideas. Firstly, the strategy that she would employ to ensure participation by women in electoral processes would include broader civic and socio-economic empowerment.

Secondly, in order to enable effective voter education, Ms Muthien advocated for the use of media through for example, the creation of an IEC Talk Show in concurrence with traditional methods of voter education, in order to increase citizens knowledge and interest. Thirdly, in rural areas the IEC may partner with organisations, key community leaders and make use of existing geographical technology to record addresses.

## Ms Liepollo Lebogang Pheko

For the past 20 years, Liepollo Pheko has worked on social, development and trade policy and their intersection with gender, race and class. Her versatility has gained her international recognition and has taken her around the world as a speaker, lecturer, consultant and activist. She has addressed the European Union Parliament and the United Nations. As a consultant she has advised intergovernmental organisations such as the SADC, UNECA and NEPAD. Further, she is rooted in the local and international social justice movement and has provided commentary on the state of South Africa's political, economic and socio-economic situation on various fora including the SABC, Aljazeera and ENCA. Ms. Pheko is also a notable academic and intellectual and has written and taught in the field of trade policy, development and feminism. Currently, she is a faculty member with the Thabo Mbeki African Leadership Institute and is a Senior Research Fellow at the Trade Collective, a progressive think tank.

### Work Experience

Employer	Position	Year
Trade Collective <sup>16</sup>	Senior Analyst	Unknown
Thabo Mbeki African Leadership Institute, UNISA	Adjunct/ Senior Academic Faculty Member	2010- Current
Four Rivers Trading	Managing Director	2004- Current
Gender and Trade Network in Africa	Senior policy and Dialogue Specialist	June 2004- January 2008
Sedipeng Centre for Organisational Effectiveness	Executive Director	November 2002- May2004
KNC & Associates	Senior Consultant	July 2000-December 2001

As an academic, the candidate has experience as a visiting lecturer at institutions such as the Linkoping University in Sweden, the African Women's Leadership Institute, the Kalamazoo College in the United States of America and the Universidad Autonoma de Zacatecas.

In her role as an analyst and consultant, the candidate has carried out extensive research and has consulted with the UNDP, UNECA, NEPAD, SADC and various corporate and corporate clients. She has also led the delegations to the World Trade Organisation, the World Bank, UN and SADC and has addressed the European Parliament and the United Nations.

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<sup>16</sup> The entity is listed as a research think tank.

## Qualifications

Institution	Qualification	Year of Completion
Not specified	BA in Theology	2010
University of Witwatersrand	Masters Certificate in Policy and Management	2007
University of London	LLB Honours	Incomplete

## Business Interests

Company Name	Registration Date	Status	Type	Position	Status
Five Loaves and Fish Gourmet	19.05.1998	AR Final Deregistration	Close Corporation	Member	Active
Mokhantso Consulting	06.02.2002	AR Final Deregistration	Close Corporation	Member	Active
Motheho Mokhantso Innovations	15.04.2003	AR Final Deregistration	Private Company	Director	Active
Four Rivers Trading	16.10.2007	AR Final Deregistration	Private Company	Director	Active
Yellow Mustard Trading	03.02.2010	AR Final Deregistration	Private Company	Director	Active

## Professional and Personal Conduct

The candidate was a victim of intimidation in the infamous ‘Touch me on my Studio’ incidence in 2010 where her fellow panelist, the AWB Secretary General threatened her. She later filed a charge against the assailant.<sup>17</sup>

<sup>17</sup> An IOL report on the filing of charges can be accessed at: <https://www.iol.co.za/news/charge-laid-over-touch-me-on-my-studio-row-1497894>

## Academic Publications

### *Journal/Occasional Papers*

- ‘Women, Land and Livelihoods in South Africa’s Land Reform Program’ (2014) IJR policy Brief Number 1, Institute for Justice and Reconciliation.
- ‘Meeting the challenges of the Millennium Development Goals,’ (2012) Vol. 26(1) *Agenda*.
- Position Paper on Gender and Poverty in South Africa For Submission to The National Planning Commission, (2011) *South African Women in Dialogue*.
- ‘The CFTA and TFTA: Are they the future of Afrikan Regionalism and Unity?’, (2016) Vol 69(3) *The Thinker*.
- ‘Examining women’s Socio-Economic Rights in SADC through Protocols and Treaties’ (2015) [Online] Open Society Initiative for Southern Africa. Accessible at: <http://www.osisa.org/buwa/womens-rights/regional/examining-women%E2%80%99s-socio-economic-rights-sadc-through-protocols-and-treat>.
- ‘Dilemmas of Gender, Movement and Citizenship’, (2010) A Report of the WIDE Annual Conference 2010, WIDE.
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### *Presentations*

