



**Opening Address by Chief Justice of the Republic of South Africa  
Chief Justice Mandisa Maya**

**J20 Summit of Heads of Constitutional Courts and Supreme Courts**

**03 September 2025  
Sandton Convention Centre**

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Programme Director, Deputy Chief Justice Mlambo

Chief Justice of the Federal Supreme Court of Brazil, Honourable Chief Justice Barroso

Chief Justice of the Republic of Zimbabwe and President of the Conference of Constitutional Jurisdictions of Africa, Honourable Chief Justice Malaba

Chief Justice of the Supreme Court of Appeal of Botswana, Honourable Chief Justice Ketlogetswe

The Chief Justice of the Kingdom of Eswatini and President of Southern and Eastern Africa Chief Justice Forum, Honourable Chief Justice Maphalala

The President of the Constitutional Council of Mozambique, Honourable Justice Ribeiro

President of the Constitutional Court of the Republic of Türkiye, Honourable President Ozkaya

President of the Court of Cassation of the Republic of Türkiye, Honourable President Okerkez

President of the Supreme Court of the United Kingdom, Right Honourable Lord Reed

Chief Justice of England and Wales, Right Honourable Lady Chief Justice Carr

President of the Constitutional Court of the Republic of Angola, Honourable President Cardoso

Deputy Chief Justice of the Republic of South Africa, Honourable Deputy Chief Justice Mlambo

President of the Supreme Court of Appeal of the Republic of South Africa, Honourable President Molemela

Representative of the High Court of the Commonwealth of Australia, Honourable Justice Jagot

Representative of the Constitutional Court of the French Republic, Honourable Justice Mézard

Representatives of the Supreme Court of the Republic of India, Honourable Justices Viswanathan and Bishnoi

Representative of the Constitutional Court of the Republic of Indonesia, Honourable Justice Arsul Sani

Representatives of the Supreme Court of the Republic of Korea, Honourable Justices Noh and Suk

Representative of the Constitutional Court of the Russian Federation, Honourable Justice Konovalov

Representative of the African Court for Human and Peoples' Rights, Honourable Judge Ntsebeza

Representative of the Constitutional Court of the Democratic Republic of the People's Republic of Algeria, Honourable Justice Benini

Representative of the Supreme Court of the Kingdom of Saudi Arabia, Ambassador Alharbi

Representative of the Supreme Court of the Republic of Ireland, Honourable Justice Murray

Representative of the Supreme Court of Appeal of the Republic of Singapore, Honourable Justice Chong

Representative of the Supreme Court of Algeria, Justice Abbas Ammar

Esteemed Justices of the Constitutional Court and the Supreme Court of Appeal

Esteemed Judges President, Judges, Regional Court Presidents and Chief Magistrates of the South African Judiciary and other Judiciaries present here today

Secretary-General of the Conference of Constitutional Jurisdictions of Africa, Mr Laraba

United Nations Resident Coordinator in South Africa, Mr Muffuh

Representative of the United Nations Educational, Scientific and Cultural Organisation, Mr De Souza Godoi Guilherme

Director of the International Labour Organisation in South Africa, Mr Musindo

Members of the Legal fraternity and Academia

Representatives from various Government Departments and Chapter 9 Institutions

Representatives of Civil Organisations

Members of the media

Distinguished Guests

Good morning

## **Introduction**

It is a special privilege to deliver this opening address at this august gathering of the Heads of the Supreme and Constitutional Courts of Group 20 (G20) members and to welcome you to the 2025 Judiciary 20 J20) Summit. On behalf of the Judiciary of the Republic of South Africa, I convey our warm African greetings and deep appreciation for your attendance and participation in this critical dialogue.

As South Africa prepares to hand over the baton of the G20 presidency in November, after assuming the mantle she took over from Brazil in December 2024, a first for the African continent, we, the South African Judiciary, are profoundly honoured to host a gathering of this magnitude. It is, by all accounts, the inaugural J20 Summit of Constitutional and Supreme Court leaders in Africa.

