



# Looking Back, Looking Forward

20 years after 2 February 1990

PRESENTED BY the FW de Klerk Foundation  
IN CONJUNCTION WITH the Konrad Adenauer Foundation



**FW de Klerk**  
FOUNDATION  
Upholding South Africa's National Accord



**Konrad  
Adenauer  
Stiftung**

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# Nine Days that Changed South Africa Forever

DAVE STEWARD,  
EXECUTIVE DIRECTOR



**The nine days between 2 February and 11 February 1990  
have become the defining moment for the beginning of  
the transformation of South Africa.**

They began with President F W de Klerk's speech to Parliament in which he announced the unbanning of the ANC and other proscribed parties and opened the door to constitutional negotiations. They culminated with Nelson Mandela's release from prison on 11 February. In his speech President De Klerk made the following announcements:

"The prohibition of the African National Congress, the Pan Africanist Congress, the South African Communist Party and a number of subsidiary organisations is being rescinded."

"...The agenda is open and the overall aims to which we are aspiring should be acceptable to all reasonable South Africans. Among other things, those aims 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."

"... Mr Nelson Mandela could play an important part. The Government has noted that he has declared himself to be willing to make a constructive contribution to the peaceful political process in South Africa. ... the Government has taken a firm decision to release Mr Mandela unconditionally."

"... 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

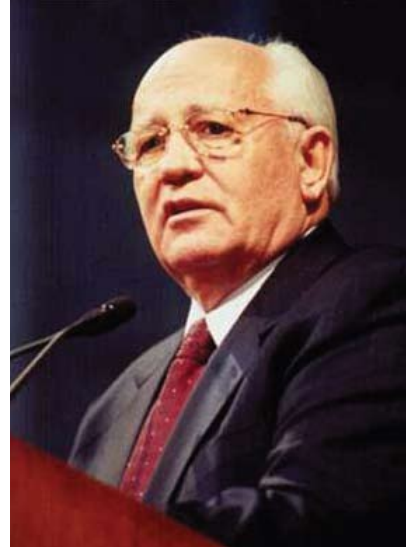
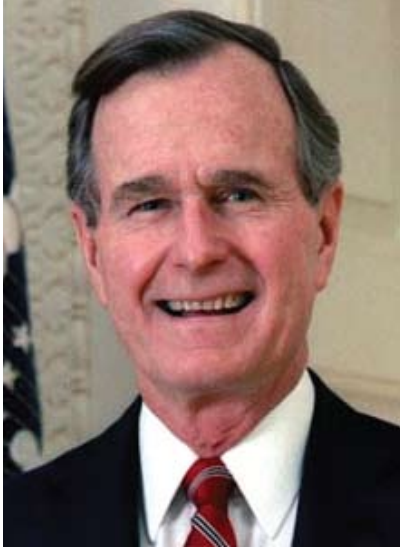
important power bases inside and outside of Parliament. Henceforth, everybody's political points of view will be tested against their realism, their workability and their fairness. The time for negotiation has arrived."

The F W de Klerk Foundation decided to commemorate the 20th anniversary of these developments by organising a conference to consider the progress that South Africa has made since 1990. We invited Helen Zille, the Premier of the Western Cape, to provide an overview of the development of constitutional democracy since 1990. We asked former Chief Justice Pius Langa to share his views on the role of our Constitution since then. Bobby Godsell provided insights on business and economic developments during the past twenty years. Baroness Lynda Chalker gave her analysis of how South Africa's role in the international community had developed. Prince Mangosuthu Buthelezi, shared his perspectives his role in the transformation process. Finally, F W de Klerk spoke on the degree to which South Africa had achieved the goals that he had set twenty years ago - and the challenges that continue to confront us. We also invited President Zuma and senior ministers to participate in the conference - but it was not possible for them to accept our invitation.

The F W de Klerk Foundation was proud to be able to host the conference in conjunction with the Konrad Adenauer Foundation - which has been a strong and consistent partner in the promotion of constitutional democracy in South Africa. ■



# Messages of Support



It gives me great pleasure to join the world in congratulating my friend, FW de Klerk, on the 20th anniversary in his historic address to Parliament.

On that day the world saw a great moment of political courage. It was the day that brought a better future for all South Africans, a day that brought optimism throughout the world by the example of South Africa.

Meetings that President de Klerk and I held at the White House later that year, further convinced me that a new era was under way in South Africa and I was happy to declare to the Congress that change in South Africa was irreversible.

The work that President de Klerk and President Mandela did in bringing about the new South Africa gave the world a blue-print for how a peaceful transformation is possible.

