



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

PO Box 15 Cape Town 8000 Republic of South Africa  
Tel: 27 (21) 403 2911  
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**30th ANNIVERSARY OF THE ESTABLISHMENT OF THE  
CONSTITUTIONAL COURT OF THE REPUBLIC OF SOUTH  
AFRICA  
BY**

**HON. THOKO DIDIZA, MP  
SPEAKER OF THE NATIONAL ASSEMBLY**

**20 JUNE 2025**

*To download a videoclip of the Speaker's address, click on this link: <https://we.tl/t-rQS5NENop0>*

**Your Excellency President of the Republic of South Africa  
President Cyril Ramaphosa  
Chief Justice, Mandisa Maya  
Acting Deputy Chief Justice, Mbuyiseli Madlanga  
Justices in the Constitutional Court  
Members of the Judiciary  
Chairperson of the NCOP, Refilwe Mtshweni-Tsipane  
Distinguished Guests  
Ladies and gentlemen**

It is my utmost honour and privilege to join this esteemed gathering of jurists and distinguished guests in commemorating the 30<sup>th</sup> anniversary of the establishment of the Constitutional Court — the apex Court of the Republic of South Africa.

By their very nature, constitutions — and the courts that guard them — are crafted to be transformational. Around the world, constitutional courts have served as bridges from colonial rule to independence, or from oppressive regimes to new orders of freedom and democracy, as is the case with South Africa.

In 1994, the Constitutional Court was established under fragile circumstances, with the deep scars of apartheid and segregation still visible across our society. It emerged amidst fear and uncertainty, at the dawn of our democratic dispensation.

The founding judges of this Court were tasked with an extraordinary responsibility: to breathe new life and hope into a divided society; to embody and uphold social and economic justice; and to lay the foundations for a constitutional democracy rooted in the comprehensive rights enshrined in the Bill of Rights.

From its inception, it was essential that the Court reflect the diversity of South Africa. Representation in terms of gender, race, and lived experiences was not merely symbolic — it was essential. This inclusivity enriched the Court's capacity to deliver justice from multiple perspectives and to ground its jurisprudence in the real lived experiences of all South Africans.

Over the past three decades, the Constitutional Court has played a central role in entrenching our constitutional democracy and safeguarding fundamental human rights. It has helped shape a participatory democracy grounded in the rule of law and social justice. Particularly in the past decade, our courts have risen to meet the growing expectations of society, transforming criticism into courage and public skepticism into legitimacy. In doing so, they have earned their place as the final arbiters of constitutionality in our republic.

Of course, with such authority comes great responsibility. The duty to assess and affirm the constitutionality of laws and executive actions often lead to tensions among the three arms of state. Yet this duty is critical, and the authority of the courts must be protected and respected by all South Africans.

Equally, judicial office must be reserved for individuals of the highest integrity and impartiality — men and women beyond reproach. To serve on the bench demands an extraordinary combination of intelligence, wisdom, composure, courage, and a deep historical consciousness. Our judges must be sensitive to our painful past while being obsessed with a future rooted in dignity, justice, and the rule of law.

### *Landmark Judgments and Legacy*

In the past 30 years, the Constitutional Court has delivered landmark judgments that have reshaped our society. It abolished the death penalty, protected gender equality, and upheld the right to vote for prisoners — affirming dignity and freedom for all.

In its second and third decades, the Court provided clarity on the separation of powers, particularly in strengthening Parliament's oversight role and ensuring the Executive remains accountable. Through its jurisprudence, the Court has not only interpreted the law but elevated our constitutional values, fostering a deeper public understanding of our democracy.

### *Forging a Closer Relationship Between Parliament and the Judiciary*

Our Constitution assigns Parliament the responsibility of law-making and oversight, with public participation at its core. Simultaneously, it vests judicial authority in the courts. While these branches of state are distinct and independent, they are also interdependent — and must support one another in service of the people.

At key moments, the Constitution mandates collaboration between Parliament and the judiciary, such as during the first sittings of the National Assembly and the NCOP after elections, where the Chief Justice or their designee presides over the election of the President.

Parliament also participates in judicial appointments and accountability through the Judicial Service Commission. The courts, in turn, safeguard constitutional compliance in legislation and executive action. These are built-in checks and balances designed to ensure a healthy, functioning democracy.

However, in recent years, we have observed a growing number of political matters and constitutional questions being decided by the courts — some of which

traditionally fall within Parliament's domain. This is not a criticism, but rather an observation of the growing overlap between our roles. It is clear that this reality necessitates better collaboration and dialogue between Parliament and the judiciary.

Just as Parliament benefits from the Leader of Government Business to facilitate its relationship with the Executive, perhaps the time has come to consider a formal mechanism to facilitate regular, structured engagement between Parliament and the Judiciary — a neutral platform for reflection, dialogue, and coordination on matters of constitutional importance.

### *Looking Ahead*

As we mark this historic milestone, we acknowledge that the first decade of the Constitutional Court was pivotal in addressing social injustices and protecting human rights. The decades that followed deepened our understanding of the separation of powers, curbed excesses of executive authority, and reinforced the critical oversight function of Parliament.

Looking to the next 30 years, the judiciary must remain committed to the transformative vision of our Constitution — particularly in developing the common law to advance both social and economic justice. In this 7th Parliament, we have already begun an intensive engagement process with Chapter 9 institutions to assess how their mandates are being implemented in advancing our constitutional project.

I am confident that closer collaboration with the judiciary will enable all our democratic institutions to better fulfil their mandates and contribute meaningfully to the realization of a just, equal, and democratic society.

I thank you.

**— END —**