We are most heartened and humbled by the presence of so many countries, colleagues who have travelled long distances from all corners of the world to support this event. We are most grateful too to our colleagues from this continent, from the uppermost tip of Africa, Algeria all the way down to our immediate neighbour, Zimbabwe, just across our northern border. And the African Court of Human and People's Rights is part of this group. It cannot be overstated that South Africa carries the responsibility of hosting this Summit not just for herself but for the whole of Africa, her people and their hope for a just future.

This summit is for us more than a mere diplomatic courtesy. It is a historical convergence, a deliberate and necessary assembly of the judicial guardians of the free world at a time when the pillars of democracy and human dignity are under unprecedented strain and the very foundations of justice are being tested and reshaped by global change.

In the grand tapestry of human progress, there are moments that demand not just reflection, but resolution; moments that call upon the stewards of justice to step forward and affirm the enduring power of the law in an imperiled world. This is one of those moments.

The Judiciary has always been the sentinel of society, the neutral ground upon which the powerful are held to account and the vulnerable find their voice. We are the custodians of the social contract, entrusted with the sacred duty to interpret not only the letter of the law but also its spirit - the timeless pursuit of fairness, equity, and truth. And on our watch, the instruments of justice upon which humanity relies to maintain social order and prosperity of her nations are most ruthlessly tested by a new and alien class of challenges, challenges that are amorphous, borderless, and are evolving at a pace that often outstrips the deliberate cadence of the law. It is now not so unusual for our courtrooms to adjudicate cases that involve interests straddling continents. Our court rolls abound with disputes born in the digital realm and difficult social dysfunction and our precedents must wrestle realities which those who came before us could never have imagined.

This meeting is testament to an inexorable evolution in global governance and the recognition that the Judiciary is an indispensable pillar in addressing the most pressing challenges of our time. Our forum, the J20, is an integral part of the G20, and represents the third branch of state in this important forum for international economic cooperation. South Africa is quite fortunate because we build upon the visionary foundation laid by the masterfully curated Brazilian J20 presidency in 2024, which rounded up judicial leaders from around the world to deliberate on social justice, environmental sustainability, and the digital transformation of justice with seeming effortlessness. The South African delegation which attended the Rio Summit, spoke very highly of their experience there. We are

therefore very pleased to have the Brazilian delegation led by Chief Justice Barroso at this event and we look forward to their contributions to the discussions. Their legacy, which is meticulously documented on their official portal, provides a valuable framework for our continued dialogue and is a powerful model for how the judiciary can contribute to the G20's mission of fostering global stability and sustainable development. It is a bonus that we can tap into that treasure trove physically in these two days.

The existence of the J20, which was pioneered in 2018 and has recently been revitalized under Brazil's leadership, signals a critical understanding: that economic policies, climate agreements, and digital frameworks and a host of other issues that drive the modern world are ultimately upheld, interpreted, and given force by the rule of law. We are the engagement group that ensures that the commitments made by nations within the G20 are anchored in legal principles and accessible justice. Through the exchange of ideas and initiatives on contemporary legal topics, we transform abstract goals into tangible rights and protections for citizens worldwide, thereby strengthening the very fabric of multilateralism. J20 Rio de Janeiro powerfully demonstrated this, moving beyond discussion to forge concrete strategies for enhancing judicial accessibility, confronting the climate crisis through litigation, and harnessing technology for efficient justice - all while steadfastly promoting citizenship and social inclusion. We hope to achieve the same results here.

### **The Road to the J20 Summit in Johannesburg**

The journey to this summit started with a simple request to our peers who are here in flesh today for a special virtual session in July. This would become a remarkable exercise in international coordination and diplomatic ingenuity. Organizing a global gathering of judicial leaders from diverse time zones, including the United Kingdom, India, Russia, Turkey, France, Indonesia, Australia and Brazil, required meticulous planning to accommodate their busy schedules and ensure meaningful participation. The use of technology was pivotal; video conferencing and virtual collaboration tools facilitated real-time interaction, while advanced scheduling considered temporal dispersion to minimize coordination costs. The inclusive approach to topic drafting, where each participating

country contributed agenda items, fostered a sense of shared ownership and alignment with global judicial priorities. This process mirrored the principles of collaborative input and consensus-building seen in successful virtual strategic planning sessions, where advance work and stakeholder engagement are critical for productivity and focus.

