

**SPEECH BY MR DALI TAMBO**  
AT THE OPENING OF THE  
**OLIVER TAMBO MOOT COURT,**  
FACULTY OF LAW, UNIVERSITY OF CAPE TOWN,  
29<sup>TH</sup> AUGUST 2001

Mr. Vice-Chancellor, the Dean and other Members of the Law Faculty, the Moot Committee and Members of the Student Body ...

I wish to express my deep and sincere gratitude for the privilege accorded to me by inviting me to participate in the opening of the **Oliver Tambo Moot Court.**

I think I can safely say that my father would have relished being here today, in a place that will very soon resound with his favourite music — the music of rigorous debate, of sharpened wit and progressive thought — this would have pleased him immensely.

Oliver Tambo, in whose name I am honoured to stand before you, was a man of catholic tastes and multiple talents, none of which I have inherited. My father was in so many ways a great man — a humble man — who had no desire to be seen as a hero, but the honour you have bestowed on him is a particularly fitting one.

Shortly after my family returned to South Africa the ANC held a conference at which he gave a report back of his work as President of the ANC the delegates gave him a standing ovation for a mission almost impossible, but a mission by then carried out and almost complete.

He was in effect handling the baton on to his colleague Nelson Mandela to run the last mile of liberation road.

Upon his passing away I said to my Mother that I believed that when he got to heaven the ancestors would similarly gather to hear his report back of how he spent his life and that, just as at the conference, they would give him a standing ovation for a job well done, a life well lived and welcome him into the field.

I am a South African, bastardized by thirty years of exile in a foreign culture abroad, but who, like so many other exiles, lived the dream of returning to the country of my birth, and like them, I have been able to return finally because of the contribution made to the liberation of this country by so many generations including that of my father's.

Because, as I have said, I have inherited so few of his qualities, I feel no guilt in reiterating the golden opinions expressed by the many whose paths he crossed, and whose lives he inspired — that, as Madiba said upon his passing: *“He was the jewel in the Crown”*.

So let me tell you a little about this man who was my father, my friend and my leader.

Oliver Tambo was born of peasant stock — a man of the soil — a herdboys, and until school-going age, his birth name was “Kaizana Manchi”.

On his first day at school the teacher asked him what his name was and my father said “Kaizana”. “No”, the teacher said, shaking his head, “You have given me your home name. I want your school name”. Returning home, my father repeated this to my grandparents. My grandfather told him his school names would be **Oliver Reginald**, and his surname would be **Tambo**. My father never knew why he came to be called Oliver Reginald, but **Tambo** was his great-grandfather's name, and the long and rich life that my father was to lead bearing, that name, is part of the history of this country — the history of us all.

It was during his happy days of childhood that my father learnt the meaning of Justice, certainly not in legal terms, but in the ways in which members of his society conducted themselves in their daily lives, and the care and concern exhibited towards each other: a rural but democratic society in which decisions based on the collective good were lived by — values fought for by the merit of one's argument.

As his education took pace, he matriculated from Holy Cross top of his class, obtaining the highest marks for his year across black and white South Africa. He was barred from studying his first career choice, medicine: in 1930's South Africa, the Universities offering Medical degrees were closed to black students, so he opted instead to do a Bachelor of Science Degree in

Physics and Mathematics at Fort Hare University — the spawning ground of the Revolution that was to come, and the revolutionaries that were to lead it. Amongst them, **Nelson Mandela**, who would later describe meeting this serious young Science scholar, whose future would be forever entwined with his own. Mandela said:

*“From the start I saw that Oliver’s intelligence was diamond-edged. He was a keen debater and would not accept the platitudes that so many of us automatically subscribe to. It was easy to see that he was destined for great things”.*

Soon after this, however, in 1942, the students at Fort Hare went on strike, and as a student leader involved in the strike, Oliver Tambo was expelled before he could complete his degree.

Prior to becoming an advocate, he’d harboured a desire to enter the priesthood, was a choral conductor and composer, and even a horse jockey, but upon leaving Fort Hare he became a teacher of Mathematics and Science at his alma mater, St Peter’s. His time as a teacher is not only significant in the praise poured on him by former pupils, who described him as a highly intelligent and gifted teacher, but also in his methodology — his unusual style of teaching.

