

Speech by Cyril Ramaphosa
Adoption Day 8 May 1996

The CHAIRPERSON OF THE CONSTITUTIONAL ASSEMBLY: Deputy Chairperson of the Constitutional Assembly, Comrade President, Deputy Presidents Thabo Mbeki and F W de Klerk, leaders of all political parties represented here, your majesties, your excellencies, Speaker of the National Assembly, Deputy Speaker, President of the Senate, Deputy President of the Senate, members of the National Assembly and the Senate, I would like to welcome you all as the Deputy Chairperson of the Constitutional Assembly has. I would also like to say today is a day of joy. It is a day of celebration. They have just brought me some water here, and I would like to do what the hon the President often does as he addresses us, because it is a day to say cheers!

It is indeed a historic day. It is the birthday of the South African rainbow nation. This is the day when South Africa is truly born.

As we begin this joyous and solemn occasion, I would like to reveal a part of myself and to dedicate my address to three great South Africans who would have been here with us today if time and tide had been kinder: Oliver Reginald Tambo, Chris Hani and Joe Slovo.

There are many others one could have cited, but these are the three leaders whom I personally sorely missed during the process of constitution-making. I missed them, because I related to all of them in different ways. All of them were there when we started the negotiation process, and they contributed a great deal to me personally, in enabling me and many others to negotiate the transition process and emerge with an interim Constitution.

I do wish they were here. I am grieved that they cannot be with us to share this occasion, an occasion that they worked for and died to make possible. May their memory live long in our minds.

Today we are gathered here to make history. We South Africans have adapted so easily to our role as initiators and witnesses to events which number among the most significant of this century.

We often forget or lose sight of just how historic and profound some of these events are. When we vote today to adopt the constitution before us, we will indeed be giving life to a new nation, a nation of free and equal people. Our country, our people, will indeed have come of age when we vote for this constitution. Today is the culmination of a process of consultation, discussion and negotiation which began almost two years ago in this very Assembly.

In truth, the constitution-making process long before that. It began when the people of this country, deprived of their birthright, dreamt of a country in which all would be free. Indeed, we can say that through this constitution we confirm that we are a free people. Over the years this dream has been articulated by many South Africans. The call for freedom resonated across the length and the breadth of the country and around the world.

South Africans, in their millions, have fought for this freedom, the freedom which we are crowning on this historic day. Hundreds of thousands died, were tortured, detained, jailed, banned, silenced and exiled in order to write this constitution. Today we are here to celebrate the culmination of that struggle. The constitution before us today is a product of a collective effort by many people.

Since we embarked on the formal constitution-making process 24 months ago, South Africans from across the country have embraced the process as their own. It is no exaggeration when we say that a team of 43 million people worked on this constitution. In that team there are a number of people who deserve special mention, and one is the team leader, the one and only team leader, President Nelson Rolihlahla Mandela whose guidance, inspiration and leadership strengthened our endeavours over the past two years. We have had to draft the constitution in many forms, and it was always a joy for me to take the big-print version to the President. When we gave them the small-print version he said: "I am not going to read this. I want the big print, because I want to make sure that there are no small-print bits in which you might be making mistakes."

The support that the CA received from the Deputy Presidents added to the impetus of our work. Whenever Leon Wessels and I met Deputy President F W De Klerk, he always spared a moment to encourage us. The insistence, on the part of Deputy President Mbeki, that we do everything possible to meet the deadline strengthened our resolve. I recall that one evening when we had doubts, as a management committee, that we would meet the deadline, I shared my doubts with him; there were just the two of us. I said that we might have to go to November. He gave me the most steely-eyed look I have ever seen him give anyone.

He said: "Chief, that is not possible, that is not doable, that will not happen." That, in a way, had a bonding effect between me and him, and I knew then that we had to meet the deadline. Two days thereafter I said to him: "You were right. Once again, you were right." I would like to thank you for your insistence, Deputy President T M Mbeki.

Members of the Cabinet had to try to do the impossible by attending to matters of governance and constitution-making. Their attention to constitution-making added to the wisdom we heeded in the Assembly. We missed them sorely when they were not here. There was an occasion when one of the members of the Assembly said: "Where are they?" We all knew that they were working on matters of government. However, whenever they were able to join us - there were a few of them who joined us from time to time - they added a great deal of value and wisdom to our discussions, and I thank them all.

I wish to thank the leaders of all political parties. As the president of the ANC, our President, is not a member of this Assembly and cannot vote - fortunately - I extend my deep gratitude once again to Deputy President Mbeki for the leadership he provided to the ANC and the ANC negotiators during this two-year period. Deputy President De Klerk also provided leadership to members of the NP. I wish to thank Gen Viljoen too. He participated in meetings of the Constitutional Assembly and management committee, and I thank him too for providing leadership to members of his party. I wish to thank Mr Tony Leon. I thank Mr Leon. We had many differences. Some of the differences were

played out in the meetings of the Constitutional Committee, and they added spice to the proceedings of the Constitutional Committee.

I wish to thank Mr Clarence Makwetu for providing leadership to the PAC members who participated on an ongoing basis in the proceedings of the Constitutional Assembly. I wish to thank Rev Meshoe as well. More importantly, I wish to thank all the members of the Assembly for the commitment and hard work, patience and good humour that all of us have demonstrated throughout this process. I would especially like to thank members of the theme committees, who have become constitutional experts of the first order.