The acceptance of the invitation by all these nations shows their firm commitment to strengthening judicial cooperation and addressing transnational challenges such as human rights, rule of law, and sustainable development. Each country brings unique perspectives to the table and that initial participatory topic-drafting phase not only enriched the agenda but also built trust and cohesion among the participants. The session demonstrated how virtual platforms can transcend geographical barriers to foster dialogue. It set an important precedent for future virtual judicial collaborations, highlighting the potential of technology to enhance international diplomacy in an increasingly interconnected world.

Our theme, *“Justice in a Time of Change: Independence, Innovation and Co-operation”*, captures the essence of the current judicial epoch. We have gathered here not merely as observers of this change, but as participants entrusted with the sacred duty of ensuring that justice remains a compass, guiding societies through turbulence and transformation.

Therefore, our role extends far beyond mere deliberation. We are the architects of a legal infrastructure that supports a more resilient, inclusive, and equitable global future. The documents produced under Brazil's presidency serve as our compass, guiding us to leverage our unique constitutional mandates to implement and oversee policies that secure sustainable development and protect human dignity. As we reflect on this heritage, we must embrace our collective responsibility with courage and clarity, engage in our discussions boldly. We must strengthen our collaborations and make purposeful resolutions to ensure that the voice of the global judiciary continues to resonate powerfully within the G20 and, most importantly, in the lives of the people we serve.

This Summit will examine the evolving demands on justice systems in a time of political, technological, environmental, and legal transformation, and explore how courts can uphold independence, embrace innovation, and enhance international judicial co-operation. We will, over the next two days, confront the question of how we uphold the enduring principles of justice in a world where everything else seems to be shifting. And as we do this, we must be reminded that our independence will keep us steadfast with the assurance that the Judiciary will remain impartial and uphold the rule of law.

### **Judicial Independence and Accountability**

I will briefly touch upon some of the broad topics that will be discussed today and tomorrow and how they have manifested and have been addressed in South Africa. I start with Judicial Independence and accountability, preserving the rule of law and reinforcing judicial security in an evolving global landscape which will be addressed in session 1 of the programme.

As one of the basic structures and premises of the new constitutional text, the South African Constitution establishes a “democracy based on the supremacy of the Constitution protected by an independent Judiciary”.<sup>1</sup> This includes institutional independence, which can only be achieved if the Judiciary enjoys structural (including financial), operational and perceived independence.<sup>2</sup> Judicial independence is widely understood to be protected by three fundamental aspects: security of tenure, financial independence and administrative control, three characteristics which are meant to support the Judiciary as an institution, as well as the independence of individual judges from undue external influence.<sup>3</sup>

Marking a significant departure from our painful past, the advent of the constitutional dispensation in South Africa introduced a new kind of a judicial system – a judiciary that

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<sup>1</sup> *First Certification Judgment* at para 45.

<sup>2</sup> See sections 1(c), 7(2) and 165 of the Constitution. See *Van Rooyen; Heath; Glenister II* at paras 177-200; and *Sonke* at paras 40-5, 54 and 75-80.

<sup>3</sup> Powell “Judicial Independence and the Office of the Chief Justice” (2019) Volume 9 *Constitutional Court Review* 497–519.

is independent from other arms of government and is accountable only to the Constitution and the law, which it must apply impartially and without fear, favour or prejudice. Judicial independence – which has two components: individual independence and institutional independence respectively referring to the ability of judicial officers to act independently and impartially and the existence of structures and guarantees to protect courts and judicial officers from interference by other branches of government – is thus of utmost importance for the courts to effectively play their crucial role and conserve an impartial judicial process.

