

STATEMENT BY SOUTH AFRICAN GOVERNMENT

Regarding the "consensus statement on citizenship" the following issues are of vital importance:

- a. On "immediate restoration of South African citizenship":
- no citizenship can be restored/changed without the necessary legal steps being taken by the legislative authority
  - such legal steps involve acting in terms of or changes to Acts passed by Parliament
  - no Parliament can legislate i.r.o. matters outside its own boundaries
  - changes to the citizenship of TBVC inhabitants can only be done through legislation in those countries
  - the implications of immediate restoration of citizenship (even if it were possible) are such that it creates untenable situations.

b. On restoration of citizenship after the testing of the will of the people:

- Working Group 4 decided as follows during its meeting of 10 February 1992 (par. 6.1): "It was agreed that the question of citizenship should be linked to the testing of the will of the people."
- no sub-group can deviate from a decision by its parent Working Group
- both in municipal and international law, citizenship can only be changed at or after a change in the independent status of a country
- sufficient consensus has been reached by Working Group 4 that reincorporation of the TBVC states is subject to the testing of the will of the people (par. 5.1, minutes of 10 February 1992)
- it follows that restoration of citizenship cannot be separated from the testing of the will of the people regarding reincorporation into South Africa.