Louisa Zondo interview

TIME IN CODE	QUESTIONS	CONTENT	TIME OUT CODE
00:00:47:15	Can you talk about your appointment to the Constitutional Assembly as a deputy executive?		00:01:01:00
00:01:01:05		The position I was appointed to at the Constitutional Assembly was that of deputy executive director. Hassen Ebrahim was the executive director, and Marion Sparg and I were the two deputy executive directors.	00:01:17:20
00:01:17:23	Prior to joining that team, where had you come from?		00:01:21:10
00:01:21:20		Prior to joining the Constitutional Assembly Secretariat, I had been working for the Provincial Transitional Committee which had been put together to prepare for the KZN provincial government's entrance after the elections. There was a team working with the then legislature – the provincial structure – to do the logistical preparation for the entry into office of the new provincial government. I spent three months working in that process. Before that I was at the University of Natal in a project which was a criminal justice research function.	00:02:35:10
00:02:35:13	So are you a lawyer?		00:02:42:18
00:02:43:10		I'm qualified as a lawyer. I focused on human rights, so from my LLB degree I joined a public interest law firm as a fellow. After that I went on to do my master's degree in public law with a focus on human rights. I came back and was working in organisations, but this was at the height of the discussions about a new South Africa. So I was very involved in a lot of syntax and work around our new Constitution, the Bill of Rights, and what it means for us. I was involved in the discussions	00:03:36:01

		mainly led by the African National Congress (ANC) in that space.	
00:03:36:05	What made you want to be a lawyer? Was there a particular person or an event that inspired you? This is very important because a lot of people don't understand why black people would want to become lawyers during a time like that?		00:03:56:05
00:03:58:15		My story of being a lawyer is, in hindsight, now quite the story of my life. Basically, my father was pleased about the idea so it stuck with me. I must have been about 12 because television had just come into the country, and I was watching a movie with my father about injustice. At the end of that movie having cried all the way through the movie, I told my father that I was going to be a lawyer. It pleased my father so much that even though it was my bedtime, he didn't make me to go to bed. We talked about the idea of being a lawyer, and he said that when I did my LLB that he was also going to enrol for an LLB so that we could do it together. So, from the age of 12, being a lawyer was the idea for me. I recently visited my high school, Inanda Seminary, to address the students on their speech. The school keeps archives of all documentation, including application letters to the high school. They had found the copy of my application letter, and in it I had mentioned that I wanted to attend Inanda Seminary to study in order to become a lawyer and in order to help people. It gave me goosebumps. So	00:06:09:08

		that is where it came from … And once I had said it, I think everybody sort of thought of me as one who will go in that direction and just supported me in that way.	
00:06:15:00	Where did you vote, and what did that day mean to you?		00:06:29:21
00:06:35:16		On voting day in 1994, I was in Pietermaritzburg. I was working at the transitional committee, and I did not go to the voting station in the morning. I wanted to have a sense of what was happening on the day. I had goosebumps. There was a sense of disbelief; a sense of 'I don't know where this is going to lead me,' but it seemed like there was something amazing that was going to happen to all of us. I remember standing in the queue from about midday and I eventually got to vote at about 3pm. The conversations, the euphoric sense that everybody had in that queue made those four hours or three hours just fly by, as if nothing turned on the fact that we were standing right through. In fact, as I say it I feel the sense in my body that day carried. It was a personal journey into hope.	00:08:13:23
00:08:15:06	So then after everything happened, when did you get the phone call? And who called you for your appointment into the Constitutional Assembly? Or did you apply for the job?		00:08:34:15
00:08:35:10		I became aware of what was happening because I was involved in the provincial preparatory process and heard about advertisements for jobs in the Constitutional Assembly. I was actually thinking of not applying, but … now that I'm thinking about it … I	00:10:16:15