Under the historical governance system of the South African Judiciary, the court administration of both the Superior Courts and the Magistracy was controlled by the Executive. In 2009 the then Chief Justice lobbied the Executive and began a series of ambitious reforms which were aimed at securing the full independence of South Africa's Judiciary. In that exercise the Office of the Chief Justice<sup>4</sup> was established as a national department through a presidential proclamation to provide support to the Chief Justice as the leader of the judiciary and advance the independence and effectiveness of the judiciary. However, this did not bring about an efficient, effective and accessible justice system because full independence was not achieved. The Executive still maintains control over the budget and financial management of the Judiciary, which is the heart of the power and ability to meaningfully run anything at all.

The Judiciary has limited control over key components of court administration, such as the establishment of magistrates' courts, the appointment of magistrates and support staff, security and Information Technology with many of our court buildings, especially the magistrates' courts which serve as courts of first contact, in poor condition due to years of underfunding and neglect. These systemic challenges adversely affect the lives of the communities we serve and ultimately impede the delivery of justice. As a result of under-capacity and an exponential surge in litigation, courts are faced with heavy backlogs

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<sup>4</sup> Hawker "Zondo thanks Zuma for beginning move to independent Judiciary, calls on Ramaphosa to do more "Daily Maverick" (03 December 2023), available at <https://www.dailymaverick.co.za/article/2023-12-05-zondo-thanks-zuma-for-beginning-move-to-independent-Judiciary/>



which result in undue delays of cases. For someone fighting an unfair dismissal or a community trying to protect their land rights, these delays are not merely frustrating, they are a denial of basic human rights.<sup>5</sup> When funding is misused or delayed, our courts and the people who rely on them are left vulnerable and the constitutional promise of justice is compromised.

The consequences of these challenges are also often deadly. An example of this is the tragic killing of Dingalomoya Cintso, a witness in a murder trial, who was gunned down in broad daylight inside the Wynberg Magistrate's Court in Cape Town, in April. There are other examples. Across the country our courtrooms, entrances, and parking areas often lack a visible security presence, and where security exists, it is frequently rated as poor. In the Wynberg incident, private security guards were stationed at the entrance, but the metal detector was not working on that day. This fatality and many others that are occurring in court precincts in our country, especially in the Western Cape, with alarming frequency highlights the urgent need for meaningful improvements to our court infrastructure without which the safety of the communities, who depend on our courts, and the very judicial officers and court staff who are ironically expected to dispense justice in those conditions hangs in the balance. Administrative autonomy for the Judiciary is therefore critical to allow judges and magistrates to determine tailored safety protocols suited to court specific needs and manage infrastructure and resources with greater efficiency and effectiveness.

During a Judges and Magistrates Conference held in December 2023 themed "*Towards a Single, Effective, and Fully Independent Judiciary*", the South African Judiciary unequivocally called for urgent reforms in the institution, chief of which is full judicial independence. The conference closely examined whether there is sufficient protection and support for judicial independence in South Africa. Among the resolutions it adopted, the Judiciary called for a Single Judiciary encompassing all Superior Courts and Lower Courts, as well as for full control over their own administration, budget, and operational functions.

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<sup>5</sup> Id.

It is only on 6 of June 2025, a day which marked a watershed moment in the South African Judiciary's 15 yearlong battle for its autonomy, that the Executive, led by President Ramaphosa, met with the Judiciary to discuss the long overdue reforms toward the attainment of the independence of this neglected arm of State. That meeting highlighted the importance of cooperation among the branches of government whilst maintaining a delicate balance and ensuring that they do not overstep the relevant boundaries and encroach into each other's terrain and proved that it is possible under the principle of separation of powers for the arms of the State to support one another, as they must, to uphold the Constitution. It gives me great delight to announce that the South African Judiciary is finally on the path to full institutional independence, and that the technical teams of the Executive and the Judiciary are working feverishly to bring this constitutional imperative to reality.