- ‘Patriarchy and Patronage: petticoat politics and Affirmative Action’ (2010) Delivered at the Affirmative Action National Policy Dialogue, 25-26 February 2010.
- On a Wing and a Prayer -Dilemmas of Gender, Movement and Citizenship’ (2010) Paper to WIDE Annual Conference 2010, WIDE.

## Any Other Important Information

The candidate was a recipient of the 2008 Mail and Guardian 300 Young Leaders Award.

The candidate co-authored Letter to Thabo Mbeki from African Women, ‘which lambasted the South African government for neglecting gender as a category in the economic analysis of poverty, growth, inequality and the concentration of wealth.’<sup>18</sup>

The candidate served as the President of Business Women Association of South Africa between 2013 and 2014, a position she left citing a desire to focus more on personal pursuits.

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<sup>18</sup> Information provided by the Mail & Guardian and can be accessed on: <https://mg.co.za/article/2009-06-11-300-young-south-africans-politics-continued>

The candidate was a board member for the Council for the Advancement for the South African Constitution (CASAC) and the International Network in Migration and Development.

### **Political Affiliation**

There is no indication of any active political affiliation by the candidate.

### **Interview Overview**

#### **Implementation of Changes to the IEC**

Ms Pheko advocated for the implementation of more robust education for members of the public and an earlier introduction of voter education to citizens in the school and tertiary education system.

She suggested that certain measures must be in place to maintain the credibility and legitimacy of the IEC, namely, more engagements with multiparty monitors at every level, cost tabulation through electronic voter mechanisms, an increase in personnel at the IEC, clearer boundary demarcation. She advocated for transparency and accountability with regards to electoral irregularities in order to send *“a strong message that there’s zero tolerance for this kind of conduct from public officials”*.

Ms Pheko was of the view that the distribution of funds among political parties could be changed, as the current sliding scale is not favourable for smaller parties as it is distributed according to their electoral presence.

#### **Recruitment of Commissioners**

She advocated for a different approach to the recruitment of Commissioners and noted that *“perhaps if Commissioners were far more specialised in their areas of work... and were enabled through the Commission to then specialise and become masters and mistresses of expertise, so that by the time one has completed their time, there is a key milestone that even when people come and go, the programs that they have put in place will be an ongoing continuum”*.



## Judge Dhayanithie Pillay

Judge Pillay is one of the leading experts in labour matters, with over 15 years' experience as a judge, 10 of which were spent at the Labour Court of South Africa. She has been sitting on the High Court bench in KwaZulu-Natal since 2010. She was admitted as an attorney in 1982 and has worked as an attorney, a labour dispute resolution official, a technical adviser to ministerial and parliamentary committees and a judge. She also has a history as a human rights defender and is actively involved in community organisations. She has also been active in academia both as an academic writer and lecturer and currently holds the position of an Extraordinary Professor at the University of Pretoria. Judge Pillay has been nominated as a candidate to the Constitutional Court in 2015 and was shortlisted for it 2016. The application was unsuccessful.

### Work Experience

Employer	Position	Year
High Court, KwaZulu-Natal	Judge	2010- Current
Labour Court of South Africa	Judge	2000-2010
Essential Services Committee	Chairperson	1996-2000
CCMA	Part-time Senior Commissioner	1996-2000
Yunus Mahomed and Associates	Professional Assistant Attorney (1985- 1987); Partner Attorney	1985-2000
David and Company	Professional Assistant Attorney	1984- 1985
Moodliar and Company	Professional Assistant Attorney; Candidate Attorney	1983-1984 1979-1982

Judge Pillay has extensive experience in the field of labour law and has, aside from her employment commitments, been involved with the Independent Mediation Services of South Africa as an arbitrator (1992), mediator (1994) and trainer (1995); and has also been an arbitrator on the panel of the Arbitration Foundation of South Africa (1997- 1997) and a

panelist on the Public Service Coordinating Bargaining Council (1999). She also played a role in the drafting of the Labour Relations Act (1994 and 2000).