		applied because Baleka Mbete asked me to consider putting an application in for the Constitutional Assembly. I had not considered it at all, but looked up the available jobs and put in the application for the deputy executive director. After a few weeks I received a call from the then secretary to parliament, and was put through the interview process. In no time I had to pack up and leave KZN and travel to Cape Town with my family in tow.	
00:10:16:20	Did you know what you were signing up for? Did you have expectations for this job, and what it entailed? Did you know that the two years of your life were going to turn out the way they did?		00:10:35:15
00:10:38:15		My idea about what it would mean to be part of the Constitutional Assembly was, in the main, rooted in the historic moment of constitution-making. I did imagine what it would entail because the timeframe was set. When I joined, there was 18 months of work to finalise the constitution-making process. I hadn't envisaged how intense the process was going to be, because even though I was aware of the negotiations process, I wasn't directly involved in the day-to-day work involved with negotiations and bringing parties together. I didn't get involved in bringing ideas together and all of that. So, when I joined the Constitutional Assembly, I knew that I was going to be involved in a historic period doing something fundamentally important, and I was up for that. I certainly knew that there was going to be a lot of work because there	00:12:34:21

		wasn't much time to get everything accomplished. What I hadn't imagined, though, was how all the processes – in particular the public engagement process – was going to require huge, huge effort, love, commitment, and enjoyment. It really was an experience that combined all of that!	
00:12:35:01	What was it like working with Hassen, and what was it like working with the team? What did your job entail, and what were your responsibilities?		00:12:51:23
00:12:53:21		Imagine a team that's pulled together very quickly, has a huge task, and has to gel. Everyone needed to understand the depth of the work that they were involved in. There were people who got that, and so it was easy for everybody to step in and appreciate that there wasn't much room for induction and orientation; we had to get on with it. Our boss, Hassen, had the ability to carry the lightest of hearts in the most intense of situations. All you had to do was give him a cigarette, and he would keep the mood focused, light, and enthused. It was a good environment, and many of us became attuned to being open and working together. There was no room for fights, and if there was a tussle, it had to be dealt with at that moment and we need to move on. Our internal organisational meetings didn't take up a lot of our time. Instead, they were well structured, and we focused on the things that we need to focus on and moved on to the actual doing of the work, reporting back where necessary. There were many theme committees and many service areas that	00:16:52:16

		had to be reported back on to the internal secretarial meetings. All of that had to be very efficient. I headed up the legal team, and the work that we did was immense. We were responsible for legal and research work, which we did at the same time. I was supported the panel of experts in charge of refining the drafts from political negotiations. Media and community liaison was also an area that had a lot of interaction, and there was a lot of input from everybody. This was especially so on the media issues and community liaison and public education programme that Edward Shalala was responsible for. So, even from the way I'm talking to you about – what my responsibilities were – you can glean that the matrix of operating was that of involving everybody, and there was an opportunity for people who were doing work in the whole range of focal areas to be engaged with almost everything in the Constitutional Assembly. We had to find ways of getting that input and giving feedback, and making everyone aware of what we were doing in Springbok in getting the public's view on the impact on what they were doing in the theme committee, as they were engaging on a particular issue in the constitution-making process.	
00:16:52:20	Why is community liaison important in the constitution-making process, and how did you guys implement the public engagement programme? Can you talk about some of the things that you look back on and think that was genius		00:17:32:20

	and that was why you have become a story internationally for how you made this Constitution?		
00:17:34:03		The community engagement process of the South African constitution-making process was something that should have been the legacy of this country. What it did was it brought to life the tagline under which the constitution-making process was rolled out, which was "*Have your say, Make your mark"*. It called on everyone across the country to recognise the fact that this is their country, this is their process, this is their say, and that they should participate. There was a huge investment in it, and all sorts of means were used. People were called upon to have their say and to make their mark in this country, and in the drafting of their Constitution. So, it ranged from the education process, where there were teams that were talking to communities about what it means to have a Bill of Rights, and what human rights is. They were involved in educating the public about local government, provincial government, and national government, the division of power in a constitutional state, and getting people's understanding of that. They also understood their own views of how they locate themselves and their communities in ideas about how a constitutional and democratic South Africa could be. So, there was the education, and then there was the process where politicians went out to engage the public as members of the Constitutional Assembly about what they wanted. That was an intense programme, and the logistics involved in supporting politicians to go into the	00:25:13:21