The other side of the coin of course is that while the Judiciary is regarded as the guardian of the rule of law and democracy and the protection of its independence is paramount for it to fulfil its Constitutional functions and duties, judicial independence does not mean that the institution stands above scrutiny and is exempted from accountability.

The questions 'who will guard the guards themselves?'<sup>6</sup> and "how the guardians should be guarded?" – are necessary in any constitutional democracy and it is essential therefore that in every judicial system, accountability mechanisms are put in place to ensure that judges remain personally and institutionally accountable for their actions and decisions in compliance constitutional and other legal standards.

Judicial accountability in South Africa operates primarily through two mechanisms: the appeal and review process which allows higher courts to review and overturn decisions

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<sup>6</sup> *SABC v DA* [2015] ZASCA 156 at para 1, quoting from the Roman Poet Juvenal (Satira VI lines 347-8) and noting Nobel Prize (Economic Sciences) Leonid Hurwicz's observations on the score. Hurwicz says – contrary to the contentions of others – that there is "nothing absurd about the present day 'guardians' ... needing, and indeed getting, a great deal of oversight." See Leonid Hurwicz "But Who Will Guard the Guardians?" Nobel Prize Lecture (8 December 2007) (available at [http://www.nobelprize.org/nobel\\_prizes/economic-sciences/laureates/2007/hurwicz\\_lecture.pdf](http://www.nobelprize.org/nobel_prizes/economic-sciences/laureates/2007/hurwicz_lecture.pdf), accessed on 1 October 2015).

of the lower courts, and a formal judicial conduct process led by the Judicial Service Commission (JSC), established by the Constitution and involving the President, to address gross misconduct, incapacity, or gross incompetence, which may result in a judge's removal from office. Additional to these measures, the Chief Justice accounts to the public by presenting the Judiciary Annual Report on the Judiciary's performance and challenges.

The Bangalore Principles of Judicial Conduct which were developed to promote and strengthen judicial accountability in the judiciaries of the United Nations member States serve as a guide for the regulation of the South African Judiciary's conduct and the promotion of ethical behaviour within its ranks.

The judiciary has used these instruments in formulating its own Sexual Harassment Policy a few weeks ago for which there had long been a clamour and which it is hoped will help to make the judicial workspace safer.

### **Artificial Intelligence Innovation**

Session 2 will deal with the burning subject of Artificial Intelligence (AI), the key pillar of the second phase of the Fourth Industrial Revolution which has taken over almost all aspects of human life by storm and presents unimaginable opportunities for the human race, as well as the justice system. We are cautioned to approach this transformation with a balanced perspective, one that enthusiastically acknowledges AI's profound potential to enhance efficiency, reduce crippling backlogs, and lower the cost of legal services. It has been quite exciting to discover that tools for legal research, transcription, and automated administrative functions can free our judges to focus on the core human element of adjudication.

But while the use of this tool has the potential to be a powerful ally in legal practice, recent cases have revealed how its misuse can undermine both professional ethics and the

integrity of our jurisprudence. This was illustrated in the *Northbound*<sup>7</sup> matter, in which the high court discovered while drafting its judgment that two cases cited in the applicant's heads of argument did not exist. When invited to explain, junior counsel initially claimed that an incorrect version of the heads had been filed, attributing the problem to "short-form citations" and filing a substituted version. However, opposing counsel pointed out that even the corrected version still contained two non-existent authorities and questioned whether some of the existing authorities were properly applied. Pressed by the Court on whether the spurious citations were the product of artificial intelligence "hallucinations," counsel conceded that they appeared to be so. He explained that severe time pressure, the urgency of the matter, and the withdrawal of the original junior counsel had led him to use an online tool called Legal Genius, which claimed to be trained on South African judgments and legislation, but nonetheless generated fabricated references. Fabricated citations undermine the credibility of counsel and the profession, breach the ethical duty of care owed to clients and the court, and threaten the integrity of our jurisprudence by polluting written submissions with fictitious authority. While AI tools can assist with research, they are no substitute for independent legal reasoning and rigorous verification of sources. Lawyers who abdicate their professional responsibility to technology risk harming their clients and eroding the trust on which the legal system depends.

