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STATEMENTS ON CONSTITUTIONAL REFORM MADE BY THE
GOVERNMENT

CONTENTS

1.	OVERALL CONSTITUTIONAL OBJECTIVE	1
2.	DECLARATION OF INTENT	4
3.	UNDIVIDED SOUTH AFRICA	4
4.	THE JUDICIARY AND EQUALITY BEFORE THE LAW	4
5.	DISCRIMINATION	5
6.	HUMAN RIGHTS, GROUP AND MINORITY RIGHTS, OWN COMMUNITY LIFE	7
7.	CONSTITUTIONAL MODELS	13
8.	LOCAL GOVERNMENT	14
9.	UNIVERSAL ADULT FRANCHISE	14
10.	DEMOCRACY	17
11.	INDEPENDENT STATES	18
12.	POLITICAL ALLIANCES	19
13.	INTERIM GOVERNMENT	20
14.	NEGOTIATIONS	21
15.	REFERENDUM	31
16.	DIE TOEKOMS VAN AFRIKAANS	32

STATEMENTS ON CONSTITUTIONAL REFORM MADE BY THE GOVERNMENT

OVERALL CONSTITUTIONAL OBJECTIVE

"The Government intends to create a new South Africa in which every South African can live in safety, prosperity and dignity, as an individual and within a group.

Such a South Africa must

be a democracy in which

- * no group dominates or is dominated,
- * the independence of the judiciary is upheld and honoured,
- * civilised norms apply,
- * a dynamic economy thrives, based on free enterprise,
- * everybody lives in safety and harmony, and
- * in good neighbourly relationships with the international community".

(Action Plan, 1989)

"This ideal is to establish a new, and in particular a just and better South Africa. A South Africa in which security and stability, progress and prosperity and justness will be a reality for all its citizens. A South Africa in which every South African, irrespective of colour, creed or race, will be recognised as a full citizen; in which the freedom and human dignity of everyone will be respected and protected; and in which happiness and prosperity will be promoted for everybody. Also a South Africa recognised as a regional leader and acting as a catalyst for growth, development and an enhanced quality of life for the peoples of our subcontinent."

(Dr G van N Viljoen, May 9, 1990)

"Visions of the new South Africa that will guide us at the negotiation table:

- * In our new South Africa we want to see a normal political process, free and open, in which all reasonable objections of all potential participants have been eliminated.
- * In our new South Africa we want to see the basis of democracy broadened to include all South Africans. We want full and equal franchise for all citizens and the right to exercise all political rights in an undivided, multi-party, democratic state.
- * In our new South Africa we want to see all our people bonded into one nation, although composed of a diversity of recognised elements or minorities. The emphasis will be on nation-building, on common patriotism and loyalty to our country, without prejudicing the rights of minorities against domination by more numerous segments of the South African nation.
- * In our new South Africa we want to see all the remnants of discrimination and apartheid scrapped. All South Africans will have guaranteed equal rights and opportunities on the basis that the rights of minorities as well as those of individuals will be protected through constitutional checks and balances and by a Charter of Human Rights.
- * In our new South Africa we want to see a dispensation where freedom of association is allowed to take its natural course without statutory prescriptiveness,

- independence of the judiciary and equality for all before the law;
- an economic system based on free enterprise including private ownership, freedom of contract and free competition, and also providing urgent special efforts to improve the quality of life of deprived communities;
- identifying and strengthening the common values and ideals uniting our people, to form the basis of our nationhood."

(Dr G van N Viljoen, April 14, 1990)

"Amongst other things, the overall aims to which we are aspiring, include a new, democratic constitution; universal franchise; no domination; equality before an independent judiciary; the protection of minorities as well as of individual rights; freedom of religion; a sound economy based on proven economic principles and private enterprise; dynamic programmes directed at better education, health services, housing and social conditions for all."

(Mr F W de Klerk, February 2, 1990)

We would like to have a political system that would ensure the maintenance of reasonable standards comparable to those in western societies in business, in politics, in economics, and socially in South Africa. The maintenance of our civilized standards is to us the real goal."

(Dr G van N Viljoen, October 31, 1989)

DECLARATION OF INTENT

"We have now arrived at a point at which the NP will soon be ready to produce a comprehensive statement on principles, fundamental points of departure and aims. Such a document could serve as a basis for discussion and negotiation with a view to establishing a broadly representative consensus - a consensus which could serve as a basis for working out alternative constitutional models or at least for the elimination of models in conflict with the consensus which may be reached. The Government accepts the responsibility of taking the lead in endeavouring to involve every party represented in Parliament in the effort."

(Mr F W de Klerk, April 19, 1990)

UNDIVIDED SOUTH AFRICA

"South Africa is one undivided state with one citizenship for all. Every South African has the right to participate in political decision making on all levels of government which affect his interests, subject to the principle of no domination."