		most remote of areas and ensuring that the work had been done to have the people's participation in the places where these engagements were held, was quite enormous. In fact, if I want to say this in the way that it sits for me, I have to even raise some of the fears and the concerns that came up for me in the process. At that time, we still had the South African Communications Services (SACS) which worked with us in planning the logistics for the areas that these engagements were going to be held. As you can imagine, if you're going to have set timeframes getting groups of politicians to the remotest of areas, with programmes to get them through an itinerary, you do sometimes run into difficulties with time. We would sometimes find ourselves, perhaps because of weather conditions, stuck in areas and unable to get the politicians to the next venue where they were supposed to be engaging with the public. This is where I had revelations about how the systems in the country worked. So, in no time you'd find that the SACS people would have communicated with someone, and there would be a plane that was somehow commissioned to come to that very remote area and take the team to another very remote area that we hadn't planned in the mainstream planning. There, we would be able to spend the night and get to the next venue in good time. For me, it brought up a huge fear because suddenly I'd become aware of deep networks which enabled things to happen. This showed that there are these remote places where there are 3-star hotels, and not too far from there would be evidence of it being a shooting	

		range. It would instil fear in me because suddenly I'd be thinking that we were in a process of integrating, and were we aware of the depth of integration that we would need to go into the country to get full control and management over issues that could come back and bite us. For me, it made me aware of the fact that we thought that we understood where the country was going, but that there were these layers that I was not aware of, and they give rise to this fear.	
00:25:30:00	Is there a particular story from the community engagement that touched you? This could be from people who eloquently spoke about their life experiences, and motivated why they needed certain things to be part of the Constitution? Do you have a group of people that you met, or a community that you cared about, because of how they expressed themselves and what they wanted?		00:26:03:23
00:26:06:05		There were many communities that kept on bringing it down to earth for me. Their ideas about what a constitutional democracy needs are good ones and worth exploring more, but what mattered more is how people themselves see that, understand that, and will use that. There were many communities where it became obvious that unless we understood where people were located, and how they saw themselves, their rights, and aspirations, the Constitution would not likely take root in their hearts, in their sensibilities, and	00:31:09:03

		in the way they live life as South Africans. There had to be a connection between how they were thinking of life, how they experienced it, and how the Constitution contributed to that. For example, in a public engagement process that focused on religious linguistic cultural rights, women in particular would ask how the Constitution deals with the practice of *Ukuthwala* in the community. And it would be something that was a real resonating point which impacted on a whole lot of issues that matter for people. When the debate, which was supposed to go deeper into why it's important to protect these rights, and what the protection of the rights could mean in a Constitution, is brought to look at a cultural practice – if we call it that – I realised that we were never going to have meaning in the Constitution if we didn't understand the lived experiences of the people and where they're located materially, socially, spiritually, psychologically, and otherwise. So, politicians would handle that question in different ways. There would be instances where it would be easier to go into the generic and the legalistic notions of what cultural rights are and how they are protected by the Constitution, but the most effective way that I saw them respond to those questions was to understand how people see the practice in their communities, how they understand it, what they want from it, whether they were embracing it, and how they would change it if they could. For me, that's the real engagement and the understanding of how the Constitution supports people to change the traditional and cultural practices that no longer work for them	