Perhaps most striking was *Mavundla v MEC Department of Co-Operative Government and Traditional Affairs*,<sup>8</sup> in which the court found that only two of the nine cited cases actually existed. The judge dismissed the application with punitive costs and referred the matter to the Legal Practice Council. These cases are warning signs that the legal profession must engage proactively with the ethical, procedural, and evidentiary challenges posed by AI. Clearly, if we do not shape the future of AI in law, it will shape us and do so mercilessly. Hearteningly, as South Africa stands at the crossroads of digital transformation, the government has begun laying the groundwork for a national approach

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<sup>7</sup> *Northbound Processing (Pty) Ltd v South African Diamond and Precious Metals Regulator and others* (2025) ZAGPJHC 661.

<sup>8</sup> *Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal and Others* (7940/2024P) [2025] ZAKZPHC 2; 2025 (3) SA 534 (KZP) (8 January 2025)

to Artificial Intelligence. On 5 April 2024, the Department of Communications and Digital Technologies published the Artificial Intelligence Planning Discussion Document (AIPDD), a foundational text that outlines the state's vision for integrating AI into public and private sectors and proposes the establishment of an AI Expert Group to work alongside government in shaping a National AI Policy, with a regulatory framework expected to unfold between 2025 and 2027. This initiative signals the intent to develop legal principles and governance instruments that ensure AI is used ethically and responsibly. In August 2024, the National Artificial Intelligence Policy Framework was introduced as the first formal step toward an AI Act. It emphasizes the need for inclusive, safe, and public-interest-driven AI applications, while also calling for investment in AI literacy, local innovation, and improved public data systems to enhance e-government services.

It will be interesting to hear how these challenges have manifested and are dealt with in other jurisdictions.

### **A need for judicial education and collaboration on climate change**

Session 3 is concerned with the climate change justice. As we all know, Judiciaries across the world are being called upon to adjudicate complex climate cases, often balancing environmental rights with economic development, state obligations, and intergenerational justice. This requires judges to engage in further learning on environmental matters. In a recently launched collection of essays celebrating the tenth anniversary of the South African Judicial Education Institute, its Chief Executive Officer, Dr Gomolemo Moshoeu and her co-author, UN Regional Coordinator Africa Office, Mr Robert A. Wabunoha, state that:

*“the subject of environmental management is complex and has scientific, technological, economic, social and equity imperatives that require continuous provision of training to judicial officers, especially with regard to the ever-evolving environmental science.*

*Successful implementation of the law depends on a Judiciary that is well equipped to adjudicate matters they preside over.”<sup>9</sup>*

Judicial education must keep pace with developments in climate change science and policy. The stakes, for ecosystems, for communities, and for future generations, could not be higher. Investing in continuous, contextually relevant judicial training is no longer optional. It is imperative.

But no court can address this challenge in isolation. Climate justice demands transnational legal dialogue, the sharing of jurisprudence, and perhaps even joint frameworks for accountability and enforcement. In Session III, our colleagues from France, Australia, Indonesia, and Mozambique will no doubt provide us with useful pointers for the increasing volume of climate-related litigation and the need for coherent judicial collaboration across borders. This session, therefore, is essential, not as a theoretical exercise, but as a space to equip our courts to act, to innovate, and to reinforce one another. As the climate crisis deepens, so must our resolve as jurists to deliver climate justice fairly, boldly, and collaboratively.

The last two years have marked a turning point in the evolution of global climate jurisprudence. Three landmark advisory opinions, delivered by the world’s most respected international courts, have laid a new legal foundation for climate accountability and State obligations.

On 21 May 2024, the International Tribunal for the Law of the Sea (ITLOS) issued an advisory opinion<sup>10</sup> holding that States have binding obligations under the United Nations Convention on the Law of the Sea (UNCLOS) to prevent, reduce, and control climate change impacts on the world’s oceans. This opinion was groundbreaking in recognising

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<sup>9</sup> G Moshoeu and RA Wabunoha “*Judicial Education and Environmental Law: An African Perspective*” in *Essays in Celebration of the 10th Anniversary of the South African Judicial Education Institute* at 158.