Judge Pillay has also been involved with a number of academic engagements since October 2004 (with another stint in 2006) as an Adjunct Professor at the Seattle University School of Law; a visiting Professor of Law at the Open University, Milton Keynes, United Kingdom (2010- 2015) and Extraordinary Professor at the Faculty of Law, University of Pretoria for 3 consecutive terms from 2010-2018.<sup>19</sup>

As a Judge, the candidate has delivered over 1000 judgements on legal areas spanning from labour law, administrative justice, electronic transactions law, constitutional law and procedural matters. About 120 labour law and 48 of High Court judgments delivered have been published or reported in law reports and the media.

### Qualifications

Institution	Qualification	Year of Completion
Seattle University School of Law	Certificate for participation in legal Writing Program for Judges and for Trainers	2007; 2008
UNISA	LLB	Date Unknown
University of Natal	Certificate in Constitutional Law	1994
University of Natal	LLM in Labour Law	1993
UNISA	B. Proc	1982

### Business Interests

Company Name	Registration Date	Status	Type	Position	Status
YMA Investments	26.06.1997	In Business	Close Corporation	Member	Active

<sup>19</sup> Take note that the candidate has been involved in several academic engagements that include fellowships, however, only the teaching experience has been provided in this summary.

## **Professional and personal conduct**

There is nothing to indicate that the candidate has a criminal record. There is also no record of any civil or labour action against the candidate or public information about a personal or professional allegation against the candidate.

## **Academic Publications**

### *Journal Articles*

- ‘Wither the Prostitution Industry’ (2014) 35 *ILJ* 1749.
- ‘Essential Services: Developing tools for Minimum Service Agreements’ (2012) 33 *ILJ* 801.
- ‘Giving Meaning to workplace equity: The role of the Courts’ (2003) 24 *ILJ* 55.
- ‘A Practical Approach to Conflict Management in Essential Services’ Vol. 13(1) & (2) *Industrial and Social Relations*.
- ‘Demotivating Demotions’ (1993) Vol 10(2) *Employment Law*.
- ‘The Constitutional Rights of Public Servants’ (1994) Vol. 11(2) *Employment Law*.
- ‘The Labour Relations Bill and appropriate dispute resolution: A drafter's perspective’ (1995) 18 *IMSSA* 2.
- ‘Essential Services under the New LRA’ (2001) vol. 1 *ILJ*.
- ‘The South African Essential Services Committee’ Vol. 5(1) *Southern African Business Review*.
- ‘Law’s Republic, Democracy and the South African Constitution’ (2002), vol.17(2), *SAPL* 319.
- ‘PAJA v Labour Law’ (2005), vol.20(2), *SAPL* 413.
- ‘Whither the Prostitution Industry’ (2014) 35 *ILJ* 1749.

### *Presentations*

- ‘Is it safe to entrust the constitutional project entirely to adjudication’ presented to the SAJHR Conference 28 January 2015.
- ‘Victoria and Griffiths Mxenge Memorial Lecture- Public Interest Law Then and Now’ delivered at UKZN April 2013.
- ‘Equity and the Scope of Judicial Activism’ presented to and published by the Annual Labour Law Conference 3 July 2003.
- ‘Labour Law under the Constitution’ presented to South African Society of Labour Lawyers (SASLAW) 26 March 2004.