(Mr F W de Klerk, February 9, 1990)

THE JUDICIARY AND EQUALITY BEFORE THE LAW

"A strong, independent judiciary must be maintained and developed in order to:

- * ensure that the common law and the laws of the country are applied;
- * guarantee justice between citizen and citizen, and State and subject;
- * ensure the observance of civilised standards in legal process and in law enforcement;

- * play an active part in the protection of group values, individual rights and minority interests; and
- * contribute to the guarantee of constitutional stability."

(Action Plan, 1989)

DISCRIMINATION

"The Government has declared its willingness to continue eliminating remainders of discrimination and apartheid."

(Dr G van N Viljoen, October 21, 1989)

"One of the essential points of the Government is to eliminate race as a factor of defining groups where any measure of discrimination or different treatment is involved."

(Dr G van N Viljoen, February 13, 1990)

"The Group Areas Act will have to go, there is no doubt about that."

(Dr G van N Viljoen, January 26, 1990)

"Blacks generally have been insisting that the Land Act should simply be scrapped, so that the land can be purchased by any person from the present owner ... I wouldn't reject this approach totally but then it should be in the form of a give-and-take. If black people really require the protection of land in their areas or the protection of ownership to land in their areas, and if they really require some protection for black business in black areas, this first of all assumes different areas and that might then create a better understanding as to why some other groups would also like in their areas certain forms of protection - not for

land tenure or for land ownership so much nor for business protection so much, but simply for maintaining a more or less homogeneous community structure."

(Dr G van N Viljoen, February 8, 1990)

"Well it is accepted that the Population Registration Act will have to lapse together with the present constitution of which it forms an important base of interpreting to which population group a person belong. It has been accepted that the prescriptive and rigid and racially defined description of groups in that Act will not be and are not acceptable, and therefore that it has to lapse."

(Dr G van N Viljoen, February 6, 1990)

"The Government therefore has a broad mandate for repealing discriminatory legislation in its entirety or to remove discriminatory aspects from legislation where this is still required. We are serious in our intention to do just that.

Secondly, this raises the question as to what the Government is going to do about it. I shall gladly inform Parliament and the public about this, with particular emphasis on those Acts to which reference is so frequently made.

Firstly, the Reservation of Separate Amenities Act, I have already announced that this Act is to be repealed during this session of Parliament. That will happen.

Secondly, the Group Areas Act: About this too the NP indicated clearly during the election that this Act would have to be replaced in an orderly manner ... The Government has a mandate to put in its place, through discussion and negotiation, something which will ensure a general pattern of residential areas in a non-discriminatory manner which will be generally acceptable.

Thirdly, with regard to the Land Acts, what applies to the Group Areas Act will to a certain extent also apply to these laws. Due to obvious similarities the problem is in some respects and in many respects the same.

Fourthly, I come to Population Registration Act. The population register, which differentiates on the basis of population groups, is an inseparable part of the present Constitution and the Electoral Act. Therefore the argument that it has to be amended in conjunction with the existing Constitution is absolutely valid.

(Mr F W de Klerk, April 19, 1990)

"In the sphere of the removal of discrimination, the Government has also acted in terms of its policy to remove discrimination. The repeal of the Separate Amenities Act is now imminent as it has been tabled in Parliament. Early next year the Group Areas Act and Land Acts will receive attention."

(Mr F W de Klerk, June 7, 1990)

HUMAN RIGHTS, GROUP AND MINORITY RIGHTS, OWN COMMUNITY LIFE

"The Government accepts the principle of the recognition and protection of the fundamental individual rights which form the constitutional basis of most Western democracies. We acknowledge too, that the most practical way of protecting those rights is vested in a declaration of rights justiciable by an independent judiciary. However, it is clear that a system for the protection of the rights of individuals, minorities and national entities has to form a well-rounded and balanced whole. South Africa has its own national composition and our constitutional dispensation has

to take this into account. The formal recognition of individual rights does not mean that the problems of a heterogeneous population will simply disappear. Any new constitution which disregards this reality will be inappropriate and even harmful.

Naturally, the protection of collective, minority and national rights may not bring about an imbalance in respect of individual rights. It is neither the Government's policy nor its intention that any group - in whichever way it may be defined - shall be favoured above or in relation to any of the others."

(Mr F W de Klerk, February 2, 1990)

"South Africa is not a non-racial reality. It has a diversity and groups and race is part of the reality of South Africa. It should be accommodated in a way that is non-discriminatory and that does not affect democracy."

(Dr G van N Viljoen, February 13, 1990)

" ... the view of the Government is not that group is an ideological matter of unchangeable principle. The recognition of groups is a practical fact within the reality of the present moment. It is quite possible that as the years go on and acculturation amongst the different groups in South Africa takes place ... that in the future people might take different decisions from those that we have taken at present. Therefore, the importance of the groups in political or in social context as statutory protected units may become less important. At this stage, however, in terms of practical reality, we believe that in a new constitution, provision should be made for the protection of the political participation and the political involvement of minority groups so that they cannot be simply overruled and dominated by the majority decision."