		because they have been contaminated in different ways.	
00:31:21:15	When you go back to parliament, what was the atmosphere like in that two-year period? What were the hours like? Were there any bottlenecks in the processes? What were some of the provisions in the Constitution that caused the parties to log heads? There was that intellectual struggle in that chamber as well, and it would be good for people to understand that that process wasn't easy.		00:32:06:05
00:32:07:05		The Constitutional Assembly was led by the chair of the Constitutional Assembly, Cyril Ramaphosa. His two deputies were Roelf Meyer and Leon Wessels. They had a management committee which consisted of representatives from the various parties, and then there was the bigger body that would meet as a plenary in the assembly at the Constitutional Assembly. There was a lot of work that the leadership had to get involved in to negotiate these difficult issues and to get resolution of very difficult issues that arose during the period of the writing of the Constitution. As the secretariat, we were responsible for the accurate recording of these processes because recording makes or breaks a process at times. So we had to be very astute in ensuring that the recording of the engagements, the agreements, and the party agreements was accurate. When it was presented to	00:35:22:10

		them, we had to make sure that it didn't become another sight of struggle because of any misrepresentation and the effects of misrepresenting what transpired in the engagements. The Constitutional Assembly was very definitely a sight of serious contestation among the parties. I think that there was already an environment set for them to agree that there was a constitutional democracy to be built, and that there was opportunities for them to find agreement on a host of very difficult issues on which they stood on polar ends. So, that was the nature of the Constitutional Assembly and the constitution-making process through and through. In the committees where the themes were debated and unpacked there was a lot of struggle. There were processes to bring about consensus, and so that was the way it was carried on.	
00:35:23:15	What did you learn about negotiations in terms of what makes one successful, and how to get people on polar ends to reach a consensus? What kind of personality must you have to achieve this? Who are some of the people that should be credited for having embodied these negotiating skills?		00:35:57:13
00:36:00:00		There were many people from whom I learned. I learned a lot just from watching some of the people, even if I don't mention names right now. I learned a lot about how to move people from positions, and one thread that ran through all the successful instances that	00:39:47:20

		I marked throughout the process, was the listening. There were amazing people; unassuming politicians who just showed the ability to listen, hear what different people were saying, play it back to them, and at the same time suggest ways to resolve the challenges that they were picking up from the views that the participants were raising on an issue. So, for me that was such an important skill, which for the first time in my life I was experiencing in such a huge scale. In the Constitutional Assembly processes, there were as many views as the political parties in the room and more. Even among the political parties there were strong approaches that weren't necessarily in sync that would come up, and so the ability to synthesize the different views that were in the room, and to try to understand where they were rooted, where they were coming from, and suggest a possible resolution or to reduce the distance between the views and perhaps processes to support everyone to resolve the difficulties that they may have on an issue was a lesson that I picked up from the Constitutional Assembly. Cyril Ramaphosa turned out to be one of the masters of doing that. I gained respect for Leon Wessels, because he would do that with a sense of humility and light-heartedness in the processes. I mention those two because their leadership seemed to bring it out all the time, and yet there were many others in the room. There were politicians at different levels of seniority who also showed that that is the way of resolving challenges.	

00:39:48:00	In those two years, was there ever a moment where you thought that you weren't going to make the deadline?		00:39:51:18
00:39:56:00		I never thought we weren't going to make the deadline because it had been set, and it had to be done in that way. The Constitutional Court verified that the work generated by the Constitutional Assembly complied with the principles in the 1993 constitutional principles. So, those processes were going to happen, and therefore if the Constitutional Assembly's product couldn't be verified, this would mean that a meeting would be scheduled to rectify it in accordance with the directives of the Constitutional Court.	00:41:11:23
00:41:12:10	Was there a particular theme or a right in the Constitution that you were personally invested in that was close to your heart, and that you really wanted to get right?		00:41:36:20
00:41:40:00		I was particularly invested in the Bill of Rights. I had my fourth son while at the Constitutional Assembly, and his middle name is Bill for two reasons: the first is the Bill of Rights, and the second is that my father's name was Bill. For me, the most important connector was human dignity, and the clauses on discrimination. So, once it was clear that we were going to ensure that discrimination is elaborately and comprehensively prohibited, I knew that the Constitution had the ability to effectively transform our country if used effectively. So, the provisions on the prohibition of discrimination	00:43:37:21

