

**WRITTEN MOTIVATION IN SUPPORT OF THE CAMPAIGN OF JUSTIN AL MULLER
FOR ELECTION TO SERVE ON THE COUNCIL OF THE UNIVERSITY OF THE
WESTERN CAPE FROM 1 DECEMBER 2020 TO 30 NOVEMBER 2023**

10/22/2020

Justin Al Muller

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**UNIVERSITY OF THE WESTERN CAPE
CONVOCATION**

**RE: WRITTEN MOTIVATION IN SUPPORT OF MY CAMPAIGN FOR ELECTION TO SERVE ON
THE COUNCIL OF THE UNIVERSITY OF THE WESTERN CAPE FROM 1 DECEMBER 2020
TO 30 NOVEMBER 2023**

Skill set: Newly admitted attorney / several years' pre-articles work experience

Dear Fellow Convocation Members,

My name is Justin Muller, and like you, I am a proud member of the UWC convocation.

I am greatly privileged to have the opportunity to address you in respect of the election of two members of the convocation to serve on the UWC Council (hereafter, the Council).

And I herewith announce my intention to run for office as a member of the Council.

The purpose of this writing is to motivate why I am a good candidate to be elected to serve on the Council.

I believe that I am a good candidate to serve on the Council, because I am diligent, trustworthy, and judicious.

UWC: a place of quality, a place to grow.

Before addressing the matter of my propriety as a candidate, I would like to touch on the kind of UWC that I am invested in.

As stated in UWC's mission, I believe in the importance of the University's "African and international context" and that it "strives to be a place of quality, a place to grow."

Further, I believe that, in dispensing with its' duties, UWC is in a very good position to give effect to the objectives of the Higher Education Act No. 101 of 1997, as enumerated in the preamble of the Act, that include:

1. [To] redress past discrimination and ensure representivity and equal access;

2. [To] provide optimal opportunities for learning and the creation of knowledge;
3. [To] promote the values which underlie an open and democratic society based on human dignity, equality and freedom;
4. [To] respect and encourage democracy, academic freedom, freedom of speech and expression, creativity, scholarship and research; and
5. [To] enjoy freedom and autonomy in [its'] relationship with the State[,] within the context of public accountability and the national need for advanced skills and scientific knowledge.

I believe in a UWC that is not merely a receiver of an inherited social landscape, but one that is actively involved in the shaping of that landscape. I believe in a UWC that is truly “a place of quality, a place to grow.”

A. My Suitability to Serve as a Member of the Council

I believe that I am a suitable to serve on the Council for reasons that include the following:

- 2.1 I am a newly admitted attorney;
- 2.2 I have several years' of pre-articles work experience that includes work in the spheres of public interest, human rights and government; and
- 2.3 I am not aware of any reason that would prevent me from taking office as a member of the Council.

In respect of item 2.1 above, I am a newly admitted attorney, and I was admitted as an attorney on 6 December 2019. Prior to my admission, I completed a two-year contract of articles on 12 February 2018.

Some of the duties performed, under supervision, while completing my contract of articles, include:

- legal drafting;
- legal consulting;
- law research; and
- general legal administration

In respect of item 2.2 above, I have several years' of pre-articles work experience, that includes:

2.2.1 a term as an online community manager at Everyone Mobile, where I managed the online community for a website called Legal Eagle.

Some of my duties were to answer legal questions and respond to legal queries.

2.2.2 a term as a project officer in the Criminal Justice Initiative of the Open Society Foundation for South Africa.

While working at the Open Society Foundation, I was tasked with assisting in grant administration, conducting monitoring and evaluation, and partaking in three (3), national, community-based, crime prevention initiatives.

2.2.3 a term as a research co-ordinator for *Law, Democracy and Development* (LDD), a law journal of the University of the Western Cape.

At LDD, I was tasked with assisting in journal administration, co-ordinating research in preparation for publication, assisting in co-ordinating the successful publication of respective journal volumes, assisting in the co-ordination of the African Language and Academic Development (ALAD) programme, and assisting in compiling the LDD periodic funding proposal.

2.2.4 a term as a Case Officer at the Judicial Inspectorate for Correctional Services, where I was tasked with monitoring and evaluation, and report writing, in terms of section 90 of the Correctional Services Act No. 111 OF 1998.

2.2.5 a term as a legal intern at the South African Human Rights Commission (SAHRC).

At the SAHRC, I was tasked to deal with complaints of alleged infringements of Chapter 2 of the Constitution of the Republic of South Africa, Act No. 108 of 1996, investigating, report writing, assisting in conducting alternative dispute resolution, and at times, with human rights advocacy.

2.2.6 a term as an administration clerk at the Provincial Government Western Cape: Forensic Investigative Unit, where I was tasked with providing clerical and administrative support to the unit.