(Dr G van N Viljoen, October 31, 1989)

"If groups are no longer to be essential building blocks of the constitution, of the whole system as such, it should nevertheless remain available as one option for those requiring its protection."

(Dr G van N Viljoen, April 17, 1990)

"My Government agrees that group definitions as they stand on the statute books today are flawed and unacceptable and reflect a period characterized by strong statutory prescriptiveness in such matters. The present definitions and legal regulations on population groups are rigid and inflexible and allow no room for freedom of choice. Through negotiations this will have to be thoroughly changed so as to make it totally free from discrimination and compatible with a new participating political and constitutional dispensation."

(Dr G van N Viljoen, March 13, 1990)

"If the choice of many people is to live in an undifferentiated way in terms of residential areas or education or any other matters, then the provision in the country would be such that their wishes are accommodated. We believe there should be two alternative life styles, a more open unrestricted association and on the other hand for those groups who so wish, a more exclusive community life which as a minority they consider necessary for their security and their protection."

(Dr G van N Viljoen, October 31, 1989)

"I think it is essential for a national group, especially a small national group such as the South African white community, to be in a position especially where it is faced with an overwhelming number of people of different traditions, different histories and different values, to be able to maintain itself as a national group but at the same

time recognizing that it also has common duties and responsibilities together with all the rest as members of the national unity of the country."

(Dr G van N Viljoen, October 31, 1989)

"Naturally in the protection of minorities what is involved in particular is the ability to maintain one's own identity and community life. In particular, this concerns community values such as language rights, religion and cultural practices. The meaningful protection of the political rights of minorities is also particularly essential here in the maintenance of proven economic values such as the private enterprise system and property rights. These are essential in order to produce a meaningful and visible improvement in the quality of life and opportunities for everyone in South Africa, especially the underprivileged. ... Where the political rights of minorities are concerned, it is also a question of the ability to contribute to ensuring that civilised norms and standards are maintained in all fields of public life, in particular in the administration of the country, the political system, social life and the economic system."

(Dr G van N Viljoen, February 5, 1990)

"The NP therefore believes that it has a sound case to argue in the negotiations on behalf of protection of minority rights, in the cultural as well as the political sense. It should be possible to negotiate a multi-dimensional system of protection through checks and balances which would comprise an acceptable definition of minorities requiring protection, a Charter of Human Rights, constitutional provisions ensuring both representation and effective participation in decision-making for minorities on certain vital

issues, a measure of autonomy for groups as well as geographic regions, promoted by delegation as well as devolution of power to lower levels of Government."

(Dr G van N Viljoen, April 14, 1990)

"The rights that the Government/NP wishes to see protected in this way in South Africa by way of a special say for a group or groups of which it itself wishes to be part, include the following:

1. That the nation should not, through the misleading of an unsophisticated majority vote, be plunged into a one-party state or dictatorship.
2. That it should not be possible arbitrarily to abolish or change a charter of individual human rights.
3. That there should be regular elections.
4. That a free market system should be retained.
5. That a communistic dictatorship should not be forced on the nation.
6. That those who wish to live within the context of a particular community should be able to do so (without people being obliged by law to do so).
7. That all schools, including those for minority groups, should be entitled to equal state support (without people being obliged by law to attend specific schools).

8. That property rights (including land ownership) should be respected and that there should not be arbitrary expropriation or expropriation without proper compensation.
9. That the security forces should be properly managed and staffed so that an environment which is safe for all to live and work in is maintained.
10. That an independent judiciary should adjudicate between one person and another and between the citizen and the state.
11. That private property and a free economic system should not be ruined by an unjust system of taxation.
12. That the minority groups should be represented in the organs of government by leaders who maintain the above values."

(Dr G van N Viljoen, May 11, 1990)

"We have also adopted a very clear stance and dealt with that at length in my discussions recently in Parliament, on the basis that we are not ideologically obsessed with groups, that group as a concept - if you equate that with minorities or however you would like to approach it, should not be on a racialistic basis, and that we are looking into and we would like also to enter into discussions with how the reality of the existence of groups in South Africa should be accommodated in a way which cannot be described as discriminatory in any way whatsoever. So in that sense of the word, the debate about group, yes, is an ongoing debate, but our intention with regard to group or minorities or

whatever you'd like to call it, is not a hidden agenda to continue in any form whatsoever, continued minority domination over majorities in any way whatsoever."

(Mr F W de Klerk, May 4, 1990)

CONSTITUTIONAL MODELS

"Well, I wouldn't like to go into too much detail except by saying that one of the models, by way of illustration which are on the table and are being considered is a type of model propounded by the KwaZulu/Natal Indaba ... This is in other words a model that is being considered namely a bicameral legislature, one chamber unqualified vote and the other chamber providing minority protection with regard to important political issues."

