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Minister of Justice for all

Nearly twenty years into South Africa's democracy, our justice system has outgrown its international peers

We should not be judged more harshly because of our skin colour. We should not be paid any less because of our gender, and we shouldn't be treated with violence just because we are different.

Inherently, humans have a desire for equality and fairness. Thus, when any crime or abuse is committed, justice is sought – both for the offender and the victim.

The assurance of justice is usually a prerequisite for a thriving public society, and for establishing and maintaining a stable political order. For South Africa's leaders to have legitimacy among constituents, satisfactory ways must be found to ensure laws are just, and administered honourably throughout the entire country.

South Africa's Minister of Justice and Constitutional Development, Jeffrey Radebe, says he strives to do better and improve the lives of South Africans by making sure wherever he is deployed, he puts shoulder to the wheel to bring nearer the day when we "can say our people have a better life".

Along with Trevor Manuel, Radebe is one of South Africa's longest serving members of Parliament since the 1994 democratic elections. He served as Minister of Public Works from 1994 to 1999 under former president Nelson Mandela, and under the leadership of Thabo Mbeki as Minister of Public Enterprises,

Minister of Transport, and as well as acting Health Minister.

Radebe achieved inspiring milestones in all of his leadership roles and has remained unwavering in his quest to make a difference in South Africa. In public works he initiated the transformation of the procurement system. "We pioneered the black contractor development programme where, for the first time in the history of South Africa, we gave opportunities to black contractors to be involved in big government contracts."

KwaMashu in Natal. As a high school science student in Durban, he actually wanted to become a medical doctor. In his last year of Matric his mathematics teacher fell pregnant and the school had no one else to teach them.

"Students from the University of Natal Medical School came to our school over weekends to teach us mathematics. During this time, they also introduced us to the Black Consciousness Movement with the late Steve Biko. And that's how my whole life changed," Radebe told *Leadership* magazine.

"The Constitution is our guiding light and without appropriate legislation, we will not be able to change this country"

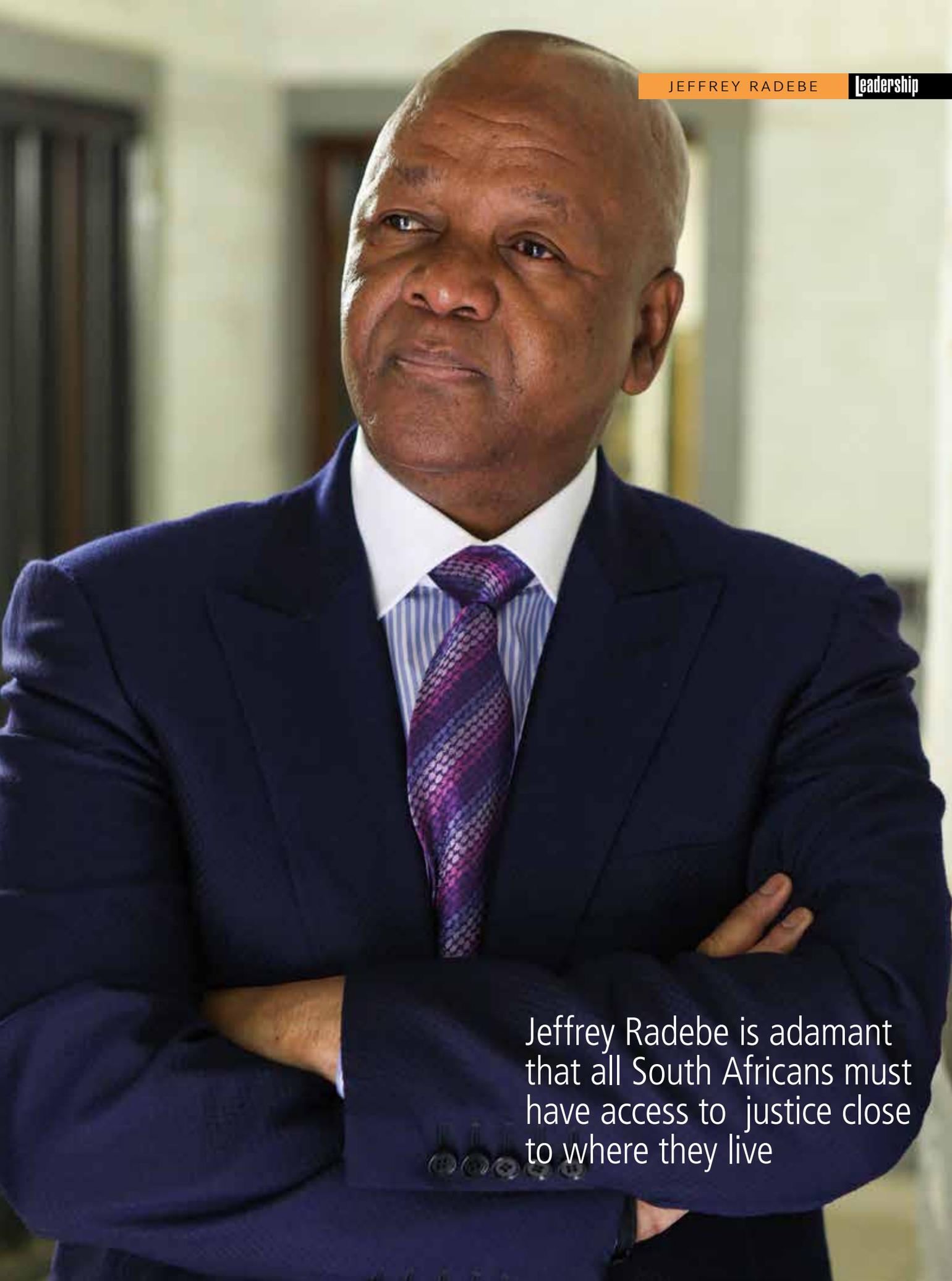
In public enterprises, he turned Eskom from a state department into a company involved in multi-billion rand projects. "The same thing happened with Transnet and South African Airways," he says.

