

**MESSAGE OF SUPPORT AND ENCOURAGEMENT TO THE SOUTH
AFRICAN LEGISLATIVE SECTOR INTERNATIONAL OVERSIGHT
SUMMIT HELD IN CAPE TOWN ON 30 JANUARY 2024**

By Chief Justice RMM Zondo

Chief Justice of the Republic of South Africa

Programme Director – Mr Qoboshiyane

The Deputy President of the Republic of South Africa

The Speaker of the National Assembly

The Chairperson of the National Council of Provinces

Speakers from other Countries present

Members of the Diplomatic Corps

Heads of Chapter 9 Institutions

Members of Parliament present

Speakers and Deputy Speakers from Provincial Legislatures

Distinguished Guests

Ladies and Gentlemen:

It is for me a special honour and privilege that the Speakers' Forum invited me to address this very important gathering, the South African Legislative Sector International Oversight Summit this morning and convey words of support from the

Judiciary as one arm of the state to another arm of the state for the decision to hold this summit and reflect on the work you have done. I had no hesitation in accepting the invitation from the Speaker of the National Assembly, Ms Nosiviwe Mapisa-Nqakula, and the Chairperson of the NCOP, Mr Amos Masondo, because it seemed to me that, when one arm of the state decides, as the Legislative Sector decided, – so close to the end of its term to have a gathering such as this to reflect on the successes and the challenges that they have gone through in order to prepare to do even better in the future, it is a good thing for the other arms of state to support and encourage such an initiative. I am, therefore, here to support this initiative and encourage it because we are not just coming to the end of the five-year term of the Legislative Sector in South Africa but we are also on the eve of completing 30 years of our constitutional democracy which is a very important milestone.

In my view, when any country completes 30 years of constitutional democracy or of freedom, it is most appropriate for different sectors of society and, indeed, for the whole nation to reflect on what it has achieved, on what it has failed to achieve and to come up with clear strategies and plans on what it will do to do things differently in the future. South Africa is no different. Therefore, it is proper and fitting for the Legislative Sector to hold this summit.

When you reflect on the journey you have travelled, it is important to go back to the main function or mandate or purpose of Parliament and the Provincial Legislatures because the successes that you have achieved and the challenges that you have gone through must be measured against your mandate or function or purpose. This is in line

with the theme of your conference which says: “Striving for oversight that ensures the realization of a better life for all South Africans.” Indeed, the concept note of this conference suggests that there are areas where you want to explore doing things differently.

Parliament and the Provincial Legislatures are very important institutions of our democracy. Your main function is to make laws and to exercise oversight over the Executive and to hold the Executive to account. You are the legislative arm of the state. You make laws that govern all of us. You make laws that must help grow the economy of our country. Indeed, you are entrusted with the responsibility of passing laws that can change the lives of millions and millions of South Africans for the better so that, because of your work, they enjoy a better life than before. In this regard may I remind all of us that in terms of the preamble to our Constitution part of the reason for our adoption of our Constitution was to “improve the quality of life of all citizens and free the potential of each person.” It was never to improve the quality of our own lives and those of our families and friends and not care about the rest of the people.

Although the responsibility to improve the quality of the lives of the people may fall on many, Parliament and the Executive have particularly important roles to play in that regard. As I said a minute or two ago, it is Parliament and the Provincial Legislatures which must pass laws that will ensure that the quality of the lives of the citizens is improved. It then falls on the Executive to implement those laws to improve the quality

of the lives of the people. The Executive must also come up with policies and plans to ensure that the people lead lives that have dignity and that ensure that each and everyone's potential is freed.

On an occasion such as this summit, which comes at this stage of our democracy, it behooves the Legislative Sector to ask themselves the question: Have we improved the quality of lives of the people? Did we do all we could to ensure maximal improvement in the quality of the lives of the people? How have we improved their lives?

There is no doubt that Parliament has, for example, passed many laws which provide a good framework for the improvement of the quality of the lives of the citizens. Many people would identify different laws that you have passed that they would regard as seeking to improve the quality of their lives. Some of the good laws Parliament has passed have not been implemented correctly with the result that some in society reject those laws as bad whereas there may be nothing wrong with the laws as such but the implementation may have been poor. In such a case the focus of the Legislative Sector should be on exercising proper oversight on the Executive in order to make sure that the laws are properly implemented so that the lives of the citizens may be changed for the better. Some of the well-known laws that Parliament has passed over the years that make a difference in the lives of many people are the Labour Relations Act, Employment Equity Act, Basic Conditions of Employment Act, National Credit Act,

Consumer Protection Act, the Land Restitution Act, the Skills Development Act and many others.

There can be no doubt that since 1994 our successive Parliaments have done very well in passing good laws. Your reflection at this summit on the laws you have passed is likely to culminate in you as members of the Legislative Sector patting yourselves on your backs. However, it would defeat the purpose of a summit such as this if you were only to reflect on the successes you have achieved and patted yourselves on the backs and went home but I know from the concept note of this summit that you will also reflect on the challenges that have confronted you in the execution of your mandate. Parliament and the Provincial Legislatures are constitutionally obliged to exercise oversight over the Executive and to hold it to account.

Where, therefore, the Executive has not implemented the laws made by Parliament and the Provincial Legislatures correctly, Parliament and the Provincial Legislatures are able to hold the Executive to account.

