



**Ministry Justice and Correctional Services  
Republic of South Africa**

**Address By Minister Ronald Lamola Deepening Constitutionalism 25 Years  
Delivered Virtually on  
30 July 2021**

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and Constitutional Development**

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**Professor Thulisile Madonsela the Law Trust Chair in Social Justice  
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Public Protector of the Republic South Africa**

**Mr. John Jeffery our Deputy Minister for the Department of Justice and Constitutional Development**

**Retired Justice of the Constitutional Court Mme Yvonne Mokgoro**

All our Distinguished Guests

Ladies and Gentlemen;

I would like to preface my address by citing the first section of our Constitution, section 1 a-c.

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.**
- (b) Non-racialism and non-sexism.**
- (c) Supremacy of the constitution and the rule of law**

In this month of July, these values were put to the test in a way that we have not seen before.

As Professor Mohale reminds us in his book, *Lift As You Rise*,

***"...values are like a lighthouse. A Lighthouse does not move- you will move your juggernaut or your oil tanker to the correct course according to the lighthouse. Likewise, values are lighthouse to steer by in difficult situations."***

The question that arises is whether we've been able to live up to the values as espoused in section 1 of our Constitution and Nelson Mandela in the past 25 years.

In essence, we must have the determination to build ***a just society, one which learns from its past and listens to all its voices.***

The past 25 years have taught us that we need a social compact between civil society, private sector and Government to build a just society.

Recent activities reminded us of our past in many ways.

It also showed us how socio-economic challenges faced by our people, poverty, inequality and unemployment can be utilised as a weapon to threaten the values upon which we have built our democratic country.

The challenges that have been brought about by the Covid 19 pandemic, further exacerbates the situation.

In some ways, we not only heard all the voices, but also the screams of inequality particularly of a racial nature which persist in a post-apartheid South Africa.

As Deputy Judge President Mojapelo pointed in the matter of Nelson Mandela Foundation and Afriforum:

***“One of the specific goals of the current Constitution is to redress the legacy of race-based inequalities which was characterised by the denial of dignity to black South Africans.”***

This is in essence the rule of law.

However, there also can be no denying that recent events in our young democracy have brought to the fore questions about whether there is an erosion of respect for the rule of law and constitutionalism in our country.

And so, one must ask whether the assertion of

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.**
- (b) Non-racialism and non-sexism.**
- (c) Supremacy of the constitution and the rule of law**

Is something that could trigger the unrest we witnessed in the last two weeks.

It is simply not possible that these values , which bind us as a nation, could be allowed to be undermined to an extent that some could even lead to unrest and divisions.

I would also argue further that those who stand diametrically opposed to the socio-economic rights espoused in the Constitution, are no different from the architects of the criminal acts and undermining of the rule of law we witnessed last week.

The unrest of the past few weeks reminds us violently that Constitution is not just an aspiration, but it must be a lived reality.

Without socio-economic inclusion of the majority of South Africans, it is evident that the rule of law is under threat.

According to Stats SA, there is significant disparity in poverty levels between population groups in South Africa, in 2015, 9 out of every 10 poor people in South Africa were black.

Statistics indicate that 64,2% of black people legally classified as 'African' in our country live in poverty, but, among white people, those who live in poverty constitute 1%.

There is a 90% chance that children born into poverty will also end up being poor, which perpetuates the cycle of poverty and undermines social mobility.

This is what our governance system must address with urgency, this is why we cannot delay economic freedom any longer.

We must be honest by not only reflecting on misgovernance but by acting timeously against it.

Failure to address misgovernance can only defer the full implementation of our Constitution.

The Zondo Commission is a critical vantage point in that regard.

I am of the firm view that all the time when interpreting the Constitution, we must take into account the concept of originalism regarding the interpretation.

The concept asserts that all statements in the constitution must be interpreted based on the original understanding "at the time a Constitution was adopted".

No doubt that the drafters of the Constitution had in mind to unite South Africans with their diversity, uproot the economic imbalances and all forms of discrimination.

Economic freedom is a necessity for the rule of law to be entrenched.

Professor Bonang Mohale, I have no doubt that with the assistance of our social partners in the private sector, we can realise the fruits of the Constitution.

The relationship between justice and economic freedom is highly contingent on how all social partners implement our Constitution.

South Africans from all walks of life must become activists to dismantle the legacy of apartheid.

Social exclusions cannot be allowed to continue manifesting, these are detrimental towards our constitutional democracy and have the potential to undermine the gains we have made.

The recent accelerated pace of our vaccination program is a result of corporation between the private sector, civil society and government. We've passed the 7 million mark in our vaccination program.

It is an indication of many things we can achieve if this kind of cooperation can be enhanced in all sections of our society.

South Africa's vaccination program stand amongst the best in the world. We're now rank number 11 in the world vaccination program, we've outranked some of the most developed nations in the world.

We've to learn from the past 25 years, there've been pitfalls and challenges, there has also been success, we need to build from the success as we move into the next 25 years.

We should not be talking about inequalities in the 50<sup>th</sup> anniversary of the constitution but a nation that has decimated inequality.

It therefore gives me great pleasure to open this very critical dialogue with a rich line up of incredible South Africans.

All of our speakers on this platform have and continue to shape the direction of this great nation in a significant way with their skills and contributions to critical forums in our nation.

On behalf of the Department of Justice and Constitutional Development, I would like to extend my gratitude to you for accepting this invitation to this dialogue and offer your profound insights on deepening Constitutionalism in our country.

No matter what our challenges are, we can never threaten or disregard our Constitution. It is our only hope.