Following item 2.3 above, and with reference to the Higher Education Act, the Amended Institutional Statute, and the Code of Conduct for Council and Members of Council, I am not aware of any reason that would prevent me from taking office as a member of the Council.

In light of the above, I believe that I am vested with the requisite knowledge and experience relevant to the objects and governance of a public higher education institution.

Further, and should I be elected, I pledge that I will participate in the deliberations of the Council in the best interests of the University of the Western Cape. And, I will adhere, inter-alia, to the Code of Conduct for Council and Members of Council, the Amended Institutional Statute, and the Higher Education Act.

B. About Me, as a Member of the Convocation

I have a keen interest in scrutinising policy and in the social landscape that we live in, and because of this there are a few matters, pertaining to UWC, that are of interest to me, as a member of the convocation.

One such matter, for example, is that much of the UWC governance information, that is publically available, creates the impression of a “top-down management” relationship with, inter-alia, the State.

However, I am cognisant that it is stated in the preamble of the Higher Education Act that “it is desirable for higher education institutions to enjoy freedom and autonomy in their relationship with the State[,] within the context of public accountability and the national need for advanced skills and scientific knowledge.”

Further, in the Higher Education Act under “Establishment of public higher education institutions”, in section 20(4), it is stated that “[e]very public higher education institution established, deemed to have been established or declared as a public higher education institution under [the] Act, is a juristic person.”

Further, I find it interesting to note that in the Higher Education Act under “Limitation of liability”, in section 67, it is stated that “[t]he State, the CHE and any person appointed in terms of [the] Act are not liable for any loss or damage suffered by any person as a result of any act performed or omitted in good faith in the course of performing any function contemplated in [the] Act.”

The limitation of liability, under section 67, is therefore dependent on “good faith,” as a requirement.

As a member of the convocation, some of the questions that I have, in this regard, are:

1. In terms of strategic management, I would like to know whether a UWC document, in a form similar to that of creed or pledge, exists that acknowledges the separate legal personality of UWC, in expressing its’ bona fide intent to “properly” perform its’ functions. The intention of such document, should it exist, would be an attempt to limit possible legal liability, should it arise; and
2. Whether, in addition to item 1 above, in terms of strategic management, there are accompanying measures that touch on the matter of bona fide intent, in an attempt to limit the possibility of legal liability.

Though maybe a little abstract, the above matter is only one of the matters of interest to me, as a member of the convocation; and I believe it is testimony of my interest in the affairs of UWC and the environment within which the University exists.

In conclusion

In closing, I believe that I have made a good case in support of my campaign.

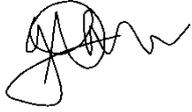
I believe that I am a good candidate to serve on the Council, because I am diligent, trustworthy, and judicious. I also believe in the importance of UWC’s wellbeing and development and its’ “African and international context.” And, further I believe that it “strives to be a place of quality [and] a place to grow.”

Should I be elected, I pledge to adhere to, inter-alia, the Code of Conduct for Council and Members of Council, the Amended Institutional Statute, and the Higher Education Act.

Further, I pledge that I will participate in the deliberations of the council in the best interests of the University: a UWC that “strives to be a place of quality, a place to grow.”

I thank you.

Best regards

A handwritten signature in black ink, appearing to be the name 'Justin', written in a cursive style.

Justin

Postscript: My one-page resumé, below, further outlines my biographical details.

One-page resumé: Justin Al Muller

Full Names: Justin Al Muller

Educational qualifications:

University of the Western Cape: LLB degree (Completed 2006)

Northlink College: N6 Certificate in Visual arts (completed 2000)

Professional qualifications:

I was admitted by the High Court of South Africa (Western Cape Division, Cape Town), and enrolled by the Legal Practice Council: Western Cape, as an Attorney. I am enrolled on the non-practising roll of attorneys.

FIXED-TERM / PERMANENT / OTHER EMPLOYMENT

I am currently self-employed in a non-legal capacity.

Offices previously held, that are relevant to this written motivation:

De Klerk & Van Gend Attorneys: Candidate Attorney

Term: February 2016 – February 2018

Everyone Mobile: Online Community Manager

Term: March 2012 – May 2012

Open Society Foundation for South Africa: Project Officer - Criminal Justice Initiative

Term: February 2011 – July 2011

University of the Western Cape: Research Co-ordinator - *Law, Democracy and Development* (fixed term contract)

Term: August 2008 – June 2009

Department of Correctional Services: Case Officer - Judicial Inspectorate for Correctional Services (fixed term contract)

Term: July 2007 – June 2008

South African Human Rights Commission (SAHRC): Legal Investigator/ Legal Intern (fixed term contract)

Term: July 2006 – June 2007 (One year internship)

Provincial Government Western Cape: Forensic Investigative Unit, Administration clerk

Term: February 2005 – June 2006