We would never have finished our work without the active support of the presiding officers of the National Assembly and the Senate, as well as the Whips. I give special thanks to the Speaker of the National Assembly, Dr Frene Ginwala, and the Deputy Speaker, Dr Ranchod, the President of the Senate, Mr Coetsee, and the Deputy President of the Senate, Mr Govan Mbeki. I also thank the Leader of the House - the former Leader of the House, our Minister of Finance, and the present leader of the House, Mr Steve Tshwete - for all the support that they gave us throughout this process. They went out of their way to give us time and accommodate us. We do thank them most sincerely.

Behind the scenes, the technical advisers, the panel of experts and the law advisers have all worked flawlessly to ensure that the large and the small cogs of this constitution are in place. I thank them, all of them - the panel of experts, the advisers and the technical experts. We would not have this type of document if they had not worked the many hours that they did.

Special thanks have to go to the staff of the Constitutional Assembly ... and in this regard I would like to single out four people, Hassan Ebrahim, Louisa Zondo, Peter Lilienfeld and Marion Sparg. They deserve the highest of medals in recognition. They started an administration from scratch and did everything excellently, efficiently, cost-effectively and with a great sense of passion. I thank them from the depth of my heart. We would not have done this without them.

I also thank members of the Constitutional Committee and to members of the management committee I extend my thanks and gratitude too. Members of the Constitutional Committee argued, differed and fought, but I also saw them embracing. I saw them embracing at 03:00 when they reached an agreement on a matter which most of us thought we would never reach agreement on. I saw tears in their eyes, and I know that they were a group of people who would indeed deliver a constitution to this country. I thank them most sincerely.

I wish to say a special thank you to Roelf Meyer. I thank him for being a negotiating partner, and for negotiating not only the transitional or interim Constitution but also this constitution. I extend my deep-felt gratitude to him. Leon Wessels and I still have to have a bilateral, the two of us. At that bilateral we are going to speak at a very personal level. We have worked very well over the past two years, and a friendship has emerged between us. Unfortunately we both leave this Assembly to go to other careers, but we

have promised each other that from time to time we would visit each other, have a cup of tea and talk about this constitution.

Mr Deputy Chairperson, there are a number of other people and institutions that I need to thank. I am thinking, of course, of the numerous governments, international organisations and institutions which have provided generous support to the Constitutional Assembly and our public-participation programme. I would like to note, in particular, the governments of the United Kingdom, France, Norway, Denmark, Sweden, Germany and Switzerland. Special mention should also be made of the Danish Centre for Human Rights, USaid, the Commonwealth Secretariat and the European Union.

I am thinking also of all the sponsors in the private sector who decided that the future of this nation was a sound investment and that it would pay substantial dividends for the entire nation. I want to mention, in particular, the support we received from Liberty Life, Sappi, Mondi, IBM, Appleton, Stellenbosch Farmers' Winery, Telkom, HNR Computers, Sony and BMD Textiles. It is to these people that South Africa owes a debt of gratitude.

Through their support and hard work, we have been able to achieve so much.

I would also like to thank all the people of our country who participated in this process, all those people who gave us submissions by post, by fax, by telephone and by e-mail, those who sent us petitions and who attended our public meetings and sectoral hearings. We say: Thank you all for the effort that you put in to ensure that we have a constitution.

People will ask what can be said about this constitution. This constitution, with its Bill of Rights, is the mirror of 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, to the rule of law and the protection of human rights. It proclaims to all South Africans, the landless, the homeless, the women, the workers and the children of this country, that their basic needs and aspirations matter enough to be included in the country's constitution.

It celebrates the richness of the diversity of cultures, religions and beliefs of South Africans, and affirms that all belong as equals in our one nation. It commits the State to respecting, protecting, promoting and to fulfilling the rights in the Bill of Rights and acknowledges that it is not enough for the Government simply to refrain from violating people's rights. It is also necessary for the Government to take positive measures to ensure the full and equal enjoyment of human rights by all South Africans. Through this constitution, we hope to transform our society from one that is based on injustice and strife to one based on justice and peace.

This constitution also creates a framework for sound and effective government in South Africa. It is good for investors, and it is also good for the rand. Co-operation, accountability, responsiveness and openness are entrenched as the principles of government at all levels in South Africa. To deepen the culture of democracy and human rights in South Africa, the constitution establishes a number of important institutions such as the Public Protector, the Human Rights Commission, the

Commission for Gender Equality and also, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. These bodies are charged with the vital task of ensuring that the Government remains committed to the values of this constitution.

This constitution is the subject of a rather fortunate paradox. It is no one's constitution, and yet it is everyone's constitution. Just as no one party sees its constitutional proposals reproduced in their entirety in this Bill, so no one person can claim exclusive ownership of this constitution. It belongs to everyone in the Constitutional Assembly, and it is a reflection of our collective will for a new, united and democratic nation. This constitution belongs to South Africans.

The constitution contained in the Bill before us is the product of negotiation and compromise. Yet the central tenets of a democratic, just and equitable society remain uncompromised, because freedom is non-negotiable. The achievements of this Assembly are, therefore, remarkable. The provisions of this constitution are sound. The expectations of our nation are great.

The other thing which our constitution does for us is to make our country the new mecca of constitution-makers. Constitution-makers from all over the world will come to this country to study how we drafted our constitution and to study the constitution itself. We welcome them all. We invite them to South Africa to come and study how democracy really functions.

Today we will vote on this constitution. We will be exercising an awesome responsibility. It is my duty as Chairperson to urge all of us in this Assembly, even those who may have some reservations, to vote today for a democratic and free South Africa. Let us all give our country its true birth certificate. The people of our country expect no less of us.