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CHIEF JUSTICE ZONDO HANGS UP HIS ROBES AFTER 27 YEARS ON THE BENCH

Chief Justice R M M Zondo will hang his robes this month, marking the end of a judicial career that has spanned twenty-seven and a half years on the Bench.

The Judiciary will honour Chief Justice Zondo in a Special Ceremonial Sitting of the Constitutional Court on 21 August 2024, the day on which the Chief Justice will hand down his last judgment. The Executive, Parliament, the Judiciary and the legal profession will also participate in this event. On the eve of the Special Ceremonial Sitting of the Constitutional Court, on 20 August 2024, a farewell dinner in honour of Chief Justice Zondo will be held.

Justice Zondo was born at Ixopo, KwaZulu-Natal. He got his secondary and High School education at St Mary's Seminary at Ixopo, KwaZulu-Natal, where he matriculated. He studied law at the University of Zululand, University of Natal (now University of KwaZulu-Natal) and later at the University of South Africa. He holds the following degrees: B. Juris degree (University of Zululand), LLB degree (University of Natal), LLM degree (cum laude) in labour law (University of South Africa), LLM degree with specialisation in commercial law (University of South Africa) and LLM degree in patent law (University of South Africa).

Justice Zondo served his articles of clerkship under Mrs Victoria Mxenge before she was assassinated by apartheid agents. Justice Zondo practised as an attorney in Durban for many years before he was appointed as a Judge of the Labour Court in 1997. In April 1999 he was appointed as a Judge of the then Transvaal Provincial Division of the High Court. He served for close to eleven years as Judge-President of the Labour Appeal Court and Labour Court. His ten-year term of office as Judge-President ended in April 2010.

In 2012 Justice Zondo was appointed as a Justice of the Constitutional Court for a period of 12 years. In June 2017 he was appointed as Deputy Chief Justice of the Republic of South Africa. In January 2018 he was appointed as the Chairperson of the State Capture Commission, also known as the Zondo Commission. With effect from 1 April



2022 he was appointed as the Chief Justice of the Republic. For the past two and a half years he has led the Judiciary of this country with great success. His term of office comes to an end on 31 August 2024. With Chief Justice Zondo's term of office coming to an end on 31 August 2024, it is appropriate to highlight some of his contributions to the Judiciary of this country when he occupied some of the positions he has occupied over the 27 ½ years on the Bench.

When Chief Justice Zondo took over as Acting Judge-President of the Labour Appeal Court in August 1999, a number of Judges of the Labour Appeal Court had left the Labour Appeal Court. The number of Judges of the Labour Appeal Court had decreased from six to two which meant that the Court could not even form the required quorum of three Judges. Judges Myburg, Froneman and Kroon had resigned and Justice Cameron was acting in the Constitutional Court. Judge Ngcobo had been appointed to the Constitutional Court. Both the Judge-President and the Deputy Judge-President had left and it was left to Chief Justice Zondo as Acting Judge-President and later Judge-President to rebuild the Labour Appeal Court which he did successfully over the years.

Furthermore, during Chief Justice Zondo's term, great strides were made to advance racial and gender transformation in the Labour Appeal Court. As Judge-President of the Labour Appeal Court and Labour Court Chief Justice Zondo had also given many acting opportunities to women who were subsequently appointed to the Supreme Court of Appeal and the Constitutional Court. Chief Justice Zondo also ensured that there was serious racial and gender transformation in the Labour Court during his term of office. During Chief Justice Zondo's term as Judge-President of the Labour Appeal Court, judgments of the Labour Appeal Court which were taken on appeal to the Supreme Court of Appeal and the Constitutional Court were upheld.

From 2018 to 2022 Chief Justice Zondo led the State Capture Commission successfully and submitted to the President a six-Part Report in which he made various findings and recommendations. The importance of the State Capture Commission was highlighted by President Ramaphosa when he addressed the nation on 23 October 2022 to outline Government's response to the Commission's Report. On that occasion President Ramaphosa said:

“This was no ordinary commission of enquiry. It was a commission whose work will have a lasting impact on our democracy and our country”



The President continued by saying “In conclusion, let me express, on behalf of the nation our profound gratitude for the dedication and wisdom with which Chief Justice Raymond Zondo led this commission.”

In his speech at the National Anti-Corruption Advisory Council Summit in November 2023, the President had this to say about the Commission’s work:

“Not only did the Commission lay bare the extent and depth of state capture, but it also presented the country with the means to both remedy the great harm caused by state capture and to create the conditions that would prevent its recurrence. Viewed overall, the recommendations of the State Capture Commission have provided the country with a clear way forward.”

As Chief Justice, Chief Justice Zondo and his Colleagues in the Constitutional Court tried various measures in order to address the problems of the delays in disposing of new applications and the delays in the handing down of reserved judgments. One of these included the use of services of retired Justices of the Constitutional Court. Under the leadership of Chief Justice Zondo, the Justices of the Constitutional Court resolved that the way to address this problem was two-fold, namely, that a number of experienced lawyers should be employed by the State to provide professional support to the Justices of the Constitutional Court in disposing of new applications and that the Constitution be amended to allow panels of three or so Justices of the Constitutional Court to dispose of new applications but appeals and other matters would still be heard by the Court sitting *en banc*.

