



Tribute to the late Chief Justice Pius Nkonzo Langa

Mogoeng Mogoeng, Chief Justice of the Republic of South Africa 3 August 2013

Programme Director , the Honourable Mr Justice Baqwa, the Langa family, the President of the Republic of South Africa, His Excellency President Zuma, the Deputy President and former President of the Republic , His Excellency Deputy President Motlanthe, Former President of the Republic, His Excellency Mr Thabo Mbeki, the Speaker of the National Assembly, Honourable Max Sisulu, former Chief Justice Sandile Ngcobo, Deputy Chief Justice Moseneke, Minister Jeff Radebe, Premier Zweli Mkhize, Justice KK Mthiyane, the Deputy President of the Supreme Court of Appeal, Judges President and other judicial Colleagues, Ministers, Premiers, Parliamentarians, fellow mourners, I greet you.

On behalf of the Judiciary of this great country, I reiterate our condolences to the Langa family. For together with the entire nation and the rest of the world we share in the grief occasioned by the loss of a great man, a loving and caring father and grandfather, a human rights champion, a mentor and a visionary leader, a jurisprudential and judicial pathfinder of note, and an embodiment of wisdom, genuine humility, diligence, efficiency and effectiveness.

I never before had the privilege of interacting with this gentle and unassuming giant until he became Deputy Chief Justice and later Chief Justice of the Republic. We worked together in a forum known as the Heads of Courts, comprising the Chief Justice, the President of the



Supreme Court of Appeal and the Judges President of High Courts as well as our specialist courts. I therefore consider it fitting that I confine myself to the cutting edge leadership role that he played over the years, for all that could be said about his pioneering role in developing our constitutional jurisprudence, as a human rights activist and as a stalwart of the struggle against apartheid, has probably been said by many eminent people since his passing was announced.

In January 2009, he organised the World Conference on Constitutional Justice which saw leaders and Judges of almost all courts around the world with constitutional and human rights jurisdiction come to Cape Town. It was the first of its kind in the world. And it had a profound impact on deepening the international community's appreciation of the role of courts with constitutional and human rights jurisdiction, in the protection and promotion of constitutional democracies. Some of the issues discussed were the:

- independence and accountability of the Judiciary
- interference and exertion of improper pressure by public representatives, the media and members of the public
- advancement of human rights and the impact of constitutional court judgments on society.

That Conference gave birth to an international body known as the "World Conference on Constitutional Justice," obviously named after the Pius Langa world -renowned "World Conference on Constitutional Justice". Because of the role that Chief Justice Langa played in the conception of that body, South Africa enjoys a special place in its Bureau.

Under his leadership, together with three other Judges, we looked into allegations of racism and gender discrimination in the Judiciary, and



recommended, amongst other things, that leaders of courts be taken through a leadership enhancement programme and social context training to build the much-needed capacity to lead courts properly, and that each court was to set up a structure that would entertain complaints relating to allegedly inappropriate judicial conduct. A national body to which complaints that could not be resolved at court – level were to be escalated, was also to be established.

As a result of these recommendations, all Heads of Courts and their Deputies attended a leadership enrichment workshop in Mpumalanga, and later decentralised social context workshops which were also attended by other Judges. The proposed judicial conduct structures were reportedly established in all the higher courts.

The structures set up to deal with allegations of misconduct against Judges laid the foundation for the establishment of the Judicial Conduct Committee and the Judicial Conduct Tribunals. And it was under the visionary leadership of Chief Justice Langa that concrete steps were taken to create these permanent statutory structures to deal with allegations of judicial misconduct in an open and transparent manner to demonstrate to all that even the Judiciary is accountable. Chief Justice Ngcobo and I built onto the ground work prepared by Chief Justice Langa, to see the process through to finality and operationalise the complaints machinery, which began to entertain allegations of misconduct against Judges more meaningfully, only this year.

Linked to this achievement of historic importance, is another milestone on the international plane. Chief Justice Langa is the founding member of the Judicial Integrity Group. This Group, comprising leading jurists from around the world, crafted the Bangalore Principles on judicial conduct or



ethics, to help strengthen the individual and institutional independence of the Judiciary, to underscore the need: to appoint competent judicial officers as a guarantee for meaningful access to justice, an efficient and effective court system, the observance of the rule of law, and to expose and uproot corruption wherever it may be found in the Judiciary around the world. I am one of those who benefitted from the Judicial Integrity Workshop which took place under the auspices of this Group, in Lusaka in February 2010.

Apparently inspired by the sterling job he and others did by compiling the Bangalore Principles, he ensured that a Judicial Code of Conduct for the South African Judiciary was finalised under his watch. Consequently the 2009 National Judges Conference, which he had convened, discussed and adopted the draft which drew from the Bangalore Principles.