It was an honour to serve as an American President during the years that South Africa benefitted from the leadership of FW.

I send my best wishes and congratulations to all in South Africa who is celebrating this special day.

**President George Bush (snr)**

I was happy to respond to the request of President De Klerk and videotape my greetings to the conference commemorating the 20th anniversary of the process of change in South Africa. It is an important date, reminding us that peaceful change is possible if there is political leadership, persistence and goodwill.

In my videotaped message I salute and pay tribute to both President Mandela and President De Klerk, who made indispensable contributions to this process.

Change is never easy; real reforms take time and patience.

Today, despite the problems it faces, South Africa is a dynamically developing democratic country and a respected member of the world community. This is due to the talents of its people and also, in large part, to the courage of those who worked to forever relegate the apartheid system to the past.

I wish participants in his important conference a fruitful discussion of the lessons of the past and ways to the future, and hope that my remarks, once they reach you, will be useful.

Sincerely,  
**Mikhail Gorbachev**



*“It is through the memories of our past that we can contextualize and appreciate and wonder at our present and future.”*



Dear FW,

As we approach the end of 2009 and the start of the New Year, we are sure that you too will reminisce about February 1990. Twenty years have passed since the liberation movements were unbanned, and many, including myself, were released from prison.

For our country, the upcoming “anniversary” invites us to consider how far we have come since those momentous days. During those days we were the pole-cats of the world and on the brink of chaos. Today we are a respected member of the international community of nations and we have a growing democracy.

But even as we commemorate and celebrate those momentous days of February 1990, let us urge our fellow South Africans to remember that much work remains to be done in building our democracy, uplifting our people, promoting reconciliation, and ensuring transformation.

We welcome the role that you and your Foundation are playing in this regard.

Kind regards  
**NR Mandela**



My dear FW De Klerk

Twenty years ago, on 2 February 1990, your speech drove a stake through the heart of a cruel and inhumane system. With a few simple words you fundamentally altered the life courses of millions of people and our beloved nation that was at that stage the polecat of the world. Politicians and academics will for generations to come continue to analyse and debate the internal and external factors that compelled you to say those words.

To me, the speech symbolized an African dawn for the Afrikaner. If the second of February were to become an annual holiday I would propose it should be called Ubuntu Day. South Africa would tear down its Berlin Wall, you said, because South Africans were dependent on one another – all of us.

Of course, there were many moments after the speech when we teetered on the brink of disaster, and South African questioned one another’s resolve to proceed to democracy. But proceed we did, and in 1994 – for the first time – we were all allowed to vote. Some of us called our new baby State, The Rainbow Nation. We were gold and green and red and blue: No more black and white.

The baby is now a toddler; nations take a little longer to reach adulthood than people. There is still so much for us to learn and do. Not all of us agree at all times with the manner in which the toddler is being raised. But we do not allow our criticism to mask the promise of its birth.

We do not forget the past. It is through the memories of our past that we can contextualize and appreciate and wonder at our present and future.

FW: You did the right thing for your country and your people on 2 February 1990, and we thank God for that.

God bless you.  
**Archbishop emeritus Desmond Tutu**



# Twenty Years Later: Looking Back, Looking Forward



DR WERNER BÖHLER,  
KAS RESIDENT REPRESENTATIVE FOR SOUTH AFRICA,  
JOHANNESBURG, 24 FEBRUARY 2010

## The Fall of the Berlin Wall: Creating a Climate for Change in South Africa

“When history opens a window of opportunity it is important to jump through it. We knew that the circumstances for a reasonable constitutional settlement would never again be so favorable. So we jumped.”

*FW De Klerk, Speech on 2nd February 2010*

There is by far no better example for the interdependence of International Politics than the Fall of the Berlin Wall on the one hand and the end of Apartheid in South Africa on the other.

Twenty years after former president FW de Klerk’s historic speech in parliament in which he announced the release of Mr Nelson Mandela, the unbanning of the ANC and other political movements, it is time to reflect on South Africa’s recent history and look forward to what challenges and opportunities the country will face in the years ahead.

It is a privilege for the Konrad Adenauer Foundation to partner with the FW De Klerk Foundation on this special occasion by hosting this conference.

The end of the 80’s marked the collapse of the Soviet Communism and dichotomy of the international community that resul-

ted from the Cold War. John Daniel in his article: “The Impact of the Cold War and the Fall of the Berlin Wall on Southern Africa” (in “A long Walk to Democracy”, p 144) argues: “What the fall of the wall did was not to create the condition for change but push them forward and speed up the whole process. What it did was lessen the obstacles confronting those promising a new way forward.”

