

No more women for ConCourt

Those hoping that the next justice appointed to the Constitutional Court would be a woman will be disappointed - there is not one woman among the nominations received by the Judicial Service Commission (JSC).

Nominations for a coming vacancy on South Africa's highest court have closed and it is understood that five were received. These were for Supreme Court of Appeal judge Ronnie Bosielo, senior counsels Jeremy Gauntlett and Mbuyiseli Madlanga, and North Gauteng High Court judges Selby Baqwa and Brian Spilg.

The JSC is yet to compile a short-list for interviews. But as the leaked news of the nominees spread yesterday (29 November), speculation was rife about whether the vacancy would be re-advertised.

Some lawyers said that when the JSC sent its list of four preferred candidates to the president, it should be comfortable that any one of them was worthy of the Constitutional Court.

Judges Baqwa and Spilg had been on the bench for too short a time, they said. Judge Spilg was appointed in 2009 and Judge Baqwa earlier this year.

Others in the legal fraternity were dismayed that no women were nominated and said the JSC should re-advertise on that basis.

The Constitutional Court is the only court in South Africa that has gone backwards on gender representivity. At one stage it had three women - justices Yvonne Mokgoro, Kate O'Regan and Bess Nkabinde. Now it only has justices Nkabinde and Sisi Khampepe.

But other legal sources said all five nominees met the threshold requirements of being fit and proper, and appropriately qualified. Should they be short-listed, the absence of women removes a big obstacle for Gauntlett.

He was overlooked for judicial appointment to the Western Cape High Court last month, a decision that continues to enrage many in the legal fraternity. Some legal sources said that of the five candidates nominated, only Madlanga could give Gauntlett a serious run for his money.

Madlanga is one of the evidence leaders at the Farlam commission of inquiry into the Marikana massacre and is the only nominee to have acted at the Constitutional Court.

Source: *Business Day* via I-Net Bridge

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