The early days

Jeffrey Thamsanqa Radebe was born on 18 February in 1953 in a township called

As a result he decided to study law instead of medicine in order to participate in the freedom struggle of South Africa. He became a student activist and joined the underground structures of the African National Congress (ANC) during the student uprisings in 1976.

"At the time we were fighting for freedom, contributing towards building a South Africa with a non-racial, non-sexist, equal and

A portrait of Jeffrey Radebe, a middle-aged Black man with a shaved head, wearing a dark blue suit jacket, a white shirt, and a purple and blue patterned tie. He is standing with his arms crossed, looking slightly to the left of the camera with a thoughtful expression. The background is a blurred indoor setting.

Jeffrey Radebe is adamant that all South Africans must have access to justice close to where they live

prosperous democratic society founded on human rights. Now our focus is on enhancing the quality of that life,” he smiles.

In 1976 he obtained a B. Juris degree from the University of Zululand and completed his legal articles in Durban. In 1977 he left the country for Mozambique on instruction from the ANC. He worked as a radio journalist with Radio Freedom in Dar es Salaam, Tanzania, for two years and then worked for the ANC’s International Department in Zambia.

He created underground ANC and South African Communist Party (SACP) structures inside South Africa from Lesotho, giving political direction to activists. During this period

before the Goldstone commission on the violence in KwaZulu-Natal.”

By the time he left Robben Island, Radebe was head of the ANC’s political department.

Radebe served as a project co-ordinator for the National Association of Democratic Lawyers (Nadel) between 1990 and 1991, and was eventually elected Deputy Chairperson of the ANC, Southern Natal Region in 1990.

He served as Secretary of the SACP’s interim Leadership Core between 1990 and 1991, then became the Chairperson of ANC’s Southern Natal Region from 1991 to 1994.

Radebe also served on the Natal Regional Dispute Resolution Committee. During the same

revamping of Johannesburg OR Tambo Airport and Cape Town International Airport. Minister Radebe was also actively involved in the Arrive Alive campaign.

