



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement

17 March 2016

The rule of law must stand firm

CASAC welcomes the announcement that Minister of Finance Pravin Gordhan will now be able to respond to the questions that have been put to him by the Hawks, as it indicates his own commitment to the constitutional principle of the rule of law and to the institutional integrity of important investigative bodies such as the Hawks.

CASAC Executive Secretary, Lawson Naidoo, said that:

“Our support for Minister Gordhan’s willingness to answer questions from the Hawks is offered on the assumption that the Hawks are conducting their investigation with due respect for their legal and constitutional duties, responsibilities and authority, and that there is a sufficient and proper legal basis for their inquiry”.

This basis however needs to be publicly demonstrated and explained by the Hawks. It does not emerge self-evidently from the 27 questions which have been published in the media. Given the nature of the questions, and given the context in which this dispute has arisen, the public needs to be assured that the Hawks are pursuing a legitimate agenda in terms of their legal functions, and only that agenda.

Important reforms are underway, arising from both the State of the Nation Address and the Budget Speech last month. Hence, key State bodies, including National Treasury and the Hawks, must be allowed to do their jobs, without unnecessary distraction.

Naidoo added:

“The markets are especially sensitive to events in South Africa at the moment, and it is critical that institutional independence and the rule of law, both of which are foundations of our constitutional framework, are fully respected. At this very delicate time for the economy, it is essential that key

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institutions are free to meet their constitutional and legal obligations unimpeded by partisan influence or interests.”

CASAC also notes the important statement from Deputy Minister Mcebisi Jonas yesterday which attests to the brazen attempt by private interest-holders to exert improper influence over the executive authority of the country. This undermines the constitutional arrangements and integrity of the democratic government.

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