(Dr G van N Viljoen, March 26, 1990)

"Basically there are only three models as substitutes for the present constitutional model, which is in any case unsatisfactory for most people. These models are partition, simplistic majority rule on the basis of one man one vote and power-sharing.

Partition is of no practical value to South Africa. It is impractical due to the demographic, geographic and economic realities of South Africa."

(Mr F W de Klerk, April 22, 1990)

"Well, let me firstly emphasise that I draw a distinction between two concepts - the one is simplistic majority rule and the other is the sharing of power. We favour the sharing of power because we sincerely believe that a simplistic majority rule model is not the right model for a heterogeneous society. Typical majority rule, such as you have in terms of the Westminster system, is a good model for a homogeneous society. Other countries in western democr-

acies have found it necessary to adopt that system, I think of one particular example, namely Switzerland. Surely they have democracy, but they don't have simplistic majority rule.

(Mr F W de Klerk, April 22, 1990)

"What we want is a situation where there is a balance between the full participation of all South Africans, as you have said, on the basis of having an equal vote, of participating in Government at all levels. So there is no way of excluding the majority, or of asking the majority not to play its full role, but balanced with that, must be also effective measures of protecting minorities, and there are various ways and means in which to do it. A few of the principles which we feel should be adhere to are decentralisation of power. Secondly, imaginative devolution of power to smaller units."

(Mr F W de Klerk, April 22, 1990)

"We're still far away from models in South Africa. We feel that what we first need is greater and broader consensus on departure points, on basic principles and on overall goals. And with that we are really making advances."

(Mr F W de Klerk, April 22, 1990)

LOCAL GOVERNMENT

"In any democratic system, local authorities are fully-fledged, elected government institutions through which the members of a community and the residents of a town or a city govern themselves. They are the instruments for dealing with local interests within the national framework of the state."

(Mr F W de Klerk, May 7, 1990)

"Besides protecting basic freedoms, bringing government closer to the people and promoting responsible political participation, local authorities play a key role in the provision of basic services and the development and protection of communities. A new system of local government will also have to take these elements into account and develop them further."

(Mr F W de Klerk, May 7, 1990)

"Against this broad background I should like to state the following general points of departure in regard to local government:

- In the first place it is necessary to move away from a system of local authorities based solely on colour. This means the development of new local structures that will provide for power-sharing as well as the self-determination of communities on a non-discriminatory basis. Various models and mechanisms can be considered in this regard.
- In the second place this will also have to include an equitable distribution of local sources of income, combined with joint responsibility for their effective and efficient utilisation and management.
- In the third place, the Government is committed to the greatest possible devolution of authority to the lowest effective level of decision-making. Devolution of authority is only meaningful, however, if it is accompanied by the devolution of sufficient fiscal sources and powers. Devolution of functions and powers must also be in accordance with the will of the local community and a local government body must be able to handle them effectively and efficiently."

(Mr F W de Klerk, May 7, 1990)

"I sincerely believe that the *status quo* cannot be maintained. There is an inescapable need for a new system or systems of local government.

... Any new system of local government will also have to be established through negotiation. Local communities have ample experience of this.

Any model will have to take into account the existence of various communities in the same area. It will have to be affordable and promote administrative rationalisation.

At this stage I do not wish to expand on models or their merits, except to say that authorities and the necessity of avoiding any disruption of the provision of local services require an orderly process. A general legal framework will, therefore, have to be developed within which all local authorities will have to operate. Part of that should to my mind be the availability of a number of alternative models from which a choice can be made."

(Mr F W de Klerk, May 7, 1990)

"Negotiation about a dispensation for a particular town or city should involve all interested parties and groupings in the local community. The adoption of any specific model has to take place with the greatest possible measure of consensus within the community. Accordingly, methods will have to be considered to test the wishes of the community in this regard."

(Mr F W de Klerk, May 7, 1990)

UNIVERSAL ADULT FRANCHISE

"The National Party is in favour of universal adult franchise within a constitutional dispensation, based on the principle of non-domination, and in which the following mechanisms of protection, among others, are built: Decentralisation of power, devolution of authority, constitutional checks and balances, decision-making by consensus and an independent judiciary. A common voters' roll applied in a constitutional system based on the "winner takes all" approach, is not acceptable to the NP. It does not provide for adequate protection of minorities, nor for the cultural, religious and language differences among South Africans. However, universal adult franchise on a common voters' roll within a qualified system of political representation into which the constitutional mechanisms of protection which I have mentioned are built is indeed an achievable possibility."

(Mr F W de Klerk, April 19, 1990)

DEMOCRACY

"Real democracy requires conditions of free debate, free choice and decision-making by individuals. It is furthermore characterized by representativeness, i.e. individuals must be effectively represented by leaders of their choice in the organs of Government. Together with representativeness goes the concept of accountability - accountability of representatives to their voters, and also of the executive to the legislature. For this to be effective there should be the ready possibility of replacing the Government by a different one. This implies a multiparty system coupled with regular secret ballot elections.