Be it as a direct consequence or by creating a climate for change, fact is, that without the Fall of the Berlin Wall in 1989 the speech of FW De Klerk on 2nd February 1990 with all its implications for the future path of South Africa would not have taken place - at least not at the time when it did.

Windows of opportunities are seldom in history and it needs real political leadership to have the courage and foresight to make use of them.



*“The South African Constitution is more than a piece of paper or a kind of wish lists. It is the backbone of a working democracy in the true sense.”*

For both our countries, I am grateful that the leadership at the time made use of the opportunities that history presented to them and did not hesitate to enter into a future that had to be created without a blueprint - but with a Constitution as its only guideline.

When the reunification of Germany took place in 1990, the “Grundgesetz” of 1949, which by the way always included in its preamble the ultimate vision of a united Germany, was passed with some changes that took conscience of the new political reality. Like in the case of the South African Constitution the “Grundgesetz” is the foundation for a society in which each individual enjoys the same fundamental rights, irrespective of race, gender, social status or culture.

The SA Constitution is without a doubt one of the most modern and liberal in the world. With the facilitation of a study tour for politicians across the political spectrum and constitutional experts from South Africa to Germany’s Bundesverfassungsgericht in Karlsruhe in the early 90’s, Konrad-Adenauer-Stiftung (KAS) played an instrumental role in providing a valuable platform for the exchange of expertise and ideas.

Especially Germany’s longtime experience with its “Bundesländer” and decentralized structure, which allows citizens to have direct access to politics and politicians, was of great interest to the visitors and certainly had an influence on the decision to adopt a federal and decentralized system for South Africa.

Konrad-Adenauer-Stiftung made an essential contribution to the Convention for a Democratic South Africa (CODESA) process by actively encouraging the sharing of powers based on the principles of subsidiary.

The ultimate result of this process to which KAS had the privilege to contribute, is a South African Constitution that acknowledges and protects the cultural diversity of the people that it serves on the one hand and defines the core principles or “the common ground” for all South Africans on the other.

The South African Constitution addresses all areas that are characteristic for a sustainable democracy, in particular Cooperative Government, Constitutionalism and the Rule of Law, an Independent Constitutional Court, Parliamentarism and Legislative Power as well as Multiparty Democracy. It is particularly these areas that KAS focuses on and aims to strengthen through its political education and training, political dialogue and research activities.

The South African Constitution is more than a piece of paper or a kind of wish list. It is the backbone of a working democracy in the true sense. But to fulfill its fundamental role it needs the support and cooperation of other players, like parliament, courts, the media, civil society groups, political parties, religious leaders and of course each individual citizen.

Lack of support and respect for the Constitution, Courts, Judges and the outcome of court cases are the worst enemies for South Africa’s young democracy. Especially in the case of politicians, political decision makers and other office bearers an unconditional support for the Constitution is a sine qua non.

In order for the Constitution to develop and mature it is vital that citizens make use of it and claim the rights enshrined in it. Only by experiencing the power of the Constitution first hand, citizens will learn to understand its importance and will develop a sense of ownership for something that they will then value, nurture and if need be – protect and fight for.

Konrad Adenauer Stiftung (KAS) sincerely hopes that this conference will serve as a reminder where South Africa has come from and what has been achieved in the past 20 years. The Foundation would like to take this opportunity to congratulate the FW de Klerk Foundation and its Centre for Constitutional Rights for its valuable contribution towards constitutional development in South Africa. ■



# The Development of South Africa's Constitutional Democracy since 1990



BY HELEN ZILLE

**Former President FW de Klerk,  
Distinguished guests,  
Ladies and gentlemen.**

I begin today with four lines from a poem called "the Great Day" by the Irish Poet, William Butler Yeats. This work is a useful prism through which to analyse the events that have followed the great day, 20 years ago, that we are here to celebrate.

Yeats writes, satirically: "HURRAH for revolution and more cannon-shot! A beggar upon horseback lashes a beggar on foot. Hurrah for revolution and cannon come again! The beggars have changed places, but the lash goes on."

This poem was probably the inspiration for George Orwell's *Animal Farm*. Both works brilliantly capture what happens when people give their "liberators" unfettered power. In the words of Lord Acton: Absolute power corrupts absolutely.

Today I will show that our negotiated revolution - the establishment of a constitutional democracy to limit power and prevent power abuse - is threatened by what I satirically call "counter-revolutionary forces". This is one of the greatest ironies of our transition, which I will later elaborate on.