He would discuss his lessons with his students and allow them, through debate, to arrive at their own conclusions — a method of teaching that stimulated and empowered the students and made them exercise control over their learning. It is significant because he used the same methodology later as the ANC’s longest-serving President. His leadership style was one of consultation, so that, as President Thabo Mbeki has said -

*“Once a decision was arrived at, we all felt that it was our decision that we would be implementing”.*

Shortly after teaching at St Peter’s, my father met Walter Sisulu, and one day when they were talking, Walter Sisulu bemoaned the fact that although our people were always in trouble with the Law, there were hardly any African lawyers to help them — he urged my father to become a lawyer. Not long after, Nelson Mandela and Oliver Tambo became partners in their Law firm — and partners in the struggle.

But the kind of lawyer Oliver Tambo became, and the kind of politician that lawyer became, is perhaps one of the keys to understanding him — that from his Science and Mathematics were born his analytical talents, that in his training for and desire to be a priest he saw the moral and ethical principles that governed his life; in his desire to be a medical doctor lay his lifelong commitment to heal the open, festering wounds of an unjust society. In his love for music, lay the rich cultural diversity of a people who would one day turn their songs of war and liberation into a symphony of harmonious concord.

As a practitioner of Law and a political leader, these many and interwoven strands that characterised him were brought together, culminating in a low-key leadership style, that ensured that the many disparate elements that made up the ANC would weave together into a cohesive organism. He governed through the consultative process of informed debate and discussion — and it worked.

In the words of The Bard:

*“He was the noblest of them all –  
His life was gentle and the elements so mixed in him  
That Nature might stand up and say to all the world –  
This was a Man”.*

A key to my father’s personality was that, as President Mbeki recently said,

*“There was no trace of selfishness or arrogance, he saw himself as an ordinary Foot Soldier, The unsung infantry Man in the army of ordinary working people of our Country.”*

Oliver Tambo became a lawyer because it was the only means available through which he could fight the injustices inherent in the legal and political system in place in South Africa at the time. He sought to fight injustice by championing the cause of Justice.

I think Oliver Tambo would have looked around this room today, and would have been frankly envious. In the days when he was confronting laws corrupted and customised to suit the fundamental inequalities of apartheid,

they spent most of their time grinding away at the unholy monolith of the Law masquerading as Justice.

He went into politics because he and his colleagues recognised that unjust Law is no Law at all. They had the power of vision to understand the historic privilege granted to those of their generation charged with the defeat of apartheid — of the privilege granted to future generations, charged with the responsibility of building a South Africa that truly belongs to all who live in it.

A consummate egalitarian, his conflict with the Law of the land was that it failed to apply Justice. As he once stated:

*“If the system of Laws is founded on naked injustice, is conceived and enforced to serve the ends of injustice, the courts of law which purport to apply that law become instruments in the hand of injustice. ...To talk of law and order as relating to victims of the system is to stand reality on its head, for in that situation their reality is total lawlessness and disorder experienced at the hands of the apartheid regime”*

If Oliver Tambo were standing here today, I believe he would have placed the issue of Justice firmly in our minds. He would have reminded us that Law is the science of social relations. He would have stressed that in Law, as in Science, we are always seeking a greater truth. He would have implored the lecturers, professors and student body to be educators of our new society — to be the elite guard of democratic practice — to seek the greater truth. He would have told us to remember that the law must be stable, but must never be still, and that the lawyer should make the Law and Justice the property of the People.

What perhaps fewer people know is that he was a founding father of our Constitution and the Bill of Rights enshrined within it. When he asked many years ago Albie Sachs and Kader Asmal — both then in exile in different countries — to write a draft Constitution for the citizens of a democratic South Africa that did not yet exist in the material sense, he took one more step along the path of realising a dream that had begun decades earlier: a dream for Justice.