I have no doubt that you will agree with me that, while there are instances where Parliament has exercised proper oversight over the Executive and where Parliament has held the Executive accountable, there are also a number of instances where Parliament did not fare well at all. Indeed, there are instances where it failed to hold the Executive to account. It is not necessary to specifically mention those because they are well known. What is, in my view, important is that, by holding this summit, you have given

yourselves an opportunity and a forum where you can be brutally honest about the challenges you have gone through and seek to find solutions so that in the fourth decade of our democracy and beyond those challenges will be defeated and you will improve the performance of your oversight functions because you need to remember that you do not perform those functions for yourselves but you perform them for the people.

You perform these functions for the voiceless, for those who are vulnerable, for those who depend on SASSA grants, for the homeless, the jobless and those whose hope is only you, the representatives of the people. This is something that you must always bear in mind when you seek to hold the Executive to account. When you demand answers from the Executive, you do so for those people and many others which is why you should, never, be afraid to demand answers from the Executive. That is why, if you belong to the governing party, the party and those Ministers you seek to hold accountable should embrace even those of the same party who may ask them some difficult and uncomfortable questions because they would be doing so in the execution of their constitutional obligations and on behalf of the people.

A summit such as this can make a big difference if it is approached with honesty, candor and a determination that, while we cannot change the past, we can learn from it and better prepare for the future which we can shape for ourselves and those who come after us.

There are many ways in which many people's lives have been changed positively over the years but there are still many people who lead lives with no dignity, who live in conditions of abject poverty and who continue to suffer every day. Parliament and the Provincial Legislatures have constitutional obligations to hold the Executive accountable for many of those challenges so that, as the preamble to our Constitution says, the quality of life of the people can be improved and everyone's potential freed.

Although members of the National Assembly are chosen by the political parties which nominate them to be members of the National Assembly, the Constitution says they are the representatives of the people. Therefore, you are required to put the interests of the people first in carrying out your functions – in carrying out your oversight duties and in holding the Executive to account.

As the Legislative Sector, particularly members of the National Assembly, you have a very big and important role in advancing our country or in helping to advance our country through the proper use of your oversight role and holding the Executive to account. If you play your role fully and in accordance with our supreme law, you can ensure that the people are put first, not only by yourselves but also by the Executive.

There is usually a temptation in a summit such as this one to want to come out with resolutions that deal with big and sophisticated issues but, in my view, it would be most appropriate for you to consider going back to the basics and attend to the basic needs of

the people. Many people do not ask for big things. Many people want to have a job, want to be able to put food on the table for their children and families, want to have roads in their communities, want to have potholes filled in their neighbourhoods, want to have a clinic not too far from their homes where they will find qualified nurses. Many people want to go to hospitals where no patient sleeps on the floor, hospitals which have got the basic medication that people need. Many people want their children to go to schools that have got qualified teachers, that have classrooms whose roofs do not leak when it is raining. Many people just want jobs so that they can work and support their families. Those people are entitled to look to you to properly exercise your oversight over the Executive and to hold the Executive to account. Many people see the amounts of money that are lost due to corruption and want to see the levels of corruption being brought down but they want you to exercise oversight and to hold the Executive to account. I think you would do well to seriously consider exercising your oversight to ensure that the basic needs of the people are addressed. As the Head of the Judiciary, I encourage you to have a focus on the role you can play through your oversight to ensure that the people can get the basic needs.

As I conclude, Speaker and Chair of the NCOP, I wish to remind all present here today of what the Constitutional Court said through Chief Justice Mogoeng Mogoeng in the

*Nkandla*¹ judgment about Parliament and its role in our democracy. The Constitutional Court said:

“[22] Similarly, the National Assembly, and by extension Parliament, is the embodiment of the centuries-old dreams and legitimate aspirations of all our people. It is the voice of all South Africans, especially the poor, the voiceless and the least-remembered. It is the watchdog of state resources, the enforcer of fiscal discipline and cost-effectiveness for the common good of all our people. It also bears the responsibility to play an oversight role over the Executive and state organs and ensure that constitutional and statutory obligations are properly executed. For this reason, it fulfils a pre-eminently unique role of holding the Executive accountable for the fulfilment of the promises made to the populace through the State of the Nation Address, budget speeches, policies, legislation and the Constitution, duly undergirded by the affirmation or oath of office constitutionally administered to the Executive before assumption of office. Parliament also passes legislation with due regard to the needs and concerns of the broader South African public. The willingness and obligation to do so is reinforced by each member’s equally irreversible public declaration of allegiance to the Republic, obedience, respect and vindication of the Constitution and all law of the Republic, to the best of her abilities. In sum, Parliament is the mouthpiece, the eyes and the service-delivery-ensuring machinery of the people. No doubt, it is an irreplaceable feature of good governance in South Africa.”

¹ *Economic Freedom Fighters v Speaker of the National Assembly and Others; Democratic Alliance v Speaker of the National Assembly and Others* (CCT 143/15; CCT 171/15) [2016] ZACC 11; 2016 (5) BCLR 618 (CC); 2016 (3) SA 580 (CC) (31 March 2016).

With this message I say to you, from one arm of the state to another, we support this summit and the reflections that you will have on the past in order to shape the future of all the people of South Africa. I wish you fruitful deliberations and a summit that will be a resounding success.

Thank you.