



CHIEF JUSTICE S S NGCOBO

2 June 2011

His Excellency
Mr J G Zuma
President of the Republic of South Africa
Union Buildings
Private Bag X1000
PRETORIA
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Dear Mr President

REQUEST FOR THE CHIEF JUSTICE TO CONTINUE TO PERFORM ACTIVE SERVICE AS CHIEF JUSTICE OF SOUTH AFRICA

I refer to the letter from the President of 11 April 2011 requesting me to continue to perform active service as Chief Justice of South Africa.

I have carefully considered the reasons for the request and the period suggested by the President. I have decided to accede to the request and continue to lead the Judicial Branch of Government during this critical time of the transformation of the Judiciary and Judicial system in South Africa.

A number of judicial transformative initiatives have recently been undertaken by the Minister of Justice and Constitutional Development in collaboration with the Chief Justice and the Judiciary. Some of the most important programmes which require leadership over the next five years are the following:

- i) The process of implementing Proclamation No. 44 of 2010 by the President establishing the Office of the Chief Justice as a national department located within the Public Service would only be completed over the next year;
- ii) The development of a model and policy in respect of the creation of an independent Office of the Chief Justice in line with the independence of the Judiciary is only expected to be finalised over the next two years;
- iii) The establishment of the Constitutional Court as the apex Court of South Africa and the constitutional recognition of the Chief Justice as the Head of the Judiciary and Head of the Constitutional Court proposed in the Constitution Seventeenth Amendment Bill and the Superior Courts Bill, must still be piloted through Parliament and the subsequent implementation would have to occur over the next five years;

- iv) The Access to Justice Conference scheduled for July 2011, is expected to yield programmes to improve access to justice throughout the country, including the deep rural areas of South Africa, and their implementation would require the Judiciary to work together with the Minister of Justice and Constitutional Development over the next five years;
- v) Consultation and negotiation with the Minister of Justice and Constitutional Development on the draft Judicial Code of Conduct and the Regulations for the Register of Registrable Interests for Judges, are currently underway; and
- vi) The changes to the legislative framework for dealing with complaints on judicial conduct are only in the first stages of implementation and it is expected that substantial development to improve judicial accountability will take place over the next five years.

I am therefore in agreement with the President that a five year term is appropriate and adequate to place the independence of the judiciary, judicial accountability and access to justice on a sound footing and continuity in leadership is vital at this stage of these transformative changes.

Warmest regards,

I am, sincerely,

Sandile Ngcobo

S. SANDILE NGCOBO
 CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

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