If Oliver Tambo were standing here today, he would urge that the concept of Justice becomes a very real part of the manner in which you apply your considerable legal training. I believe that my father would have told you to embrace your profession in terms of society by saturating it with a sense of civic duty that would allow for the broadening of the rules of Law to reflect the rights and values enshrined in our Constitution — to connect these rights and laws to questions of socio-economic rights and justice — and in our courts to interpret the Law and the consequences of our past with a generosity of spirit.

There are many among us who believe that the struggle for the liberation of South Africa is not over, but has merely moved into a second phase — that we are still in the process of liberation. Ask any poor South African...

You are about to enter a profession where the laws of the land are finally, ethically and morally, on our side. It is into this fresh atmosphere of discovery and intellectual enquiry that you come of age. The Constitution is a beginning — a powerful tool for change, arousing call to action — but Oliver Tambo will tell you it's not enough simply to have these hard-won liberties on paper, for they will be rendered meaningless words and well-intentioned ideals unless they are realised in people's hearts. That is surely the meaning of liberation.

Oliver Tambo believed that liberty was an act of liberation for the oppressor and the oppressed — a condition for the peaceful co-existence of peoples and individuals. He believed that we should lose the sin, not the sinner — that we should detest the offence yet love the offender.

It will be your duty, ladies and gentlemen, to detest the offence, and love the offender; to have in your hearts and heads a deep-seated revulsion of the theory and practice of racism, to ensure that our people have unrestricted access to legal representation of the highest order — to be true to your profession and to yourselves, because, as my father said:

*“No words, however clever, no concepts, however profound in their appearance, can reconcile the conflict between freedom and oppression, between truth and falsification”*

He went on to say that:

*“Every age, each era carries both the burden of its past and the seeds of the future. Our era bears both the scars of yesterday and the potential for human development, whose basis has been laid by present and earlier generations. That the immediate conditions of life demand of a people that they act to understand and overcome the former as well as appreciate and exploit the latter”*

This, ladies and gentlemen, requires men and women with the honesty, courage, intelligence and integrity of an Oliver Tambo.

It would undoubtedly have been better if my father’s life partner, his greatest love, my dear mother, Adelaide Tambo, were addressing you today, because she, more than any of us, would have summarised something of the making of that vision which she too helped form. She would have shown us a picture of my father as a statesman and a husband, whose inner being she helped to model. I know that as you pay tribute to him, you pay tribute to her. I would like to ask her to stand up.

Together they threw aside the pleasures of normal family life and dedicated themselves to the ideals of which we speak today. Together they dared to seek the birth of humane world – of a world redeemed.

The responsibility to develop a new rule of law in this redeemed world rests with you — a rule of law that enables justice to be done, and to be seen to be done. The field is wide open. It is up to you to make real the high-minded ideals set out in the Constitution. Now is the time to breathe life into those rights, to animate them in the service of all South Africa’s citizens.

Unlike many of your peers in countries whose laws are swaddled in the cobwebs of time and arcane tradition, you are in at the beginning of a game still being developed. It is your generation of professionals that will shape and participate in making this country great.

The law of our land, and our Constitution, are the tools through which we can make Oliver Tambo’s legacy live — when wrongs are made right and ordinary people believe with all their heart that the Law belongs to them, and that it is fair and true. This is the alchemy we seek, and we look to you to help us find it.

On my father's untimely death, Nelson Mandela made a promise to him, saying that:

*“Oliver Tambo has not died, because the ideals of freedom, human dignity and a colour-blind respect for each individual, cannot perish”*

He then made a solemn promise to his fallen friend:

*“As you commanded, we will defend the option of a peaceful resolution of our problems. As you instructed, we will bring peace to our tormented land. As you directed, we will bring freedom to the oppressed, and liberation to the oppressor. ... In all this, we will not fail you”.*

Oliver Reginald Tambo:

*He was a Statesman yet friend to truth,  
Of Soul sincere;  
In action faithful and in honour clear  
Who broke no promise, served no private end  
Who gained no title,  
And who lost no friend.*

Thank you for the honour you have bestowed on my Father. Like him I believe you will be champions of true Justice. And you will be much loved.

I thank you and declare the **Oliver Tambo Moot Court** open!

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