

**ADDRESS BY DEPUTY PRESIDENT CYRIL RAMAPHOSA AT THE
LAW SOCIETY OF SOUTH AFRICA AGM GALA DINNER**

EMPERORS PALACE, EKURHULENI

1 APRIL 2016

Judges of the Constitutional Court,

Judges, magistrates, and legal practitioners,

Co-Chairpersons of the Law Society of South Africa, Busani Mabunda
and Richard Scott,

President of the SADC Lawyers Association, Gilberto Caldeira Correia,
Chief Executive of the Pan African Lawyers Union, Don Deya,

President of the Law Society of Namibia, Wouter Rossouw,

President of the Law Society of Swaziland, José Rodrigues,

President of the Black Lawyers Association, Lutendo Sigogo,

President of the National Association of Democratic Lawyers, Mvuzo
Notyesi,

President of the Cape Law Society, Ashraf Mahomed,

President of the KwaZulu-Natal Law Society, Lunga Peter,

President of the Law Society of the Northern Provinces, Anthony Millar,

Distinguished Guests,

Ladies and Gentlemen,

I am honoured and pleased to address this important gathering of the
Law Society of South Africa.

This respected body is an integral part of our constitutional democracy
and a worthy partner in our efforts to ensure access to justice for all.

We look to members of the Law Society of South Africa to be the living embodiment of our Constitution.

We look to the legal profession to champion the values of our Constitution and to advance human dignity and equality.

We will not achieve a better life for all our people without the legal fraternity adopting an activist demeanour and paying attention to the cries of the impoverished and marginalised in our society.

Former President Nelson Mandela was the personification of an activist legal practitioner.

Speaking at Moria in Limpopo in April 1994, Mandela said:

“As a young man I decided to study the law with a view to using what little talent I had in the service of justice and the cause of my people.

“Like many before me and those of my generation, I entered legal practice with a determination to employ my skills and training to at least alleviate the suffering of the oppressed if not to reverse it.”

We look to the legal profession not only to uphold the law, but, as Mandela did, to pursue justice.

We look to the legal profession to pursue transformation.

For much of our history, there has been a sharp divide in South Africa between law and justice.

Laws were an instrument of oppression.

They existed to deny people their rights.

For the most part they were enforced without protest by judges, magistrates and prosecutors.

With the advent of democracy – and specifically with the adoption of our new Constitution – we sought to bridge that divide, between law and justice.

We established as the fundamental law of our land a Constitution predicated on the inalienable rights of all people.

We have a Constitution that recognises the injustices of the past and which places on all of us an obligation to seek redress.

The Constitution places on all of us an obligation to champion, promote and achieve transformation.

If the legal profession is to promote transformation, then the profession itself must be transformed.

It was in part to address this imperative that the Law Society of South Africa was formed and explains the way it has been constituted.

We must acknowledge that significant progress has been made, but that much more needs to be done to remedy the historic imbalances that have resulted in the under-representation of black people and women.

We note with concern that only 39 percent of the 24,000 practising attorneys are black.

Black women attorneys make up only 14 percent of the practicing total.

We are encouraged, however, by the figures for candidate attorneys.

Nearly 60 percent of the 6,000 young practitioners are black.

Significantly, 57 percent of candidate attorneys are female.

We need to work together to create an enabling environment for these young professionals to build sustainable practices.

We need, in particular, to enhance the participation of women lawyers in law firms and in important decision-making positions.

Transformation also requires that we ensure that all South Africans have access to the courts and legal services.

Addressing the then Transvaal Law Society in 1993, Madiba said:

“If people are not able to enforce their rights, those rights become meaningless. If the wealthy have privileged access to justice, that brings the whole legal system into disrepute, and rightly so.”

Lawyers representing the poor and vulnerable in our society need to be committed to their role as agents of social transformation.

This role is reflected in efforts made at increasing *pro bono* work and the institutionalisation of community service in the Legal Practice Act.