Justice prevails

When apartheid was demolished in 1994, the government inherited an unequal and dysfunctional justice system. The Justice Department administers a wide variety of legislation and has constantly promoted new and amended legislation to ensure that it is aligned to the new constitutional dispensation. “The Constitution is our guiding light and without appropriate legislation, we will not be able to change this country.”

Since May 2009, as Minister of Justice and Constitutional Development, Radebe has been instrumental in the further transformation and restructuring of the judiciary and justice system as mandated by the Constitution, the supreme law of the land.

Radebe told *Leadership* in an exclusive interview, “We come from apartheid, which had been declared by the rest of world as a threat. Now we have a Constitution that is lauded as among the top in the world. This surely indicates we’ve come a long way.”

South Africa’s Constitutional Court is quoted in many jurisdictions and sets several benchmarks for other countries. “Some of our jurors are being invited to serve in high courts in Lesotho, in Swaziland and more especially, in international bodies. Like Judge Navanethem Pillay, who is now the United Nations High Commissioner for Human Rights, and Judge Goldstone, who was asked by the United Nations to be a mediator in the conflict in Palestine and Israel.”

Of the 1 294 Acts passed by Parliament since the beginning of democracy, 148 are attributed to the justice sector. “All of which are aimed at ensuring that all South Africans have access to justice. This is the most important thing we can do as a Department,” Radebe emphasises.

These Acts are instrumental in among others, building and strengthening state institutions that support constitutional democracy and fighting crime and corruption.

“We also have to ensure the judiciary is transformed in a way that reflects the demographics of our South African rainbow nation. With the introduction of the new constitutional dispensation, black judges could be counted on one hand. Today about 61% of judges are

“At the time we were fighting for freedom, contributing towards... a democratic society founded on human rights. Now our focus is on enhancing the quality of that life.”

he obtained an LLM in International Law from Leipzig University in 1981 and studied at the Lenin International School in Moscow in 1985.

He underwent military training with Umkhonto we Sizwe (MK), and was arrested and convicted under the Terrorism Act.

“Well it’s true, I was sentenced to ten years. I was caught in Johannesburg and my advocate was the late Chief Justice Pius Langa.”

While in detention on Robben Island he was active in the ANC’s political department, “And I played soccer as goalkeeper,” he admits with a chuckle. “Being so isolated, the prison experience taught me many things. You learn survival skills and how to be strong.”

Radebe later appealed and was released from Robben Island after organising a successful 12-day hunger strike to speed up the release of political prisoners in 1990.

“The appeal in 1986 came before Judge Richard Goldstone who reduced my sentence from ten to six years. Coincidentally, a few years later, after I was released, I had to give evidence

period, he served as Chairperson of the Regional ANC Peace Forum. He became a member of the Ex Political Prisoners Committee in 1995.

Our current Minister of Justice received an Honorary Doctorate in Humane Letters from Chicago State University in 1996. He became a member of the Business Trust from 1998 to 2003 and was Chairperson of the Nelson Mandela 80th Birthday Committee in 1998.

He was a Deputy Chairperson of the ANC in the Northern Cape, and later acting Provincial Chairperson in 2004. He was also a Board member of the Local Organising Committee of the 2010 FIFA Soccer World Cup. “What many people also don’t know is that I am an Honorary Colonel in the SA Air Force, Mobile Deployment Wing in Pretoria,” smiles the Minister.

When Radebe was Minister of Transport in 2004, “The annual budget of the department was R4 billion. When I left in 2009, it was R25 billion,” he proudly says. The Department was involved with the building of the new King Shaka International Airport in Durban, the

black, which truly reflects the major strides we have made in transforming the judiciary regarding equality.”

There’s still an acute under-representation of women on the bench, only 76 of the 239 judges are women.

“Wherever it is possible we promote women judges. In my capacity as the Minister of Justice I always endeavour and strive to give women the opportunity to act in high courts, giving them the experience for being competent judges in the future.”

There are many challenges still to bridge, but with the collective leadership style of the Minister together with appropriate delegation, the justice system can only move forward. Minister Radebe is decisive and determined with a focused will and vision, not only in his department but also for South Africa’s future in general.