Additionally, that Conference passed several important resolutions and set up a committee under the co-chairpersonship of Justice Ngcobo and I to ensure that those resolutions were implemented. One of them was on the development of a case management system that would help our courts to perform much better. That vision yielded the successful pilot projects on judicial case management currently running in the Kwazulu – Natal, North and South Gauteng, Western Cape, North West and Eastern Cape High Courts, which we hope to roll out, funds permitting, to all other High Courts in due course, and later to Magistrates Courts. Langa CJ was the first Chief Justice of this country to identify the need to take concrete steps towards the introduction of performance monitoring and measurement tools which countries like the USA, UK, Norway etc have implemented with much success. And, as borne out by the steps we have already taken in the form of pilot projects, judicial case management is the legacy that will not be allowed to recede into oblivion.



His passion for judicial education is well-known in judicial circles. With the benefit of funding from the Canadian Government, he embarked upon judicial education workshops for aspirant Judges, orientation programmes for newly appointed Judges and continuing education programmes for all Judges irrespective of their length of service.

When funding dried up, he initiated a process that culminated in the enactment of the South African Judicial Education Institute Act of 2008, in terms of which the South African Judicial Education Institute (SAJEI) was established. In 2009 the Council of the Institute, was inaugurated. He therefore laid the foundation for the all-important judicial education. Those of us who took over from him began to build onto this foundation to ensure that we have an undoubtedly competent and well-equipped contingent of Judicial Officers.

Driven by the desire to ensure that this educational institute does not become a white elephant, and that its critical role in promoting court efficiency and effectiveness by empowering Judicial Officers is not lost to us, the SAJEI Council decided on 10 November 2011 that educational programmes for aspirant Judges, newly appointed Judges and Magistrates and continuing education for all Judges and Magistrates, were in full swing from 16 January 2012. We have since conducted many training programmes under the auspices of SAJEI.

We were very pleased when, in response to our request as SAJEI, Chief Justice Langa came to offer judicial education on the role of a Judge in a constitutional democracy, to Judges of all courts who could attend, including the Supreme Court of Appeal and the Constitutional Court on 26 October last year. He must have left with a sense of contentment because practical expression had been given to his dream of establishing



a well-run judicial academy for Judicial Officers of South Africa. On judicial independence, he not only ensured that training is offered on judicial independence but, together with Chief Justice Chaskalson, they set up a structure that was a semblance of a court administration-system led by the Judiciary to beef up efficiency in the Office of the Chief Justice. Ngcobo CJ, together with Minister Jeff Radebe and the Minister of Public Service and Administration, took it a step further by making proposals which culminated in President Zuma proclaiming a better structured and resourced administrative arm of the Judiciary known as the Office of the Chief Justice, as a National Department, to strengthen the institutional independence of the Judiciary. Because of their collective labour we now have a comparatively more effective Office of the Chief Justice with its own permanent Director-General, otherwise known as Secretary General.

What remains to be done to reinforce the institutional independence of the Judiciary is to have the report generated by a committee co-chaired by Chief Justices Langa and Chaskalson translated into reality. That report, is about the establishment of an independent legislatively created court administration entity led by the Judiciary. And that entity is foreshadowed in section 165 of our Constitution and the Preamble of the Superior Courts Act.

This judicially-led court administration system, envisioned by Chief Justice Langa, is designed to dispel any false notion that the Judiciary is a lapdog of the Executive and is therefore not fully independent, as mischief-makers would have you believe. To give impetus to that vision, and in line with his public statements Minister Jeff Radebe has approved the transfer of administrative functions of the Constitutional Court and the Supreme Court of Appeal, to the Office of the Chief Justice, and he is



seriously considering the transfer of some of the administrative functions of the High Courts and courts of equivalent status to the Office of the Chief Justice. For this and his consistent support to the Judiciary and its projects, we are grateful.

Chief Justice Langa was committed to this constitutional project including the transformation of the Judiciary. His collaborative effort with Minister Bridgette Mabandla in the training project that successfully prepared women lawyers for appointment to the High Court, bears testimony to this. He embarked on this and other projects, not because he was a judicial populist, obsessed with the creation of own-legacy, and personal advancement in general, and not because he suffered from an “approval addiction”. He did so, because he was a selfless servant of his nation and humanity in general. He did all this because he was consumed by the zeal to have the constitutional imperatives to transform the Judiciary realized. And we will not shirk this responsibility, however fierce the opposition might be. Even when his dear wife was indisposed and required regular medical attention and possibly his full time attention, he just kept on soldiering on without a murmur. We are indebted to his children, grandchildren, siblings and the broader Langa family for sharing him so generously with the Judiciary, the nation and other nations even under those extremely circumstances.

Again we say to the family and to the nation, we have lost a judicial father, a humble giant, a courteous, a very wise man indeed, a democrat who never chased after publicity, fame, affirmation, or power and a legend in his own right.

MAY THE GOOD LORD COMFORT AND BLESS YOU. I THANK YOU.