



**MINISTRY JUSTICE AND CORRECTIONAL SERVICES
REPUBLIC OF SOUTH AFRICA**

**Address By Minister Khumbuzo Ntshaveni on behalf of Minister of Justice and
Correctional Services on the Republic of South Africa's 25th Anniversary of the
Constitution**

Esteemed President of our Democratic Republic, Ntate Cyril Ramaphosa;

Premier of our host Province, Mme Sefora Hixsonia Ntombela;

Acting Mayor of the City of roses Manguang, Cllr Lebohlang Masoetsa

Programme Directors: Minister of Sports, Arts and Culture, Mr Nathi Mthethwa & Free
State MEC for Sport, Arts Culture, & Recreation, Ms. Limakatso Mahasa

Distinguished Guests

Ladies and Gentlemen:

On this historic day, I would like to contend that we cannot celebrate our freedom without having regard to the democratic nation's birth certificate, our constitution. Mr President, on the 8th of May in 1996, you stood in front of the nation at the Constitutional Assembly where at that august gathering, you characterised our constitution as the nation's birth certificate.

You went on to say, (I quote), "***The constitution with its bill of rights is a mirror of our South African society, it reflects both the history from which we have emerged and the values we now cherish: Human Dignity, Equality and Freedom.***"

It proclaims to the world that we are a society committed to democracy, we are committed to the rule of law and the protection of human rights.

It proclaims to all South Africans that their basic needs and aspirations matter enough to be included in the country's Constitution.

The Landless, the Homeless, the women, workers and the children of this country, it celebrates the richness of the diversity of culture, religion and beliefs of South Africans and affirms that all belong as equal in our one nation.

It commits the state to respect, to protect, to promote, to fulfil the rights in the bill of rights, acknowledging that it is not enough for government to refrain from violating people's rights" (CLOSE QUOTE).

Mr President these words are as important today as they were 25 years ago. Our constitution forms the foundation of the society we want to be.

Our forebears also envisioned a free and democratic South Africa centred on constitutionalism and regeneration of Africa. In April 1906, one of the founding members of the African National Congress, Pixley Ka Isaka Seme addressing the Columbia University in New York said: ***The brightest day is rising upon Africa. Yes, the regeneration of Africa belongs to this new and powerful period. The African people possess a common fundamental sentiment which is everywhere manifest, crystallising itself into one common controlling idea. The regeneration of Africa means that a new and unique civilisation is soon to added to the world.***

Ladies and Gentlemen, we hold no illusions that the work required to reconstruct and build a nation which is united in its diversity and address deep socio-economic equality needs radical impetus.

As we celebrate our 25th year of constitutionalism, we are increasingly coming to terms with the reality that society does not consist merely of the law or the state, it has also, a more informal aspect, comprised of its cultural institutions, conventions, moral rules and moral sanctions. In order for society to fully flourish, it must be just in its informal as well as in its formal aspects.

In other words, for us to give true effect to our Constitutional promises, we must ensure that the constitution permeates all spheres of society. As we celebrate Freedom Day, it is abundantly clear that the constitution has not been entrenched in all sectors of society. Put differently, our economy is yet to be transformed, and none of us can claim that it is broadly representative of our diverse nation.

We must be equally frank and hold those amongst us who have surrendered the will of the people and our Constitutional democracy at the altar of personal gain and corruption. One cannot serve the will of the people and line their pockets at the same time. This we have seen in recent personal gains succeeded at the expense of state institutions. Ultimately our State institutions lost the capacity to make good on the promises of the constitution.

It is exactly this behaviour that former president, Thabo Mbeki, warned about on the occasion to commemorate the 10th anniversary of the adoption of the constitution. He said: ***“Nowhere does the constitution we celebrate provide that those who serve in government are permitted to abuse their power to undermine the objective to secure the wellbeing of the people of the Republic. Nowhere does it say that any public representative or official serves in any organ of state in order to misuse state power to enrich themselves or acquire any benefits that would otherwise not be due to them according to law”.*** Unquote.

Nonetheless fellow South Africans, during this difficult period in our new democracy, our birth certificate came to define who we truly are. Decades from today, future generations will affirm that it was our judiciary that stood as a last line of defence, when our democracy was presented at the altar of corruption.

As a nation, we need to carefully interrogate those amongst us who attack the judiciary when called upon to respond to charges of corruption proffered against them by law enforcement agencies. Are we not confronted with a new form of adventurism, where some amongst us believe that they can try to overthrow the State or steal from the State with absolute impunity? Are these not the same people who do not want to face consequences for their wrong doings?

Are they not trying to discredit and delegitimize State institutions and even try to turn society at large against the State because they have been caught? We must interrogate these individuals closely and ascertain whether they are not the same individuals who may have derailed our democratic journey.

Let us not be side-tracked by those who have refused the wise counsel of Mme Charlotte Maxeke, let us not be distracted by those who have refused to ***“Kill that spirit of self”***.

As we commemorate the 25th anniversary of our constitution, the supreme law of the country, we must continue to reassert the core of values of our nation, without fear or favour. Our constitution must continue to breathe life into our freedoms in a tangible manner. Now more than ever, constitutionalism must be our true lived experience.

In this year the year in which our Constitution marks a quarter of century in our lives, we will call upon on sectors of society to not only locate themselves in it but also call on our collective consciousness to assess how to entrench it our communities. Constitutionalism must be the lived experience of the LGBTQI+ community. We all must preserve the dignity and lives all our citizens in spite of the sexual orientation. As celebrate this freedom day we must confront the reality that Lonwabo Jack and Andile "Lulu" Ntuthela were not afforded the right to equality.

It is our hope that the current litigation process in the Constitutional Court which affect the implementation of the bill will be resolved within a reasonable period to enable us have legal certainty on some of its provisions. In spite of this we must live in society where our consciousness overrides our compliance with the law.

This year the Department of Justice and Constitutional Development will unroll programs which will help us review the implementation of the constitution in so far as socio-economic rights are concerned as well as systemic racism.

Programme Directors as I conclude, I also want to remind our friends beyond our shores that our Constitutional ethos transcends borders. We must confront racism in here and abroad, human rights know no sovereignty, to this end we will pursue justice where injustice prevails.

In remembrance of heroines and heroes of our people who lost their lives in the fight for freedom and democracy in South Africa, let all of us recommit ourselves to the course of constitutionalism. Let Constitutionalism reign, Let Freedom live and may God bless South Africa and her people.

I thank you!