- ‘Promotion of Administrative Justice Act v Labour Law’ a paper presented to an Administrative Law Conference convened by the University of Western Cape 20 May 2004.
- ‘New Challenges for Effective Dispute Resolution and Co-operative Bargaining in Education’ keynote address presented at Tenth Anniversary of the Education Labour Relations Council 13 July 2004.
- ‘The Constitutionalisation of Labour Rights in South Africa’ a paper presented to the South Africa Group of New York Law School on 19 November 2004 and published on NYLS’s website.
- ‘The Duty to Bargain’ presented to and published by the Annual Labour Law Conference 30 June 2005.
- ‘The Constitutionalisation of Labour Law – Comparative Analysis’ presented at the request of the ILO to the Judges of the Malawi Supreme Court of Appeal and the High Court in December 2005.
- ‘Constitutionalisation of Labour Law’ presented to Seattle University School of Law and published on its website January 2006
- ‘*Fourie: Race v Sexual Orientation*’ paper presented to Faculty of Seattle University School of Law January 2006 – unpublished
- ‘Do women lawyers think differently about legal issues?’ presented at University of Kwa-Zulu Natal to law students 3 May 2006
- ‘Globalization of the Law’ presented to Law Teachers’ Conference Cape Town 26 July 2006
- ‘Challenges facing Women Labour practitioners’ a discussion at Society of South African Labour Lawyers Women’s Breakfast 8 September 2006.
- ‘The Politics of Equality’ presented to the Society of South African Labour Lawyers National Conference Johannesburg October 2006.
- ‘The Integrity of Labour Law’ presented at the Annual Labour Law Conference Johannesburg 2007.
- ‘Double Vision’ presented at Law Teachers’ Conference, Pretoria 21 January 2008
- ‘Choosing Comparators for Discrimination Analysis’ presented at International Discrimination Conference, Stellenbosch, 10 September 2008.
- ‘Choosing Comparators for Discrimination Analysis’ presented at Society of South African Labour Lawyers National Conference Durban October 2008.

- ‘The impact of three Constitutional Court decisions on achieving social justice for workers in the sex and security industries’ presented at the Annual Conference of the CCMA, KwaZulu Natal 22 May 2009.
- ‘Fighting Discrimination, the South African Way’ presented to Open University Community in Milton Keynes on 20 July 2009.
- Presentation to Women Parliamentarians titled ‘Practical Implications of the Law in the Workplace’ published in the Konrad-Adenauer-Stiftung Seminar Report 19 May 1995.
- ‘Giving Meaning to Workplace Equity: The Roll of the Courts’ (A paper presented to Commissioners at the 7 Annual Conference of the Commission for Conciliation Mediation and Arbitration (CCMA) 15 November 2002.
- ‘Equity and the Scope of Judicial Activism’ presented to and published by the Annual Labour Law Conference 3 July 2003.

*Other*<sup>20</sup>

- ‘Damages: Loss of Use of an Object’ *De Rebus*, July 1996.
- ‘Domain Names’ *De Rebus* March 2004.
- ‘Developing an Affirmative Action Jurisprudence’ *De Rebus* December 1999.

**Any Other Valuable Information**

The candidate was part of the Technical Committee of Theme Committee 6.1 of the Constitutional Assembly that assisted in drafting clauses of the Electoral Commission (May 1995).

The candidate was recognised by the Amnesty International SA (Durban Group) as a Human Rights defender in 2005.

The candidate is pursuing an LLD.

**Political Party Affiliation**

Unknown.

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<sup>20</sup> These publications in *De Rebus* could not be verified as *De Rebus* does not have records of the earlier publications, however, as they were also supplied in the candidate’s applications to the Constitutional Court and the High Court, their existence is presumed.

## **Interview Overview**

### **Prospective Appointment as a Commissioner**

If appointed as a Commissioner at the IEC, Judge Pillay would add her contribution through the use of her drafting, interpretation and legal skills coupled with her interest in dispute system designs. She has been a Judge in the Supreme Court of Appeal and a member of the Independent Mediation Services, where she was trained as a facilitator, mediator and arbitrator. Additionally, her role as a Commissioner would be instrumental in ensuring that adjudicative functions and court orders similar to that of the Mhlophe case are implemented. Judge Pillay will ensure that then IEC is not in contempt of court and noted the importance of compliance with court cases.

### **IEC Mandate and Suggestions**

The Judge advocated for a programme of action that must be monitored on a regular basis, in order to ensure that the Commission is efficient. Furthermore, the IEC has to ensure that section 19 of the Constitution is enabled in the most efficient way possible, whilst maintaining its integrity, impartiality and independence without any conflict with political parties and private interests.