

IN-DEPTH

ANALYSIS • FEATURES • OPINION • PERSONALITIES • ENTREPRENEURSHIP • INSIGHT • TRENDS

Top judge sustained by her Wild Coast roots

● *President of Supreme Court of Appeal will hear Zuma's appeal against DA application over Gordhan*

Heather Dugmore

The most challenging aspect of being a judge is “the enormous responsibility you carry in resolving society's disputes and determining people's lives including whether a person must go to prison for life”, says Judge Mandisa Maya.

The far-reaching consequences of the judiciary weigh heavily on all 25 judges at the Supreme Court of Appeal to maintain their excellent reputation and record of delivery.

Maya says judges eventually become used to the gravity of their decisions, but it requires them to apply themselves to the maximum in every case and, given the diversity of appeals, to conduct much research and deliberate in earnest.

In addition to being president of the Supreme Court of Appeal, which requires her to manage her fellow judges, Maya's core function is to preside over cases in the Supreme Court of Appeal in Bloemfontein.

The court sits for five months a year, with the remaining seven devoted to preparation, reading and research.

She will hear two diverse appeals in May. Former president Jacob Zuma is asking the court to consider the high court's decision that the DA was entitled to all the documents

relating to his March 2017 dismissal of former finance minister Pravin Gordhan and former deputy finance minister Mcebisi Jonas. The case is complicated by the fact that the review proceedings in the high court have been withdrawn by the DA, but, surprisingly, the President has not withdrawn the SCA appeal.

She will also hear an appeal by fishermen convicted of fishing illegally in the Dwesa-Cwebe Marine Protected Area, on the Eastern Cape's Wild Coast. They are opposing the minister of agriculture, forestry and fisheries and others on the grounds that it is their customary right to fish there.

ON MY LAST VISIT HOME, ONE OF THE LADIES SHOWED ME THE BEAUTIFUL POTATOES SHE HAD GROWN

Maya knows the Wild Coast well as she was born in the former Transkei and spends most court recesses at her home on a small farm near Mthatha, where she grows vegetables and keeps various types of livestock.

“My husband and I are very focused on healthy, sustainable living and we are able to eat organic vegetables and meat because of the vegetables, pigs,

chickens, goats and crops that we produce,” she says.

Her husband, businessman and entrepreneur Dabulamanzi Mlokoti, is from Johannesburg but enjoys farming and rural life. “I think my influence rubbed off on him,” she says.

As a judge in the Transkei from 2000 to 2004, Maya was involved in the Women's Zenzele (“Do It Yourself”) Association, which promotes women's self-sufficiency through growing vegetables, sewing and beadwork they can sell.

“My mother introduced me to Zenzele and I continue to live this ethos in my community where far too many people do nothing but wait for their social grants,” she says.

“A while back I said to the ladies in my community, ‘I see you are following the trajectory of the sun all day, when you could be feeding yourselves by growing vegetables.’”

Maya helped them fence off vegetable patches to keep out livestock. “On my last visit home, one of the ladies showed me the beautiful potatoes she had grown, and another showed me her cabbages. It is a growing movement,” she says.

Maya is also a champion of gender transformation in the judiciary, having founded the South African chapter of the International Association of Women Judges. “There are still only six women judges out of 25



Honorary doctorate: Judge Mandisa Maya, president of the Supreme Court of Appeal, received an honorary doctorate from Nelson Mandela University on Wednesday. Maya is a champion of gender transformation in the judiciary. /Supplied

in the Supreme Court of Appeal. “I am strongly recommending the appointment of more women judges, especially as several of our judges are coming up for retirement.”

She said there was “no shortage of women law students, and they are often the brightest in their classes.

“But when they graduate they too often don't get the same opportunities as their male peers because the profession is still very male-dominated at the senior levels. The issue is that

there aren't nearly enough younger women judges being appointed, and it is not for a lack of ability. Legislating gender equity in the judiciary and elsewhere might be a solution because ... it hasn't been done.”

Maya was appointed to the bench in the Supreme Court of Appeal in May 2006. She has served as an acting judge of the Constitutional Court and in 2015 was appointed deputy president of the Supreme Court of Appeal.

In May 2017, she became the first woman president of the

Supreme Court of Appeal. Maya is committed to improving access to the law for the majority of South Africans.

“Litigation is very expensive and so it remains inaccessible to most, and therefore people's rights are not universally exercised. This needs to change.”

She has been a member and chairwoman of the South African Law Reform Commission since 2013 and is a board member of the South African Journal on Human Rights.

Her deep sense of justice and

desire for equality stems from her parents, Oxley and Mavis Maya, who were teachers committed to ensuring that pupils in the Transkei received the best education they could get.

“My father was a maths teacher and my mother an English teacher. She loved literature including Shakespeare, and she would put on Julius Caesar with children from her school in Tsolo and they would win national competitions,” Maya says.

She is “deeply concerned

about the atrocious standard of school education”.

In 1966, her father moved into broadcasting on Radio Bantu in King William's Town. He had an agricultural degree from what is now the University of Fort Hare, and one of his programmes was on agriculture, “covering everything from farming to water conservation”, she says.

“He was ahead of his time,” says Maya. “I well remember an award-winning radio documentary he produced on water conservation, what needed to be done and why it had to happen in earnest in SA.”

Maya attended school in King William's Town until 1977 when she moved to Mthatha.

Due to the 1976 uprising there was “hardly any teaching in most of SA's townships. Many black parents sent their children to the Transkei to complete their schooling”, she says.

She matriculated from St John's College in Mthatha and graduated from the former University of the Transkei with a BProc in 1986. She completed an LLB at the then University of Natal in 1988 and in 1990 received an LLM from Duke University in the US as a Fulbright scholar. On Wednesday last week, Maya received an honorary doctorate from Nelson Mandela University.

“Coming from SA, which was so closed at the time, it was mind-blowing to find myself at Duke in my mid-20s. It was a magnificent experience and character building being so far away from home on my own. I emerged from Duke feeling super confident in my ability to have gone there from rural Transkei and succeeded.

“But the Transkei is a place that keeps tugging at my heart and drawing me back. It has its own special charm and beauty and I am yet to see any place in the world with the raw beauty of the Wild Coast. And then there are the people – beautiful, warm people with such a sense of themselves,” she says.

“The Transkei is certainly not without considerable problems, including deep poverty and educational issues, but in the relationships between most of the people, here there is a greater sense of unity.

“Whether you are a judge or a fisherman or black or white, people in the Transkei speak to each other as equals.

“While I also have a very good life in Bloemfontein for five months of the year, I feel a deep sense of coming home every time I return to the Transkei.”