		which expressly cite the grounds of discrimination which aren't acceptable made a lot of sense for me.	
00:43:39:03	Can you talk about 8 May 1996, the day the Constitution was adopted? Were you there? Had you slept? Did you know that Thabo Mbeki was going to deliver such an amazing speech? What were your emotions like, and at any point in this process did you cry?		00:44:02:13
00:44:04:00		So, you ask me about the day the Constitution was adopted … and by the way, as I came to talk to you about this, I had no sense of what we were going to talk about … and now you're asking me about the day the Constitution was adopted … and my body is doing all sorts of things … because I remember the day vividly. There had not been much sleeping, but I had managed to have a bath and go to the office in the morning, quite excited by the prospect of it being the day of the culmination of everything we had done in the 18 months. We went in, and took our seats in the officials' section. There was a sense of excitement … you could see even in the spirit of the politicians more than any other occasion. They seemed to be together, and stepping in sync. And then what I hadn't expected was the effect of the *"I Am An African"* address that Deputy President Thabo Mbeki gave. I had never ever imagined being elevated in that way by an address in a political arena. It moved me in all sorts of ways: in my own sense of being, in my spirituality it moved me, and I cried. I felt I had no constraint in crying because I was	00:48:05:00

		crying for a Louisa who had forgotten that, in fact, I am part of creation and I contribute to the creation. In that address, we were called to remember that we are not just the material instruments that life as we live it causes us to behave as … if we were, we are everything, we are connected to the mountains, we are connected to the seas, we are connected to the air, we are connected to each other no matter where we come from, what we look like, how we think, we are each other and that was big for me. That's why I say that the constitution-making process was a legacy for our country. It was a legacy that we had a duty to continue living. We had to keep it alive … We did not do it, we have failed to do that, and we must start now to do differently. We must start now to speak and teach about our being which is captured by our Constitution.	
00:48:05:05	If you had an opportunity to speak to students about the importance of the two years of the constitution-making process and the Constitutional Assembly, and this legacy that you talk about, what would you say to them, and why should they care about this legacy?		00:48:53:08
00:48:55:00		I think about young people and the Constitution of this country from the context of being a mother of four sons. I have also worked with young people in higher education, and have experienced the trauma and the soul-crushing experience of trying to fit, to make sense of a system that alienates them in so many, many ways. When I talk about and think about young people, it's	00:53:25:21

		from that understanding. Now that there is more complexity … We knew that what we experienced as young people who were silenced in so many ways, who were trying to find our relevance, our space, acknowledgement of our dignity, and our abilities in spite of our shortcomings and limited capabilities … We were very conscious of that, but as we were trying to find space for that to be embraced, nurtured, and allowed to contribute to the shaping of humanity, we came across a lot of violence and silencing, and we resisted it in so many ways. So, for young people today, what I think we need to make space for is an environment which listens and seeks to collectively create a picture of this future that we need to be walking into. It starts by fully understanding the present, and how it merges with the past. This is intergenerational engagement which is based on deep humility of older people. This will open space for the younger ones to really feel that they can engage with the older people. This is going to be the pathway to healing the hurt that comes from us being so separated. Right now, young people don't understand the Constitution, don't trust much about our Constitution, and they don't see the liberation that is rooted in the implementation of it. Yet, what they are struggling with is exactly what the Constitution seeks to find redress for. So we can start working together to co-create an understanding of how to use the tools that we have.	
00:53:26:03	So, what you're saying is that you worked in the Constitutional		00:53:46:18