It requires the inculcation among young aspiring lawyers – whether during their articles, pupillage or other forms of training – of the basic values in our Constitution.

These are the values that as officers of the Court it is their responsibility to apply in all that they do and to infuse into the administration of justice itself.

Ladies and Gentlemen,

Since 1994, we have done much to restructure the judiciary, making sure that our independent courts apply the law impartially and without favour.

Working together we have transformed the administration of justice to meet the constitutional obligations of human dignity, equality, human rights and freedom.

The role of the Judicial Service Commission in appointing judges continues to contribute to the evolution of a judiciary that is increasingly representative of South African society.

The courts, in particular the Constitutional Court, have played a central role in the emergence of a developmental jurisprudence.

This is in line with the imperative contained in the National Development Plan to create a capable developmental state.

Legal Aid South Africa was established to provide legal aid services to the poor and indigent in both criminal and civil matters.

But challenges regarding access to affordable justice remain.

Not only should services be accessible, but systems must be provided for the expeditious, effective and affordable resolution of disputes and the enforcement of rights.

As we commemorate 20 years of our Constitution, we must recognise that legal practitioners have a critical role to play in efforts to bring about change.

There is a special onus on the legal profession to support and empower ordinary citizens to enforce the rights contained in the Constitution.

Legal practitioners must fulfil their special role in building, enhancing and protecting our democratic values.

As government, we recognise our responsibility to promote the transformation of the profession.

As a significant consumer of legal services, government has the means to ensure that black and women legal practitioners get the opportunities that continue to be denied them.

This will also have an impact on the transformation of our judiciary.

By ensuring that more black and women practitioners gain access to meaningful, diverse and properly remunerated work, we will be more successful in expanding the pool of suitably qualified candidates for judicial appointments.

Ladies and Gentlemen,

Closer interaction between government and the legal profession must be encouraged.

A healthy relationship between government and the profession contributes to the delivery of quality services to the community.

The legal system, in particular an independent judiciary and legal profession, contributes to a favourable landscape for economic growth.

Investors and trade partners need to be assured of a well-founded system for the enforcement of their rights and the efficient settlement of claims.

We must continue to work together to modernise the justice system.

Government supports the national court enhancement programme of the Chief Justice.

We are committed to the provision of the necessary financial and infrastructural assistance.

Together, we are working to ensure greater access for the public to efficient judicial processes.

It may appear that basic education is not a topic for this occasion.

However, in addressing the imbalances of the past, discrepancies in education must be addressed with great vigour.

It is at the foundational level that our children must be prepared for an entry into the legal profession.

As with most professions, children need to acquire certain fundamental capabilities at school if they are to have a successful career in law.

At the same time, we need to ensure equal access to quality legal education, particularly at under-resourced law faculties.

We need to pay attention to the debt that many young lawyers carry with them in the first critical years of trying to build a practice.

We need to do more to ensure that law graduates have the means to become successful legal practitioners.

We want to prevent the loss of promising young graduates to other professions and industries because they could not establish viable practices.

Despite the challenges, although there have been some missteps, we have done a great deal since the advent of democracy to ensure that our justice system enjoys the broad confidence of our people.

We are moving steadily closer to realising the vision of society contained in National Development Plan.

It says of South Africa in 2030:

“We have made the rules by which we want ourselves to live:

“We hold the Constitution of our country as the covenant guide to a fair society.

“Since 1994 we’ve changed our laws to obey our Constitution.

“Now we live it: justice rules us, because just laws make community possible.

“The law enables us to live together fulfilling our mutual obligations and responsibilities in the shared public spaces of our mutual affiliation.”

As we gather here this evening, nothing is more certain than our determination not merely to obey the Constitution, but to live it.

Nothing is more compelling than our desire for a just society.

Nothing is truer than the simple, yet profound, statement that just laws make community possible.

I thank you.