Heading up the nation

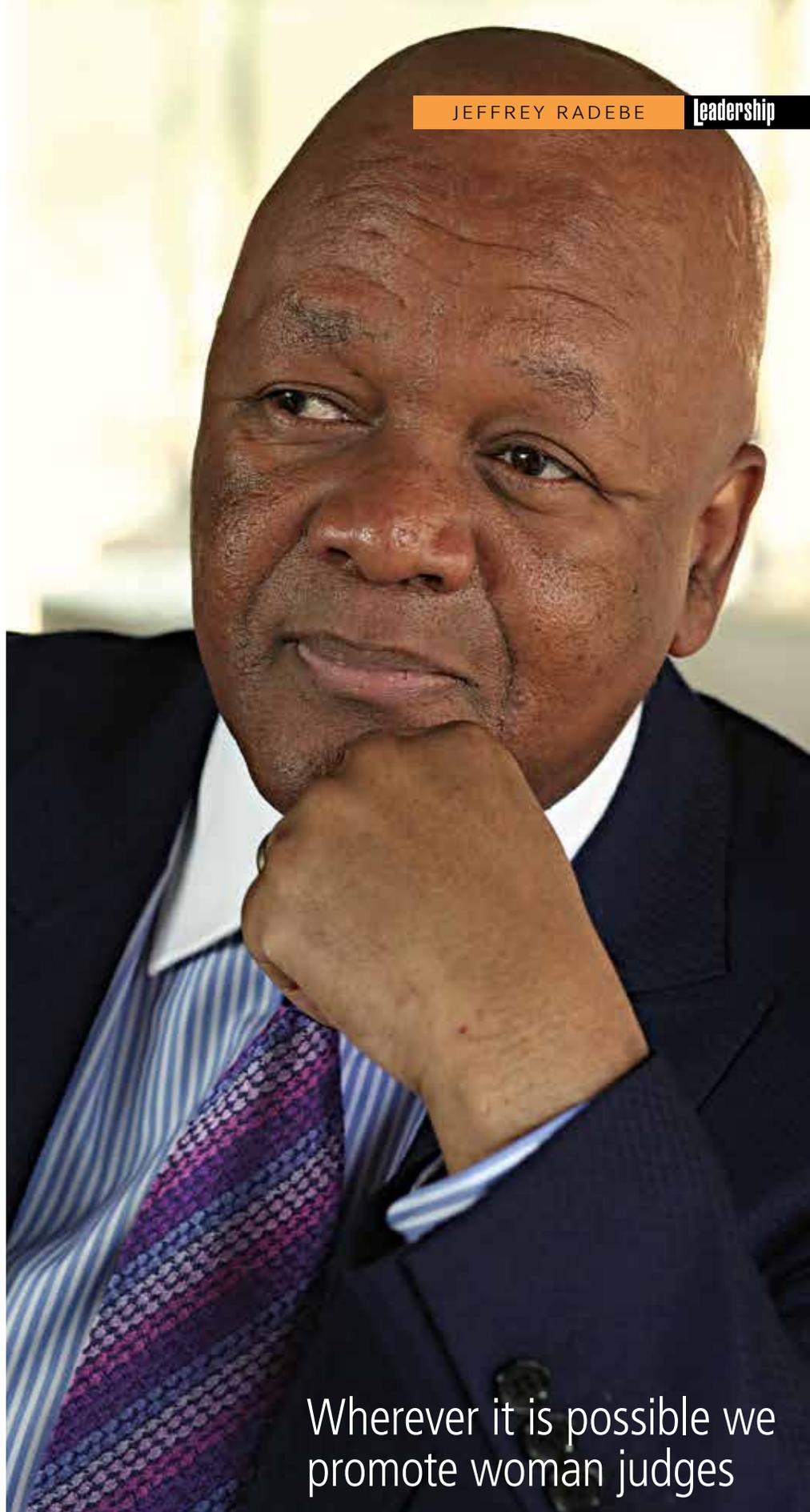
When President Jacob Zuma attended the G20 forum in Russia last month, he appointed Minister Radebe as acting President for five days. Unfortunately during this time, one of this year’s biggest road accidents occurred in Pinetown when a truck driven by a 23-year old, killed 23 innocent people.