When Chief Justice Zondo took office two and half years ago, the representation of women among the Heads of Court was very low. There were two women who were Heads of Court out of 14 Heads of Court. They were Justice Maya who was the President of the Supreme Court of Appeal and Judge President Monica Leeuw who was Judge President of the North-West Division of the High Court. Chief Justice Zondo publicly lamented this state of affairs at the time. However, during his term there was a dramatic increase in women who were appointed as Heads of Court. Altogether five women were appointed as Heads of Court. They are Judges-President Thoba Poyo-Dlwati (KZN) Judge President S Mphahlele (Mpumalanga), Justice M Molemela (as President of the SCA) and Chief Justice-designate Maya.



In 2023 Chief Justice Zondo re-introduced the Aspirant Women Judges' Programme which had been initiated by former Minister of Justice and Constitutional Development, Ms Bridgette Mabandla, aimed at fast-tracking the training of women lawyers and magistrates to assist them to be ready for possible appointment as Acting Judges and later as Judges in order to advance the gender transformation of the Judiciary. Chief Justice Zondo named this programme the Bridgette Mabandla Aspirant Women Judges' Programme in honour of Ms Mabandla. A number of aspirant women Judges took part in that training last year. On 5 August 2024 Chief Justice Zondo launched the 2024 Aspirant Women Judges' Programme for 2024. About 20 candidates are taking part in that programme.

During his term of office Chief Justice Zondo defended the Judiciary whenever it was being unfairly attacked by, among others, politicians.

Chief Justice Zondo has also ensured that the Judiciary of South Africa in general and the Constitutional Court as the apex court in particular plays an active role in international bodies relating to legal and judicial matters. In this regard, Chief Justice Zondo attended the World Conference on Constitutional Justice in Indonesia where he ensured that the voice of South Africa was heard. He was also invited by the Chief Justice of Indonesia to take part at a conference celebrating 20 years of the existence of the Constitutional Court of Indonesia where Chief Justice Zondo addressed the conference. Chief Justice Zondo also attended earlier this year the J20 Chief Justices' Forum in Brazil. This is a gathering of the Chief Justices of G20 countries where the Chief Justices discuss matters of mutual interests.

Chief Justice Zondo also continued to be a member of the Executive Bureaux of the Conference on Constitutional Jurisdictions of Africa (CCJA). In this regard he attended, a few months ago, a meeting of the Executive Bureaux in Morocco. Chief Justice Zondo has also ensured that the Judiciary of South Africa is represented at a meeting of the BRICS Forum of Chief Justices.

When Chief Justice Zondo presented to the public the Annual Judiciary Report on Judiciary Day on 26 July 2024 in respect of the 2022 / 2023 financial year, he stated that the Courts had met 85% of the annual performance targets that they had set for themselves. He disclosed that there were only two performance targets that they had failed to achieve. One was reducing the backlog to 30%. The other was that the Constitutional Court had



performed up to 55% where it had set for itself the performance target of 70% which related to the finalisation of matters it had at the beginning of the financial year.

Chief Justice Zondo has contributed immensely to the development of South Africa's jurisprudence. The many judgments he has penned are a testament to this. In their comments to the Judicial Service Commission on Justice's Zondo's nomination for appointment to the Constitutional Court in 2012, the General Council of the Bar had this to say about his contribution to this country's labour law jurisprudence:

"The candidate's contribution to developing our labour law jurisprudence is probably unsurpassed by any other judge when regard is had to the status of the candidate's pronouncements as a member of the Labour Appeal Court, and many courts have followed approaches first pronounced by the candidate."

In order to end the backlog in the work of the Judicial Conduct Committee (JCC) – which adjudicates or processes complaints against Judges, Chief Justice Zondo has proposed the amendment of section 8 of the Judicial Service Commission Act, 1994 so as to allow the appointment of many Judges as additional members of the JCC who would focus on dealing with complaints and with appeals so that the workload of the JCC will be shared among many members of the JCC.

During Chief Justice Zondo's term of office, the Judiciary and the Ministry of Justice and Correctional Services engaged in consultations so as to reach agreement on the criteria to be met in the appointment of Acting Judges in all Superior Courts except the Constitutional Court.

Soon after his appointment as Chief Justice, Chief Justice Zondo led the Judicial Service Commission (JSC) in a process in terms of which selection criteria for candidates for appointment as Judges which the JSC had adopted in 2010 were revisited, revised and significantly improved in order to address a complaint that was made that the JSC had no selection criteria it was following when interviewing candidates. Under the leadership of Chief Justice Zondo great improvements were achieved in making sure that the JSC treated candidates fairly and with dignity in interviews.



During Justice Zondo's tenure as Chairperson of the Judicial Service Commission, Chief Justice Zondo changed the trajectory of the how the JSC was functioning. Candidates who appeared before the JSC were treated with respect and with dignity. In this regard Judges Matter remarked "This yielded some success, as seen in the gradual improvement of the quality of the candidates who made themselves available for appointment to judicial office. It no doubt also enhanced the credibility of the JSC for the future."

The South African Judiciary wishes Justice Zondo well as he begins a new chapter of his life. We salute you for an outstanding career and selfless service to the nation!

Mthiyane

Sokhulu

Sohlaza

Skhangane esakhanga amadoda

Ndaba

Sobotshane

Luvuno

Nqoboka

Mzwili

Ends.

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