Provided full justice is done to all these characteristics, it could well be argued that absolute rule by an unqualified arithmetic majority may be considerably tempered without imperiling the essence of democracy.

Majority rule is not a necessary guarantee nor a sufficient condition to ensure that the essentials of democracy are being achieved. Especially in a majoritarian system in which "the winner takes all" the minorities are totally excluded from any meaningful political involvement. It is of course not questioned that the majority must rule. But it is questioned whether, especially in a plural society, stability and nation-building are best served by a simple majority ruling solely and exclusively."

(Dr G van N Viljoen, May 9, 1990)

INDEPENDENT STATES

"They are outside South Africa. If they want to return and become part of South Africa again, they must ask for it and then the matter will be discussed and negotiated with them.

(Dr G van N Viljoen, October 31, 1989)

"In recent times there has been an interesting debate about the future relationship of the TBVC countries with South Africa and specifically about whether they should be reincorporated into our country.

Without rejecting this idea out of hand, it should be borne in mind that it is but one of many possibilities. These countries are constitutionally independent. Any return to South Africa will have to be dealt with, not only by means of legislation in their parliaments, but also through legislation in this Parliament. Naturally this will have to be preceded by talks and agreements."

(Mr F W de Klerk, February 2, 1990)

"It would be for them to decide. They accepted independence. If they want to continue independently as two of them have indicated they would prefer to do, it is their right and South Africa will uphold that right of their's as sovereign independent States."

(Dr G van N Viljoen, February 2, 1990)

POLITICAL ALLIANCES

"But the NP also accepts that in the new South Africa political activity will have to find channels of articulation not only organised according to groups, however defined. There will most likely also be open competition amongst political organisations as such, which are after all also a form of groups. Therefore entering into alliances or alignments with political organisations from other groups sharing the same fundamental political policies, is receiving much thought and attention, with a view not only to the negotiating process but also to functioning within the new constitutional structure which is to issue from that negotiation."

(Dr G van N Viljoen, April 14, 1990)

"The NP will actively promote such a process of the formation of alliances and will actively take part in it. For this very reason, it is so important that the foundations of principles, points of departure and goals be laid now. From this alliances will develop and patterns of co-operation will be brought about.

Everyone will have to realise, however, that the quest for consensus from which alliances may emerge will make high demands of everybody. Among other things, it will demand

that parties which opposed one another in elections and at other times will have to join forces on matters about which they agree, without surrendering their identities.

The temptation to continue to get at one another during the process of co-operation will have to be resisted. The dualism of remaining opponents as well as being partners at the same time will demand great responsibility from all who participate."

(Mr F W de Klerk, April 19, 1990)

INTERIM GOVERNMENT

"The Government rejects proposals that it should transfer its power to an interim government during the period of negotiating a new constitution. The Government's firm position is that it will continue to function in terms of the present constitution until a new constitution is legally and properly brought into being. The concept of a transitional government or even a transitional arrangement as part of a new constitution are matters which could feature on the agenda of negotiations. As for foreign mediation, the Government does not see any need for this since negotiating a new constitution is a matter for South Africans to manage among themselves within South Africa. Foreign leaders and governments can of course exercise a moderating and a stabilising influence conducive to a positive climate for negotiations."

(Mr F W de Klerk, October 21, 1989)

"No country in the world questions the independence and sovereignty of South Africa. We are not like Namibia or Rhodesia - now Zimbabwe. South Africa is a sovereign, independent country. Every proposal for the suspension of the present legal Parliament and the establishment of an alternative interim government serves as denial of that

sovereignty and independence. There is no good reason to hold out allegations of the defective legitimacy of a government as justification for the infringement of the sovereignty of a state. The present government may, for reasons of political expediency, be stigmatised as illegitimate by its opponents in their propaganda, but this in no way justifies the infringement of the legitimacy of the sovereignty and independence of the RSA."

(Mr F W de Klerk, April 20, 1990)

NEGOTIATIONS

"The new political dispensation, in which all people will be represented, must enjoy the greatest possible degree of consensus. Thus, the details must be worked out in a process of negotiation, preceded by intensive talks with the leaders of all the different groups willing to participate peacefully in a search for fair and practical solutions."

(Action Plan, 1989)

"... I committed the Government during my inauguration to giving active attention to the most important obstacles in the way of negotiation. Today I am able to announce far reaching decisions in this connection.

The steps that have been decided, are the following:

- The prohibition of the African National Congress, the Pan African Congress, the South African Communist Party and a number of subsidiary organisations is being rescinded.
- People serving prison sentences merely because they were members of one of these organisations or because they committed another offence which was merely an offence because a prohibition on one of the organi-

sations was in force, will be identified and released. Prisoners who have been sentenced for other offences such as murder, terrorism or arson are not affected by this.

