

Address by the Minister of Justice and Correctional Services, Mr Ronald Lamola, MP on the occasion of the Strategic Planning Session of the Office of the Chief Justice, 05 August 2019, Centurion

Honourable Judge President Mlambo,
Secretary General, Management and employees of the Office of the Chief Justice,
Ladies and gentlemen,
I greet you.

The people of South Africa have, through the recent national democratic elections, bestowed on all of us to champion the speedy resolution of the persistent challenges of poverty, unemployment and inequality which are clearly outlined in the National Development Plan Vision 2030 (NDP). Our efforts and by extension the health of our young democracy will be measured against the extent to which we have been able to build an inclusive economy, substantially reduced unemployment, especially amongst the youth, eradicated gender based violence and created a conducive environment for the advancement of the Rule of Law. It is in this context that we are fully conscious of the important role that the Justice sector must play in advancing the radical socioeconomic transformation agenda to realise those transformative ideals and to grow South Africa together.

This strategic planning session therefore should enable the department to transition from theory to practice. Our country is well known for good policies, including one of the best Constitutions in the world. The Chinese usually say what's important is not to make a decision but to implement the decision. Our strategy will be meaningless if we are not able to translate it into real tangible action, something the people can touch and see. Our people must feel, see and touch the constitution in their daily lives.

The establishment of this department is concrete proof that our efforts to transform the judiciary are bearing fruit. It is a confirmation that in 25 years we moved from a country which espouses Justice for a few to one which one espouses Justice for all.

I've had a meeting with the Chief Justice. Our engagements will be continuous.

We are now giving effect to the South Africa we have defined in our aspirational documents, the Freedom Charter, and ultimately the Constitution which is the culmination of our struggle for emancipation and vision for a newly defined state guided Constitutional values.

As you execute your mandate, which amongst other things includes supporting the judiciary and promoting Accountability and Fighting Corruption. You should be alive to the fact the your contribution strengthens the judicial governance and the rule of law, which should I imagine will be the focus areas of your Strategic Plan and Annual Performance Plan.

The Strategic Plan of the OCJ should therefore embody the five themes which are founded on the sustained (Constitutional and Legislative mandate) and the changed (Government priorities) agenda of the Department which are:

- Accelerate reforms to implement a Judiciary-led court administration
- Ensuring an efficient court system;
- Reducing court administration inefficiencies; and
- Ensuring access to quality justice;

The Importance of an Independent Judiciary in our Democracy

Your role has been critical in ensuring that our Constitutional resolve guides the nation through difficult times. The courts are the gateways of equality and dignity for all our citizens. It follows then that your work is an essential part of service delivery, your support, helps our Judges intercede between the government and citizens. This intercession, requires our judges to guide society on what is, not merely right but what is constitutional in our society. This is in line with our historical vision of our Judiciary.

One of our historical documents **Ready to Govern**, captures this vision as follows in the new South Africa we shall have “**an independent judiciary and constitutional court protected from any government or party political interference.**”

It is common cause that this aspiration is now codified in section 165 of our Constitution as follows, “***the judicial authority in South Africa is vested in the courts, which are independent and subject only to the Constitution and the law. No person or organ of State may interfere with the functioning of the courts, and an order or decision of a court binds all organs of State and people to whom it applies.***”

It should always be borne in mind that the Constitution is not the end point of our liberation struggle, it is arguably the first step in creating a people orientated society that would produce a better life for all. The Constitution is beginning of a new phase in our society. Of particular relevance for us here is in this new era, is the a question of how the Judiciary in practical terms becomes a tool of the people and not the élite. This is further amplified by a call to action the NDP under the chapter of building safer communities to “develop a judiciary led court administration.”

To this end our National Democratic Plan, vision 2030 calls upon “***all sectors of society, including the legislatures and judiciary, ...to ensure that the fruits of development accrue to the poorest and most marginalised, offsetting possible attempts by elites to protect their own interests at the expense of less-powerful communities***”

It is my sincere hope that in this strategic planning we will be able to enhance, formulate plans that give real expression to the NDP.

Critical Role Played by the Judicial Officials

Collectively we all have the responsibility to make sure that we have a functioning justice system:

This may entail having a system which ensures that citizens have at their disposal effective legal aid; enough judges of the right calibre to do the work without undue delay or haste; an effective police force; and a humane and rehabilitative prison service.

On the contrary Ladies and Gentlemen, a justice system which leaves criminal defendants to face the state's prosecutors with no adequate representation, is not a functioning system. A prison system of overcrowded and understaffed seminaries of crime is not a functioning prison system. Neither is a prisons system that simply churns out more and more embittered and vicious recidivism. Collectively we can transform the justice system to make sure that it reconstructs society at every turn.

In our transforming society the rule of law is the bedrock of a democratic society. It is the only basis upon which people, private corporations, public bodies and the executive can order their lives and activities. The rule of law requires an independent judiciary to thrive. This is an essential principle we must never compromise. The rule of law requires that the courts have jurisdiction to scrutinise the actions of government to make sure that they are lawful.

Vision of Access and Modernisation

In many ways you are at the centre of our justice system, your role in the lives of our people gives a lived expression of the text and the spirit of our Constitution. Without you our courts would be nothing but white elephants in society. It is your daily work that makes justice a reality.