<sup>10</sup> International Tribunal for the Law of the Sea Advisory Opinion (21 May 2024), available at [https://itlos.org/fileadmin/itlos/documents/cases/31/Advisory\\_Opinion/C31\\_Adv\\_Op\\_21.05.2024\\_orig.pdf](https://itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf)

climate change as a marine issue and confirming that States must act to prevent transboundary harm to the oceans and the livelihoods they sustain.

Then, on 3 July 2025, the Inter-American Court of Human Rights released its advisory opinion,<sup>11</sup> which found that States have a duty to prevent foreseeable climate-related harms and declared that the prohibition against causing massive and irreversible environmental harm is a *jus cogens* norm (an international norm that cannot be set aside).

On 23 July 2025, the International Court of Justice (ICJ) delivered its long-awaited opinion<sup>12</sup> on the obligations of States in respect of climate change. It found that all States have a legal duty to take coordinated action to reduce emissions, and to regulate private actors' emissions. The ICJ confirmed that States that flout their climate change obligations may face legal consequences and have obligations of cessation and guarantees of non-repetition, as well as the possibility of reparations.

These three decisions mark a decisive shift in the legal landscape, and as members of the J20, we must study, engage with, and build upon these authoritative opinions, not only to strengthen our own decisions, but to forge a more coherent, global legal response to the climate emergency.

As the ICJ noted, the issues of climate change and state obligations “represent more than a legal problem: they concern an existential problem of planetary proportions that imperils all forms of life and the very health of our planet”.<sup>13</sup> Let us engage on this topic with a shared sense of urgency and responsibility, recognising the vital role of judicial collaboration in upholding climate justice and safeguarding the rights of present and future generations. As the urgency of climate change compels us to act with haste, so too does the digital age.

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<sup>11</sup> Inter-American Court of Human Rights Advisory Opinion AO-32/25 (29 May 2025), available at [https://www.corteidh.or.cr/docs/opiniones/seriea\\_32\\_en.pdf](https://www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf)

<sup>12</sup> International Court of Justice Advisory Opinion: Obligations of States in respect of Climate Change (23 July 2025), available at <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>

<sup>13</sup> ICJ Advisory Opinion at para 456.

## Combating Cybercrime

The last session is concerned with combatting Cybercrime. In executing its mandate, the South African judicial system is reliant on digital infrastructure, for example the CourtOnline platform and emails for important reasons such as case management, efficient communication, and enhanced public access to legal services.<sup>14</sup> The digitisation of court operations through the integration of digital technologies, has improved procedural efficiency and, arguably, access to courts. This transformation was notably accelerated by the COVID-19 pandemic, which necessitated the adoption of virtual hearings and other remote legal processes.<sup>15</sup> However, this digital transformation encompasses significant risks in relation to cybersecurity, for example ransomware attacks, unauthorised access to sensitive judicial information and data breaches.<sup>16</sup>

Fortunately, South Africa has a robust legal framework governing cybersecurity and aimed at combating cybercrime.<sup>17</sup> The Cybercrimes Act<sup>18</sup> criminalises unlawful access, data interference, and cyber fraud, and provides law enforcement with authority to investigate and seize digital evidence, inclusive of digital evidence from judicial systems. The Cybercrimes Act is complimented by the Protection of Personal Information Act<sup>19</sup>(POPIA), which requires institutions such as courts to implement reasonable safeguards to protect personal data and notify the Information Regulator in case of any breaches. Additionally, the Electronic Communications and Transactions Act<sup>20</sup> outlines offences related to unauthorised access and data interception, reinforcing the legal framework for secure digital operations.

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<sup>14</sup>South African Judiciary 'CourtOnline' available at <https://www.Judiciary.org.za/index.php/63-caselines?start=3> accessed on 10 August 2025.