- The media emergency regulations as well as the education emergency regulations are being abolished in their entirety.
- The security emergency regulations will be amended to still make provision for effective control over visual material pertaining to scenes of unrest.
- The restrictions in terms of the emergency regulations on 33 organisations are being rescinded. The organisations include the following:
 - National Education Crisis Committee;
 - South African National Students Congress;
 - United Democratic Front;
 - COSATU;
 - Die Blanke Bevrydingsbeweging van Suid-Afrika.
- The conditions imposed in terms of the security emergency regulations on 374 people on their release, are being rescinded and the regulations which provide for such conditions are being abolished.
- The period of detention in terms of the security emergency regulations will be limited henceforth to six months. Detainees also acquire the right to legal representation and a medical practitioner of their own choosing.

About one matter there should be no doubt. The lifting of the prohibition on the said organisations does not signify in the least the approval or condonation of terrorism or crimes of violence committed under their banner or which may be perpetrated in the future. Equally, it should not be interpreted as a deviation from the Government's principles, among other things, against their economic policy and aspects of their constitutional policy. This will be dealt with in debate and negotiation.

At the same time I wish to emphasise that the maintenance of law and order dare not be jeopardised."

(Mr F W de Klerk, February 2, 1990)

"In pursuance of my opening address to Parliament, I am now in a position to announce that Mr Nelson Mandela will be released at the Victor Verster Prison on Sunday, 11 February 1990 at about 15:00."

(Mr F W de Klerk, February 10, 1990)

On the basis of numerous previous statements there is no longer any reasonable excuse for the continuation of violence. The time for talking has arrived and whoever still makes excuses does not really wish to talk. Therefore, I repeat my invitation with greater conviction than ever:

Walk through the open door, take your place at the negotiating table together with the Government and other leaders who have important power bases inside and outside of Parliament.

Henceforth, everybody's political points of view will be tested against realism, their workability and their fairness. The time for negotiation has arrived."

(Mr F W de Klerk, February 2, 1990)

"The Government has consistently set only one precondition namely that participating leaders and organisations should clearly commit themselves to the process of peaceful negotiations. This implies abandonment of violence. Negotiations must be mentally and intellectually free and this by definition excludes the reference to violence."

(Dr G van N Viljoen, October 31, 1989)

"There is no particular concern about the ambiguity of ANC leaders as at one moment there is an appeal for a return to school or throwing weapons into the sea, but at the next insist that the armed struggle remain part of the overall strategy."

(Dr G van N Viljoen, April 17, 1990)

"The Government insists that all involved have a responsibility to contribute to making conditions on the ground favourable ... The Government also insists on a clear and unambiguous commitment to peaceful methods for political change on the part of all participants in negotiations, implying the abandonment of violence and intimidation and a cessation of references to continuing the "armed struggle". It believes that such rhetoric is encouraging poorly disciplined local leaders - especially youths - in getting out of control and spreading the use of violence and intimidation."

(Dr G van N Viljoen, April 17, 1990)

"There seems to be a general preference for political organisations or parties as participants rather than governments or government institutions."

An acceptable approach would appear to be to have political organisations with a proven substantial support base, operating within existing structures, as obvious participants to the conference. This must be supplemented by representatives from extra-parliamentary organisations which also have a proven support base."

"... the ANC is only one of the different black organisations which could be involved in a negotiating process."

(Dr G van N Viljoen, October 31, 1989)

"The Government will not allow leaders of black communities who have over the years made the sacrifice of choosing the way of participation - often in spite of objections - to be manoeuvred out of the negotiation process. There is no single party or grouping which can claim it alone speaks for black South Africans. Therefore all who strive for peace must be given the opportunity of taking part, or, if negotiation brings us to this point, of proving themselves democratically."

(Mr F W de Klerk, October 21, 1989)

"An aspect about the negotiating process is the Government's commitment to an open agenda. This means that all participants should be free to submit whatever policy proposals they wish to bring forward, without any preconditions or disqualifications set up beforehand. It should be left to the negotiating process to evaluate the merit of proposals. It should also be emphasised that an open agenda does not mean an open mind on the part of the participants. Obviously every participating organisation will come to the conference with its policy and views and will do its utmost to persuade in debate other participants of the soundness of its own approach."

(Dr G van N Viljoen, February 23, 1990)

"As I have stated, the negotiations will not be confined to constitutional matters, but would inevitably also have to pay attention to a future economic system. In this regard all participants will have to acknowledge the need for maximum increase in assistance for the less privileged communities towards improvement in their quality of life."

(Dr G van N Viljoen, April 17, 1990)

"But there is another important side to negotiation. Assuming all or most parties concerned accept the need of negotiations, it should also be understood that the concept implies a process of debate and agreement, of give and take, and ultimately of compromise. This is something quite different from a mere transfer of power, which really makes negotiations unnecessary. Negotiation should ideally result in all participants in some sense sharing in victory rather than in opposing total winners against total losers."

