

**Farewell Speech (edited): Dinner in honour of the Chief Justice of South
Africa (20 August 2024)**

*by MB Molemela – President of the Supreme Court of Appeal - on behalf of all
Heads of Courts*

[1] His names say it all: Raymond Mnyamezeli Mlungisi Zondo. *Raymond* is said to be old French and old German in origin, with the meaning, ‘hand of advice’. *Mnyamezeli*, loosely translated, means ‘the one who perseveres / is very patient’ and *Mlungisi* means ‘the one who restores’. I suspect that this combination of names is going to be very popular in the future.

[2] Distinguished guests, ladies and gentlemen, this speech is a tapestry of the views of various heads of the superior courts, woven together. It represents the collective views of all heads of courts. People may ask themselves why we shower you with praise for doing what you were supposed to do in the first place, similar to thanking the fish for swimming; but the thing is, being a good leader should not be taken for granted, where credit is due, it must be given. Being richly recognised by your peers for what you do or who you are is as reassuring as it is validating. This reminds me of an urban legend about a tyrannical leader. No one dared give him any advice because of the culture of fear that he had created. Eventually, wise people stopped trying to give him advice. As a result, his leadership/reign/tenure was plagued by one blunder after another until his death. After his death, a huge tombstone was erected for him. When the veil covering his tombstone was removed, there were only four short words inscribed on it: the four words were ‘Here lies a fool’. I am here to attest that you were not a fool and unmistakably not that kind of leader, Chief Justice.

[3] The Chief Justice has had a long judicial career spanning 27 years, 17 years of which were spent in a leadership position: 10 years as the Judge President of the Labour Appeal Court and Labour Court, four years and 10 months as the

Deputy Chief Justice and two years and three months as the Chief Justice. Having already played an important role in the labour sphere as the first Chairperson of the Commission for Conciliation, Mediation and Arbitration (CCMA), he was appointed as a Judge of the Labour Court and played a significant role in shaping labour law in South Africa. He created a kind of jurisprudence that talked directly to the needs of the people. As a Judge, he served the judiciary with distinction.

[4] As a Deputy Chief Justice and later as the Chief Justice, he was always forthright and decisive. He was courageous and not afraid of speaking his mind. When circumstances called for it, he would boldly take the ‘bull by the horns’. The possibility of criticism did not deter him from taking a stance that was appropriate even though there was a risk of that approach being considered unpopular. He seemed to have adopted the following adage as his motto: ‘if you are afraid of criticism, say nothing, do nothing and be nothing’. We shall forever be grateful to our Chief Justice for the exceptional guidance he provided as a leader of the judiciary.

[5] The Chief Justice epitomised resilience, patience and excellence. He was always driven by a desire to make a difference in the lives of others. He has always understood the importance of honesty, integrity, dependability and kindness. Because he was driven by the spirit of servanthood, he always placed the interests of the people and organisations he led, ahead of his own personal interests. His work as chairperson of the State Capture Commission of Enquiry¹ revealed his people skills and his patience. More than that, it left a loud and clear message to the world that the plunder of state assets and institutions is the antithesis of the constitutional promise of a democratic South Africa that is so steeped in the values of human dignity, equality and freedom.

¹ Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State.

[6] The Chief Justice's attention to detail and careful choice of words, whether in a prepared or impromptu speech, both inside and outside the courtroom setting are other qualities of his that stood out. These attributes were consistently reflected in how he chaired all the committees – the Executive Committee of the South African Judicial Education Institute (SAJEI) council, the proceedings at the Judicial Service Commission (JSC), and the Judicial Conduct Committee of the Judicial Service Commission and the Heads of Courts meetings, to name but a few. These are attributes that we admired in many moments that we spent with him at various meetings of the Heads of Court. The Chief Justice had a unique and infectious calm demeanour in stressful situations. Now that the Chief Justice is on the verge of retirement, this outstanding levelheadedness, among other attributes, are deeply etched in our minds. Moments shared with him are fond memories that we shall always cherish.

[7] The Chief Justice's careful choice of words is a special gift of articulation that is displayed in the plethora of judgments he has penned on various fields of the law. Chief Justice, rest assured that these judgments will always stand out as your monuments of indelible contributions you have made to the law of this country, thereby enriching its jurisprudence.

[8] Chief Justice, you made the unquestionably difficult job of coordinating the activities of the judiciary and simultaneously providing intellectual leadership in the court hearings seem so easy. Simply put, you did a difficult job with remarkable ease and with poise. To watch you do this so effortlessly was an inspiration to all of us.

[9] CJ, you will be remembered for having shown a deep level of commitment to protecting the integrity of the judiciary against unfair and unwarranted criticism. Your leadership was characterised by the unwavering adherence to the principles of good governance. Your defence of the rule of law was unflinching.

Your tenure as Chief Justice ends on the verge of the launching of a second aspirant women judges training program under the auspices of SAJEI, following the success of the previous programme. This programme dispels any narrative that women do not make themselves available for appointment to the judiciary.

[10] Ladies and gentlemen, the Chief Justice championed the cause of Women Judges and played a very supportive role to women structures within the judiciary. It is not surprising that during his tenure as Chief Justice, five female Heads of Court were appointed. There was also a significant increase in the appointment of women judges to various courts.

[11] Distinguished guests, our Chief Justice was also a firm believer in the well-being of judges. It was during his tenure that SAJEI training focussed on mental wellness, an essential training that is so vital to the optimal execution of judicial functions. In his relatively short incumbency as Chief Justice, you organised the eagerly awaited Judges' Conference, bringing the Judges and Magistrates under one roof and advocating for a single Judiciary. Critical resolutions were taken in that conference pertaining to the attainment of institutional independence and the digitisation of the courts among others. Due to his insistence, the roll-out of the Court Online system is well on course; it is envisaged that it will have been rolled out to most courts by the end of this year. It was under his leadership that new JSC criteria were adopted, which changed the way in which the interviews for the appointment of judges were conducted. Recently, the Chief Justice initiated a meaningful discourse around the issue of robing in the Magistrate Courts.

[12] It is evident that in you, Chief Justice, we had a steady hand at the helm, steering the judiciary ship through calm and rough seas; a man who hardly ever loses his composure. Up to the last assignment, on Judiciary Day, you fervently sketched out how the judiciary had throughout the years struggled for institutional independence. You boldly stated that the situation had become so dire as to

warrant urgent corrective measures. You unequivocally showed that you prioritised the judiciary's interests above everything else.

[13] With the date of your discharge from the Constitutional Court as the country's Chief Justice looming, we know that you leave a loud and clear message that the plunder of state assets and institutions is the antithesis of the constitutional promise of a democratic South Africa that is so steeped in the values of human dignity, equality and freedom. Significantly, you strongly believed in an inclusive administration of justice. We, as heads of courts, are grateful for your stewardship in general, and for making the role of a chief justice seem so easy, when we all know what a challenging task it is. You have been a very good ambassador for the South African Judiciary. Overall, you have been a fountain of wisdom that we shall continue to draw from beyond your tenure. We are proud to have served with you in the Heads of Court space, Chief Justice; truly, we have been led.

[14] We wish you well. Hamba kahle, Sohlaza, enjoy your well-deserved rest. Thank you.