	Assembly in an environment where people were on polar ends, and that they managed to have that humility to listen to each other and come up with this Constitution. And that there's nothing that prevents us from imitating that process in South Africa today because we have the skills and we are part of that tradition?		
00:53:46:23		I'm saying that it's different. The complexities need to be understood, and our view shouldn't be that we've done it and that we know it. Our view should be understanding what's causing mental illness and imbalance with us right now; what's causing our inability to relate to situations, and the responses to that frustrating inability to relate to situations; and what's causing the violence and the hostility that we have towards each other. Once we're able to understand that, we can start working towards finding a common idea of the future that we want to work towards.	00:54:46:20
00:54:47:00	Was the day of the adoption of the Constitution your last day on the job? What happened to life after that?		00:54:52:11
00:54:53:15		It was pretty much my last day on the job, because I had already gone to interviews for a role at the South African Human Rights Commission [SAHRC]. The day the Constitution was adopted had those added	00:55:41:05

		emotions. A week after that, I was in Johannesburg working with the commissioners to set up the SAHRC.	
O0:55:41:06	Did you go to the signing of the Constitution?		00:55:44:16
00:55:45:15		I didn't go to the signing, but I was part of the celebration that took place in different parts of the country. I remember with the Human Rights Commission that we went to a couple of schools and marked the signing of the Constitution.	00:56:15:06
00:56:15:18	Do you think that the Constitutional Assembly succeeded in making sure that the Constitution was rooted in the hearts of the people? What does the Constitution mean to you as a citizen who was involved in creating the Constitution document?		00:56:44:06
00:56:48:05		I think that the constitution-making process was successful in bringing the relevance of the Constitution into people's lives. I'm not boldly saying that it brought the Constitution into people's hearts, but I'm saying that it really brought the relevance of the Constitution to people's lives. I think that as a country we could have continued to build on that already-strong base in relation to having more avenues for continued engagement in formal and informal ways. I think that one of our weaknesses is that once we've set up an institution we almost always take the approach that now that we have an institution which is going to lead a process, we can hand over everything. So, once the Human Rights Commission, for example, is set up and	00:59:21:11

		has a mandate in regards to promotion of respect, protection, and advancement of human rights, that duty almost always seems to rest on that institution. However, it's a small institution which is not sufficiently resourced to a culture of awareness of human rights and taking the Constitution forward in regard to that. We needed a country that's engaged across the board with human rights and the building of a human rights culture. We need a country that's engaged across the board with engagement with the Constitution, constitutional awareness, and the essence of our constitutional democracy.	
00:59:21:16	What does the Constitution mean to you, and what has it done for you as a citizen?		00:59:25:13
00:59:25:15		What the Constitution has meant to me as a South African is that it frames how I step into all sorts of relationships, whether in the organisations that I work with, in my relatedness to people, and the issues that arise when we engage. It seems to be drawn into all aspects of my interaction because it has become a framework from which I can talk to anybody about how I assess what's happening. I find it quite a useful framework of referring to how we live, and how we engage with each other. I'm also aware that because we don't engage so much in society generally about the Constitution, for many the Constitution has no relevance. It's only raised in regard to those issues that are problematic. For example, when one talks about crime they'll say, 'Well, we have a Constitution that prohibits us from dealing with crime,' and that's	01:01:12:21

		because of a narrow frame that without the death penalty you're not able to deal with crime, and yet that's so limiting.	
01:01:13:15	Hassen talks about the Constitution as being the soul of the nation. Is that something that you subscribe to as well? Some people would say it's a roadmap, and some people would say it's the heart of the nation. What words would you use to describe it?		01:01:31:06
01:01:32:13		I like words such as soul. I like words such as conscience. I like words such as frame. So I'm open to all of that, and yet it can even be much more than that. All of us do like to have some pillars, even though it's sometimes liberating to feel I can walk on water. Most of the time we want to have pillars that sort of ground us and enable us to manoeuvre any set of circumstances that we come across, and I think the Constitution does that for me personally.	01:02:50:10