(Dr G van N Viljoen, April 17, 1990)

"Since negotiating a new constitution is a political activity, this implies the prerequisite of a normal political process in South Africa for establishing valid negotiation. A normalised political process in turn requires at least two fundamental conditions:

First, the lifting of restrictions imposed by the State on the normal functioning of the political process;

second, the cessation of violence, intimidation and a so-called "armed struggle", both in fact and in rhetoric, as being incompatible with negotiations in its true sense."

(Dr G van N Viljoen, April 17, 1990)

"If negotiations at the particular point break down, this Government will continue on a basis of gradual reform, of once again, through taking steps, continuing to then revitalise a climate conducive for real and constructive negotiation."

(Mr F W de Klerk, April 22, 1990)

"The Government and the ANC agreed on a common commitment towards the resolution of the existing climate of violence and intimidation from whatever quarter as well as a commitment to stability and to a peaceful process of negotiation."
(Introductory paragraph, Groote Schuur Minute, May 4, 1990)

"I regard what is contained in the Groote Schuur document as an important breakthrough in the peaceful process which we want to take place in South Africa. It has been this Government's goal to normalise the political process. Today we can say that a great step forward has been taken in the process. It has been our goal to improve the climate for negotiation, to create a climate conducive for negotiation. I sincerely believe that we have taken an important step in that direction. It has been our goal, with regard to all South Africans, to remove distrust and replace it with greater understanding. I sincerely believe that this meeting also served that purpose. In that sense of the word the joint commitment to peaceful solutions ... which can lead to real negotiation, is of extreme importance to all the people of South Africa

... The talks centred solely on the question of stumbling blocks in the way of negotiation and can in no way be described as constitutional talks. In that sense of the word we did not address real constitutional issues in any way whatsoever."

(Mr F W de Klerk, May 4, 1990)

After thorough consideration of all the relevant factors, I have decided to announce that there will no longer be a general country-wide state of emergency but that henceforth it will exist in Natal only.

The Government has pursued with all its might and resources that ideal that, as far as security was concerned, there should be a return to normality in which the remaining vestiges of violence could be countered with the ordinary laws of the land. That point has now been reached."

(Mr F W de Klerk, June 7, 1990)

"With regard to security legislation the Government is already looking at aspects of security legislation which could possibly inhibit the free conduct of peaceful politics and which, because of the reduction in the violent onslaught on the existing order, might no longer be necessary."

(Mr F W de Klerk, June 7, 1990)

"Further to the Groote Schuur Minute, a working group held discussions during the week of 14 May on various facets, including exiles and sentenced offenders. The participants then had to report back to their respective principals. The Government considered the report and is ready to implement it. The ANC has, however, requested that they be allowed time until 10 July 1990 to inform us of their reaction. The ANC, therefore, has to account for any delay in this regard.

In the meantime I am, however, willing to release 48 people as a gesture, which I am empowered to do in terms of present powers embodied in the Constitution and the Prisons Acts. Any further developments in this area will depend on implementation of the working group's report, which the Government is ready to do."

(Mr F W de Klerk, June 7, 1990)

"The time has come for the ANC to give a proper account of itself and of its true intentions. Its commitment to the Groote Schuur Minute must be reflected in all its future actions and statements. The leaders of South Africa must now rise to the occasion. In South Africa, Southern Africa and in the world, obsolete policies and systems are being discarded. Irreconcilable differences are being overcome by negotiation. There is no longer any need or justification for violence to achieve political objectives."

(Mr F W de Klerk, June 7, 1990)

"At the invitation of the State President, representative leaders from all the executive bodies on national and regional levels met with him at Tuynhuys, Cape Town, on June 18, 1990.

All those present agreed that the common interests, aspirations and needs of all South Africans required:

- That there should be efficient government and administration at national, regional and local levels at all times before, and during the process of negotiating a new constitutional dispensation;
- that there should be economic growth and development to create jobs for our people, to fight poverty and to ensure business and investment confidence in our country and the Southern African region;
- that intimidation and political and other violence should cease, not only for the sake of reconciliation, but also because a new, peaceful, just and prosperous South Africa cannot be attained through violence and destructive and unjust methods;

- that peaceful protest as a political method should be used sparingly and responsibly because of its disruptive and emotive effects;
- that for any new constitutional dispensation to be eventually approved and supported by the majority of South Africans, all political entities and interests committed to peaceful solutions and having a proven base of support should be involved in negotiating a new constitution; and
- that real negotiations for a new constitution should be the highest priority and should start as soon as possible."

(Mr F W de Klerk, June 18, 1990)

"The actual negotiating and the process of negotiation, as I see it, would be a matter to be directed on behalf of the NP. However, the Government also has a part to play in the process of negotiation. It is the Government of the country and it has been entrusted with the overall control and management of the country, and therefore it also has a role to play."