For a mother who struggling with a maintenance order you are her only solution. For a woman who is a survivor of a sexual offence you are what she sees as an opportunity to justice. From interpretation to clerk everyone forms a vital cog in the wheels of justice.

You are the final expression of law and order. Now more than ever our society needs people who embody the law and order in society. South Africa is constrained economically, people are looking at you as officers of the courts to reign in corruption in all its manifestations.

Under your watch our people must believe that the Justice system is the only hope for this nation. In other words, our courts can never be associated with corruption or impropriety of any kind.

In fact, I think our courts should not only embody law and order they should represent the future. The future we live in is one of immense of convenience to society.

How do we make sure that the services we give to citizens are consistent with the society envisioned in the Fourth Industrial Revolution? As government we have plans in place to modernise our court administration but it is yourselves who should dictate the way and form modernisation.

In other words, without your commitment, the modernisation of our courts may end up being hurdle instead of an achievement. It is our hope that the modernisation project we are about to embark on gives full expression to our transformative agenda, but also in real terms it should make your jobs easier. We look to modernisation to help us spend our resources in a sustainable way. Through modernisation we can make justice less confusing, easier to navigate and more responsive to the needs of our communities.

Every citizen should be treated swiftly, fairly and with respect. Batho Pele cannot be a phrase that rolls off nicely of our tongues or a decent looking poster on the wall, it must be the experience of everyone who frequents our facilities.

Let me pause here to say, I am more than alive to the fact the fiscal constraints due to a lack of economic growth, have the potential to affect the administration of justice. In fact, now more than ever people will look to the justice system to rekindle the fire in our economy by clawing back the proceeds of illicit and corrupt activities.

A turn-around of the economy should therefore not only be a political responsibility; the burden of this immense responsibility must equally be carried by each and every one of us. This should manifest itself in the manner in which we administer our departments.

As democracy matures, the population has become increasingly aware of their rights and interface more with the courts. This has placed pressure on the limited resources of the courts and the justice system at large, necessitating further capacitation of the Judiciary and the courts.

Added to this is the need for modernisation and innovation, we must make sure the infrastructure in our courts in line with requirements of an ICT society, for instance having WIFI in courts is a simple start. From here we can evolve on to online plea services etc. Efficient and Effective Courts and Tribunal Systems should be the measure of our success. Notwithstanding our ability to give access to justice to all.

As the Ministry we will make sure that we develop policies, timeously, in consultation with the Chief Justice , which help us all deliver efficient and effective services which are accessible, and most importantly valued by all users (the profession and citizens.)

Ladies and Gentlemen,

In the process of transforming our Judiciary, it is my sincere hope that we will be able to finalise this concept of a single judiciary. The “Single judiciary” concept envisions a process through which both the superior and lower courts are administered by a single system, as envisaged by the Constitution.

This unification is informed by the history of the judicial system which provided a hybrid system in terms which judges enjoyed a large degree of independence, compared to the magistrates.

The debate of the concept of a single judiciary must seek to achieve desirability for the harmonisation of the Magistrates Commission and the Judicial Service Commission with a view to establishing a unified regulatory framework for the entire Judiciary. Any model of harmonisation must have regard for the scope and mandate of the Judicial Service Commission and the Magistrates Commission respectively, and the peculiarities attached to each. In my recent interaction with JOASA I informed that I support the call for ***“a symposium on Judicial Authority for the Republic of South Africa.”***

Strategic Alignment and Government Priorities as per SONA

Ladies and Gentlemen, we sit on the cusp of a great opportunity, we can change the way in which society interacts with the justice system. Of-course at all material times we should strive to be holistically inclusive.

In other words, those who may not be familiar with the online systems, we must also make sure that our paper systems also embody the improvement we desire.

As the Executive we will give you all the support necessary to ensure you continue in passing the baton of an enviable justice system from one generation to the next.

All of us here, have received, the baton of pioneering work by those entrusted these various responsibilities at the dawn of our democracy led by our iconic President Nelson Mandela whose legacy we celebrated the last month.

We too must surely thrive to leave a legacy that would enable every generation going into the future to proclaim without any fear of self-contradiction, that South Africa is better today than it was in 1994.

If the iconic generation of Mandela and other great stalwarts fought for equal rights and justice.

Our generational mission should be to transpose that legacy into one which protects, advances the values of the constitution.

For instance, every single one of us should live and breathe the principles of Ubuntu in our daily work. In everything, we do we should understand that we are improving the quality of life of all citizens. These are not just ideals we seek, but they are ideals many people died for.

Lastly, allow me to re-iterate my profound gratitude to you for this interactive session, I have no doubt that this a sign of great things to come! I thank the entire Office of the Chief Justice for both the invite and the opportunity to interact in this cordial and profound way.

In his State of the Nation Address President Cyril Ramaphosa, made one thing emphatically clear. The people of South Africa are crying for a just society. In other words, it us, me and you who must lead the fight against corruption.

When all is said and done it us who are expected to show society that equality means that the ideals espoused in our constitution bind us all, black and white, rich and poor. In essence an effective democracy requires an effective justice system.

Having said that, I wish you well in your detailed deliberations and will keenly look forward to being enriched by your resolutions on the way forward!

I Thank You