

ADDRESS BY THE ACTING PREMIER OF LIMPOPO MR. JERRY NDOU ON THE OCCASION OF THE PSC'S LAUNCH OF CONSTITUTIONAL VALUES AND PRINCIPLES, HELD AT BOLIVIA LODGE IN POLOKWANE.

07 SEPTEMBER 2018

Chairperson of the session,  
Chairperson of the Public Service Commission, Ntate George Mashamba;  
Members of the Executive Council;  
Chairperson of the Limpopo House of Traditional Leaders, Kgoshi Malesela Dikgale;  
Speaker of our Provincial Legislature, Mme Polly Boshielo;  
Judge President of the Limpopo Division of the High Court, Judge Makgoba;  
Chairperson of SALGA, Councillor Florence Radzilani;  
Representatives from UNISA;  
Representatives of the Office of the Public Protector;  
Distinguished ladies and Gentlemen:

Let me start off by thanking the Provincial Public Service Commission under the stewardship of Commissioner Mashamba for organising this important event.

I say that this event is an important event because it is an event aimed at re-conscientising us about the important values and principles embedded in our constitution.

You would all agree that more than anything which is written in our constitution, it is our constitutional values and principles that are a glue that bind the South African nation together.

The new South African society which was born after the defeat of the cruel and inhumane apartheid regime is birth-marked by the values of human dignity, non-racialism, and the supremacy of the constitution, amongst other things.

As South Africans we can differ about anything contained in the constitution but we all agree that no one should be stripped of his or her inherent God-given dignity;  
We agree that no one should ever again be discriminated against merely on the basis of his or her race or gender;  
We agree that no adult person should ever again be denied them to vote as it was during the time of apartheid.

Above all; we all agree that our democratically adopted constitution should remain a law above all laws – we all believe in the supremacy of our constitution.

Colleagues would remember that the direct opposite of constitutional supremacy is the system of parliamentary sovereignty.

During the negotiations for our transition into a democratic state an overwhelming number of our people rejected the system of parliamentary sovereignty because of its lack of proper checks and balances.

You would know that in terms of the system of parliamentary sovereignty parliament is authorised to enact any law it deems necessary even if such a law is in conflict with the values of the constitution. That is the system we have rejected.

We have consciously embraced a system which is pillared on the supremacy of the constitution because it provides for proper checks and balances.

Colleagues would remember how the death penalty got to be abolished in the country. As you would no, it was not the legislature that abolished death penalty, it was the constitutional court in the landmark case of State v Makwanyane which declared death penalty to be unconstitutional.

The reasoning of the constitutional court in this case was that death penalty violated the spirit of what was then the new constitution.

In particular, the court stated that death penalty is against a clause in the constitution which provides that no one should be punished in a cruel and degrading manner. This is because a cruel and degrading punishment violates the constitutional principle of human dignity. We also know the instances where the constitutional court defended the constitutional value of universal adult suffrage – that is the right to vote.

In this case you will remember that around March of 2009 the Constitutional Court delivered a judgment which ordered government to ensure that all South Africans, including those who are living in foreign countries should be allowed to vote. Before this judgement, only South Africans who were staying in the country could vote. However, this was found to be against the constitutional value of universal adult suffrage.

There has also been thousands of court judgement which have affirmed the values of non-racialism and non-sexism.

The most important thing in this regard is that our government has always been a willing and active player in the drive to promote and safeguard these constitutional values.

You would know that the government has to date passed a chain of legislation and policies which are aimed at addressing the inherited challenges of racism and sexism.

These legislations and policies include the Employment Equity Act, the Prevention of Unfair of Unfair Discrimination Act and our Affirmative Action Policies.

Programme Director;

Perhaps for me to advance to my next point I will need to borrow from former President Thabo Mbeki when he spoke at the launch of the then Public Administration Leadership and Management Academy (PALAMA), he said:

“In a democracy, one of the prime duties of the government is to give realisation to the rights of its citizens, not only to ensure their freedom through carefully structured relations amongst the different institutions, but also, to advance their rights and opportunities through access to services”

It is our conviction that for us to achieve what President Mbeki spoke about we would need a Public Service that is adherent to the values and principles entrenched in section 195 of our constitution.

These values and principles mandate us as government to build a public service which is governed by democratic values;

A Public Service that promote effective, efficient and economic utilisation of resources

A Public Service which is open, transparent and accountable.

This means that there is should not be a room for partisan tendencies and activities within the Public Service.

Our task, which is also our commitment, is to professionalise public service.

We commit ourselves to ensure that we at all times promote and maintain the highest levels of professional ethics within the public service.

It is also our commitment that we will continue working hard to ensure that public service is representative of the broad demographics of our country and our province in particular.

Chairperson

We are not making empty commitments, as the provincial government, we are sustaining a tradition to subject all new recruit into public service to a Compulsory Induction Programme administered by the National School of Government.

Central to the curriculum of this Induction, is the values and principles of our constitution, including the section 195 principles governing public administration.

Chairperson

With these few words I wish to reiterate our government’s commitment to the values and principles contained in our constitution.

We pledge to do everything in our power to promote and advance these values.

I thank you!