(Dr G van N Viljoen, May 10, 1990)

"I believe it would be a good idea if the negotiating conference itself were given the authority and the opportunity to decide how it should be chaired, conducted and managed, and if the Government provided the necessary support services to make that possible. I think it is clear and acceptable that the legitimacy and the acceptability of such a conference would call for a certain amount of self-government, as it were, and self-direction from that conference as such."

(Dr G van N Viljoen, May 10, 1990)

"On the other hand, I think it is a reasonable point that, whilst negotiations are going on and whilst the Government, parallel to that, is governing the country through the different organs of government according to the Constitution as it stands, it would be advisable in the mean time to consult as widely as possible and to bring about formal and informal structures for consultation with people who are not represented in Parliament. I think that would contribute towards a feeling of involvement, towards a building up of understanding of each other's viewpoints and towards strengthening the necessary trust and confidence we need in each other as negotiators in order to provide a sound foundation for meaningful negotiation with regard to a future new dispensation."

(Dr G van N Viljoen, May 10, 1990)

REFERENDUM

"Another question directed at me dealt with my repeated undertaking in respect of a referendum or election before the implementation of significant constitutional changes.

The mandate the NP obtained from its electorate in 1987 and 1989 was linked to an undertaking that the same voters would be able to express themselves on the results of negotiation ... Therefore, regardless of whether or not anyone else have the desire to test support based on the new constitutional proposals, the NP will insist on their being tested by the electorate of the House of Assembly. The same option is available to any other House which may feel a need to obtain a final mandate before it participates in the implementation of a new constitutional dispensation.

I also believe that it will emerge from the negotiating process whether there is a need among other sections of the population, excluding those who are already voters of this Parliament, to undertake an opinion poll by way of a referendum or any other means. If it is requested there will be no objection.

This aspect of voting before implementation should not be confused in any way with the question of how voters' rolls ought to be compiled in the new dispensation. That is a completely different question which is related to the content of the constitutional proposals."

(Mr F W de Klerk, April 19, 1990)

DIE TOEKOMS VAN AFRIKAANS

"... wil ek vanaand die posisie van Afrikaans kortliks in oënskou neem ... ek wil my vertrouwe in Afrikaans en sy toekoms uitspreek.

Afrikaans het eerstens reeds bewys dat hy alles kan vermag waartoe die ander groot kultuurtale van die wêreld in staat is. Afrikaans, wat as 'n nederige en soms versmaaide taal begin het, het tot 'n verfynde uitdrukkingsmiddel gegroei. Dit het oor 'n betreklike kort tydperk ontwikkel tot 'n belangrike moderne taal. Dit het daarin geslaag om met groot soepelheid alle terreine te bestryk.

Tweedens is Afrikaans 'n brugbouer. Afrikaans is ook die taal met die wydste geografiese verspreiding in ons land. Afrikaans kan daarom ook binne Suid-Afrika 'n belangrike brugbouer tussen mense wees om, ondanks verskille wat daar mag bestaan, 'n beter toekoms vir ons almal te help bou.

Derdens is Afrikaans die taal wat die grootste getal mense in die land ken en kan gebruik. Die 1980-sensussyfers dui daarop dat daar minstens 23 taalgroepe in die RSA is. Elf hiervan, waaronder Afrikaans, Engels en Zoeloe, word as hooftale beskou.

Die sensussyfers toon dat 48 persent van die totale bevolking aangedui het dat hulle Afrikaans ken en kan gebruik, teenoor 44 persent in die geval van Engels.

Ons as Afrikaanssprekendes sal egter bereid moet wees om voortdurend Afrikaans op alle vlakke van die samelewing, in die wydste sin van die woord te bemark. Ons sal Afrikaans nie net moet bevorder vanweë die voordeel wat self daaruit getrek kan word nie, maar vanweë die intrinsieke waarde en bruikbaarheid van die taal en die voordeel wat die breë gemeenskap daaruit kan put.

Die nuwe Suid-Afrika sal ook die tale wat ons praat, moet akkommodeer. Alle tale behoort die nodige erkenning en beskerming te geniet, asook die geleentheid om hulle volle funksie-potensiaal te kan verwesenlik."

(Mr F W de Klerk, 7 Junie 1990)

"Wanneer daar ook oor taal onderhandel word, sien ek dus nie dat Afrikaans in die gedrang is nie. Die Suid-Afrika van die toekoms is nie 'n Suid-Afrika waarin daar verloorders sal wees nie. Hoe die gesprek oor taal gevoer sal word, is nie iets waaroor die politici alleen kan besluit nie. Die hulp en kennis van taalkundiges en andere sal getap moet word. Dit is 'n aangeleentheid wat te ingewikkeld is om bloot vanaf Regeringsvlak beklank te word."

(Mr F W de Klerk, 7 Junie 1990)

"Dit is ook my oortuiging dat die posisie van Afrikaans en Engels in 'n nuwe bedeling onveranderd gehandhaaf moet en sal word."

(Dr G van N Viljoen, 11 Mei 1990)

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