<sup>15</sup> Renato Solimar Alves et al 'Enhancing cybersecurity in the Judiciary: Integrating additional controls into the CIS framework' *Computer and Security* 2025.

<sup>16</sup> Ibid.

<sup>17</sup> Schoeman Law Inc 'Understanding South African cybersecurity law in the context of the recent SAA cyber incident' available at <https://www.polity.org.za/article/understanding-south-african-cybersecurity-law-in-the-context-of-the-recent-saa-cyber-incident-2025-07-31> accessed on 10 August 2025.

<sup>18</sup> 19 of 2020.

<sup>19</sup> 4 of 2013.

<sup>20</sup> 25 of 2002.



As an institution, the Office of the Chief Justice is responsible for the administration of superior courts and is a vital role player in overseeing the digital transformation of judicial processes. The Department of Justice and Constitutional Development also have a responsibility for broader justice sector IT systems and must ensure compliance with cybersecurity legislation. This equips the Judiciary with the necessary tools to detect, investigate and protect our institutions.

Although the shift toward digital systems have had significant advantages, it has also introduced new layers of complexity and potential security gaps that require attentive oversight. Given the inherently sensitive nature of the Judiciary's infrastructure, it is imperative to implement robust cybersecurity strategies to safeguard the judiciaries' electronic and cyber infrastructure from malicious threats. As the Judiciary becomes digitised, its vulnerability to cyber-attacks grows. In light of this, there is a need to ensure a high standard of cybersecurity, not only in relation to the protection of data but in preserving the integrity of the justice system and maintaining public confidence in its operations. Therefore, judicial bodies must adopt a proactive and strategic approach to mitigating risks by implementing rigorous information and data protection measures.<sup>21</sup>

Another common challenge is the lack of or rather limited adequate technological infrastructure within the justice systems, including the availability of computer equipment, reliable and fast internet access, and secure data storage systems. Without strong electronic and cyber infrastructure, achieving successful implementation of electronic processes can be challenging.<sup>22</sup>

## **Looking Forward**

The alarming growth rate of cybersecurity threats which also affect judicial institutions makes clear that there is an urgent need for a comprehensive and proactive approach to digital security and implement robust technical safeguards and organisational practices that collectively strengthen the justice system's digital infrastructure. The measures which

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<sup>21</sup> Ibid 2.

<sup>22</sup> Ibid.

are recommended to secure remote connections and protect sensitive data during transmission such as Virtual Private Networks and multi-factor authentication which is touted as significantly reducing the risk of unauthorised access align with South Africa's broader legal obligations under the Protection of Personal Information Act, the Cybercrimes Act, and the National Cybersecurity Policy Framework.

We look forward to the exchange of experiences, best practices and solutions in this area as well.

As I conclude, please allow me to extend, in advance, our gratitude to the distinguished facilitators of this Summit's sessions. Their role – guiding our discussions with expertise, patience, and insightful direction – is the engine of our dialogue. The complex and critical topics on our agenda demand not only knowledge but also skilful leadership to navigate diverse perspectives, and we are confident that their stewardship will ensure discussions that are productive and enlightening and pave the way for meaningful outcomes.

Our appreciation extends to the esteemed panel members who have dedicated significant time and intellectual rigour to prepare for these discussions. We have no doubt that their contributions on the various topics will broaden our understanding and add substantial depth to the collective wisdom assembled here in South Africa.

We also thank every nation represented here today. The diverse perspectives from across the world will certainly enrich our discussions immeasurably and remind us that our collective strength lies in our unity and our willingness to listen, learn, and collaborate towards a common future.

The arc of the moral universe is long, but it bends toward justice only when we possess the courage to bend it. I trust that we will use this Summit to reaffirm our core vows to judicial independence as a shield against coercion; transparency as the antidote for distrust; and unwavering accountability to the people we serve.

We have the power to shape the next chapter of global jurisprudence. Let us write one that future generations will look upon with respect, gratitude and pride; a chapter defined by courage, innovation, and an unshakeable faith in the enduring power of justice.

Thank you.