

Editorial: Another Day, Another COVID-19 Special Issue: A Vital ‘Bandwagon’

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The COVID-19 pandemic ushered in a new world of academic research. The various crises brought about by the pandemic resulted in the need for robust scholarly engagement across various disciplines. Over the past three years, we have seen several calls and publications of COVID-19 special issues from academia, where scholars have written extensively on the effects of the pandemic. This has resulted in a large body of COVID-19-related research. In 2021 the SAPL jumped onto the ‘bandwagon’ by inviting authors to make contributions regarding the legal responses to COVID-19, particularly its effect on fundamental rights in Africa and other related topics. This special issue includes nine pieces (five research articles, two commentaries, one case note and one short story). Each contribution provides a key insight into the impact of COVID-19 in the context of constitutionalism and the rule of law in Africa. The authors explored how the pandemic has impacted on issues ranging from the right to education, women’s rights, labour rights, rights of stateless persons, the right to vote and equitable access to vaccines.

In the first article, Funmi Abioye writes about the effect of the legal responses to the pandemic on African women by drawing on examples from South Africa. She argues for the application of Articles 2 and 9 of the Maputo Protocol in ensuring that specific positive actions are designed to engender women’s participation in the decision-making process around COVID-19 remedial actions, and the impacts they have had on women. In the next article, Vhonani Sarah-Jane Neluvhalani-Caquece writes about the access of stateless persons to COVID-19 vaccination in South Africa. She examines good practices in countries such as the United Kingdom, Spain, Portugal, Kenya, and Uganda. She recommends ubuntu as a tool for ensuring that stateless persons are treated with dignity. In the third article, Olaniyi Felix Olayinka takes us to Nigeria by providing insight into the impact of the global pandemic on the right to education for children living with disabilities. He argues that inclusive education and peaceful co-existence can be achieved through the adoption of indigenous languages in schools and by having

recourse to African legal tradition. Also focusing on South Africa, Felix Dube writes about the challenges surrounding the right to vote and fair elections in a pandemic. He noted that the call for postponement of the South African local elections in 2021 was unjustified as it would have led to legitimacy and constitutional crises. In the final article, Lyatitima Ernest Mate addresses the role of ‘Big Pharma’ in equitable vaccine supply. He argues that property rights should not be viewed as absolute, especially in exceptional circumstances like the COVID-19 pandemic, when legal obligations could require that property rights be temporarily compromised in order to advance human dignity.

Delani Milton Mahhumane’s case note critically analyses the precedent established in *Eskort Limited v Mogotsi* [2021] JR1644-20 (LC) regarding employee dismissals for the failure to adhere to COVID-19 workplace protocols and policies. He concurs with the Labour Court’s decision to uphold Mogotsi’s dismissal as it sets the requisite standard for every workplace in adopting the necessary precautions to prevent the spread of deadly viruses. Udoka Ndidiama Owie’s commentary explores the role of the African Union (AU), through its Africa Joint Continental Strategy, in addressing the pandemic. She argues that this policy document and associated activities exemplify the much-needed display of agency, effectiveness, leadership and proactive multilateralism on the part of the organisation. Ntando Sindane’s commentary reflects on the pandemic through the lens of critical decolonial scholarship. He argues that the socio-economic inequalities exposed by the pandemic have long been explored by critical legal scholars. The final contribution is a short story by Rafia Akram de Gama. This artistic work transports the reader into the mind of an individual who used to be at the forefront of academic and activist work, but is now contemplating a return to activism to advance the quest for the just and equitable global supply of vaccines.

Although we are past the height of the pandemic, with most countries returning to normality, the reality is that we will be dealing with the effects of the COVID-19 pandemic for a very long time. The COVID-19 ‘bandwagon’ is, therefore, vital to our lived realities. The hope is that this special issue will contribute to an ongoing conversation and reflection on the effect of the legal responses to the pandemic.

In conclusion, we should like to thank all who contributed to this special issue. Firstly, we want to express our gratitude to the reviewers for their valuable insight and comments on each of the articles. This, in no small measure, contributed to the quality of the published articles. Secondly, we thank the authors for contributing their works to the SAPL journal. Lastly, we are grateful to the technical team of the journal for their assistance in finalising this special issue.