This unfortunate accident was the third collision claiming many lives in only a few days, following the death of nine people returning from the annual reed dance ceremony in KwaZulu-Natal, and the tragic death of seven people on the N2 between Grahamstown and Port Elizabeth in the Eastern Cape.

Radebe visited the Pinetown accident scene with transport MEC, Willies Mchunu. He empathises, “This was a terrible tragedy. If President Zuma had been in South Africa he would have personally gone there to assist.”

The next South African general election will be held between April and July next year. It will be the fifth election held since apartheid, marking the 20th anniversary of South Africa’s democratic transition from apartheid. At least 23-million eligible voters will have to choose which leaders they will entrust with their vote.

In an interview with former president Thabo Mbeki in March this year, the *Sunday Times* asked him what he thought the qualities were of good leadership. He responded that one has to have a very good understanding of one’s country and its challenges, and to work on a



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Minister Radebe had been a member of the ANC's National Executive Committee (NEC), and the National Working Committee (NWC) since 1991

clear programme to address these challenges. He also said it is important to conduct oneself within a value system of which at its core, the obligation should always be to serve the people.

Serving the people

With regard to serving the people, Radebe is acutely conscious of the fact that a better life in South Africa cannot be created unless black people are also involved in the commanding heights of the economy. He says, "The focus of all of us in government, or those who will be in government after the elections next year, should be concentrated on the growth of our economy and in creating jobs."

Radebe feels education is the key to life, "We need to focus on the youth because the future of this country lies in them. It is important to give them entrepreneurial skills so they can think of themselves as job creators instead of job seekers."

South Africa needs more mentors from existing businesses to develop entrepreneurial skills.

"And as government, we need to create an even more favourable condition for medium and small business to thrive. Many young people are unaware of how trade and industry actually operate, so I think we need to do more to support education and young entrepreneurs."

Things of beauty

Women's issues are close to Minister Radebe's heart, so naturally, when the State Forestry company Safcor was restructuring with the view to privatise and he received a letter from a group of women outside Port Elizabeth who were involved in a flower project, he listened. The women were concerned about how they would feed their families should Safcor restructure, and he asked them to come up with a solution.

"When they did, I realised these women had the potential to turn their flower project into a very successful enterprise. We transferred it to them as a cooperative, so now it is a lucrative business for them."

But the Minister says his most colourful feat is the *Leucospermum* flower, a hybrid of the Protea, which was named after him in 2005. It is called the Radebe Sunrise.

A cherished flower of another kind is his wife, Bridgette Radebe, South Africa's first black female mining entrepreneur and sister of the billionaire mining magnate, Patrice Motsepe.

“We have three kids, a son and two charming daughters. Bridgette is a businesswoman and as busy as I am, we do find time in our busy schedules to share with our family.”

This busy schedule sees him holding a number of important portfolios: Radebe is member of the ANC’s National Executive Committee (NEC), and the National Working Committee (NWC) – since 1991. He is also member of the SACP Central Committee, ANC Head of Policy, and member of the Natal Regional Dispute Resolution Committee. He is also Chair of the ANC’s National Disciplinary Committee, and Chairperson of the Protocol Committee of the ANC in Parliament.

Making a difference today

In future, the overall challenge for Radebe remains to consolidate the advances made in the justice system in such a way that it will make a difference in the lives of all South Africans: “So that all can experience a life of refinement and dignity.”

As Martin Luther King Jr has said, “Human progress is neither automatic nor inevitable. Every step toward the goal of justice requires sacrifice, suffering, and struggle – and the

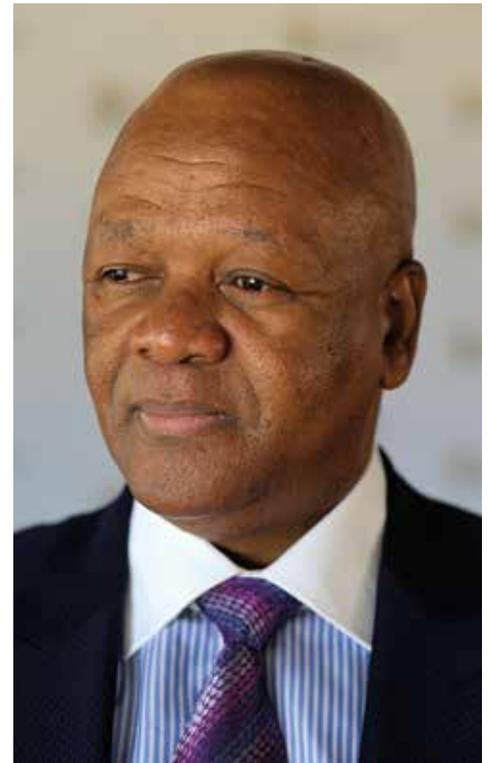
tireless exertions and passionate concern of dedicated individuals.”

Radebe is adamant that people must have access to justice close to where they live. Regarding South Africa’s Superior Courts Act, he explains, “This was the first step towards transforming the court system of South Africa into a hierarchal system, so that all provinces will have their own high court. High courts are already being built in Polokwane, Limpopo and Nelspruit in Mpumalanga, meaning that people living in those areas, don’t have to travel far to Pretoria or Johannesburg to seek justice.”

“There are many challenges regarding this still remaining, and as they say, Rome wasn’t built in a day. But I think this is already a major achievement.”

“In future the Justice Department will commence in earnest with assessments on what kind of socio-economic impacts the decisions made by the Constitutional Court and Supreme Court of Appeal have on society,” the honourable Justice concludes. ▲

Rizél Delano



Knowing the justice system

- The Justice Department administers a wide variety of legislation and has constantly promoted new and amended legislation to ensure it is aligned to the Constitution.
- The Sheriffs Amendment Act 14 of 2012 was approved by the President on 11 December 2012, which contributes to better governance of the sheriffs’ profession.
- In 1994 there were 475 sheriffs with the overwhelming majority of 399 being white men. By 2012 this picture had changed significantly with the appointment of 64 new African sheriffs, and a women representation of just under 40%.
- The Bill for the Constitution Seventeenth Amendment Act was passed by the National Assembly on 20 November 2012 and signed by President Jacob Zuma on 1 February 2013. It was brought into force recently on 23 August 2013.
- The Superior Courts Act, which was promoted together with the Constitution Seventeenth Amendment Act, accords the Office of the Chief Justice its separate identity and responsibility with the power to head, lead and guide the judiciary for efficient and equitable access to justice. The Act also extends the powers of the Constitutional Court to hear any matter that raises an arguable point of law.
- Centuries ago, the Romans noted the aim of justice is to give each his fair due, protecting his or her rights of possession. But people often disagree over what they deserve when wronged. “That’s why it’s so important to ensure access to an equitable justice system by capacitating the courts and building more in previously disadvantaged communities,” comments Radebe.
- Since 1994, we have built about 43 brand new courts, not only in typical urban settings, but also in rural areas and townships, like the new Palm Ridge Magistrates Court, on the East Rand in Johannesburg, and the Ntuzuma Magistrates Court just outside Durban.
- In an effort to fight the scourge of sexual crimes across the country, the Department has budgeted R22 million for the roll-out of special sexual offence courts. The department has already identified nine courts to be revamped and is yet to identify another thirteen. This revival will ensure that perpetrators of these heinous crimes are brought to book. We are also trying to avoid secondary victimisation of our rape victims, and want the courts to be victim friendly. That’s the rationale behind the introduction of the sexual offences courts.
- The sexual offence court project is a model that the international world is copying from South Africa. The model works on a collective system whereby various government services such as justice, police, health, and social departments are clustered in one centre to assist victims.
- The South African legal profession is also regulated by different laws which apply in different parts of the Republic. The Legal Practice Bill, brought into parliament in 2012, aims to transform and restructure the legal profession by providing a South African Legal Practice Council and Regional Councils in order to regulate professionals and to enforce proper legal conduct.