If left unchecked, these forces will destroy our constitution and with it our chances of becoming the nonracial, democratic and

prosperous society envisaged in our nation's founding covenant.

But it is early days. We do not have to accept constitutional demise. We can prove the afro-pessimists wrong. This is why we must defend our constitution together.

## **Our Constitutional Revolution**

Before I begin, let me say what a great honour it is to be invited by former State President FW de Klerk to give this address on the twentieth anniversary of his historic address on 2nd February 1990. In a few sentences, he removed the obstacles to the negotiation of a constitutional democracy in South Africa. His courage in doing so, in that place and at that time, has rightly earned him a place in the annals of international statesmanship. He put his country before his party.

The announcement on that day of the release of Nelson Mandela and the unbanning of all proscribed organizations, including the ANC and the SACP, made world headlines. But the significance of his speech went far deeper than this.

It set out a vision of constitutionalism: universal franchise, equal-





ity before an independent judiciary, the protection of minorities, freedom of speech, religion and association, and a sound market-led economy with programmes directed at better education, health services, housing and social conditions for all.

Twenty years later, there is much to celebrate. We have held four democratic elections. We have a constitution which, on paper, is one of the finest in the world. Not only does it guarantee civil liberties and oblige the state to progressively realise socio-economic rights, it sets out the architecture of institutions designed to disperse and limit power, and prevent the concentration of power in a few hands.

It was the exceptional leadership of FW de Klerk and his counterpart in the ANC, Nelson Mandela, which averted the racial civil war that seemed to be the inevitable unfolding logic of history. And without these great leaders, a negotiated constitution would never have emerged. Both lawyers, they understood that all free and prosperous societies are based on constitutionalism and the rule of just law. They knew that replacing one form of unfettered power with another would lead to tyranny. We should be eternally grateful that they recognized and seized that historic moment.

Most people think that 27 April 1994, the day of our first democratic election, was our new democracy's defining moment. If our transition can be described as a negotiated revolution, then - at least in the popular memory - that election achieved by peaceful and democratic means for South Africa the equivalent of what the storming of the Bastille in 1789 had in France - but without the violence that took decades to transcend.

However, the real historical equivalent in South Africa took place in the small hours of 18 November 1993 when the multi-party negotiating forum ratified the interim constitution.

Not only did this historic pact make the election a year later possible, it committed all South Africans to a democratic order underpinned by the rule of law. Parliamentary sovereignty which had been abused by an all-powerful party, gave way to the supremacy of the constitution. It was at this moment that power passed from the rulers to the ruled. Our democracy was born.

## Why Some Constitutional Democracies Endure And Others Don't

A democracy begins life like a fragile sapling. It requires years of nourishment and care in the right conditions to survive and flourish. It is only when its roots are strong enough to anchor it against prevailing anti-democratic winds that we can say it is entrenched.

The sad history of democracies around the world is that most fail. Their constitutions are repealed, overturned by anti-democratic forces or gradually eroded by the party in power.

A recent study of every constitution promulgated since 1789 found that the average life-span of a constitution is just 17 years. Many constitutions die in infancy: 7% of constitutions do not reach the age of two. In Africa, a full 15% of constitutions perish before their first birthday.

So, in comparative terms, we have done relatively well. Not only have we survived the terrible twos, but our constitution - now nearly 17 years of age - looks set to survive at least some way beyond the average life expectancy.

The relative resilience of our constitution is thanks to the specific context in which it was adopted. The authors of the same

study found that constitutions which emerge, as ours did, as the result of inclusive negotiations, tend to last longer. Secondly, constitutions which are specific and comprehensive, as ours is, tend to outlive those that are vague and open to contradictory interpretations. Thirdly, constitutions which can reasonably be amended, as ours can, tend to survive longer than those that are either too rigid or flexibly changeable.

This comparative research gives us cause for optimism that our constitutional democracy may yet endure. But there is an additional element which is crucial to the survival of a constitution. It requires the kind of leadership for which Presidents De Klerk and Mandela made South Africa famous. As another important recent study of constitutional longevity puts it: "Well-designed institutions are necessary but not sufficient. The rule of law also requires leaders who can credibly commit to self-constraint, agents who can be trusted to abide by the law as well as enforce it, and reasons for most of the population, both the powerful elites and the general mass, to believe they will benefit from the existence of the rule of law."

In other words, a constitution's survival depends not just on the circumstances of its birth, but the character of those charged with upholding it.

And this is where the current danger lies.

## The Rise Of The Jacob-Ins

At the heart of constitutionalism is the notion that no ruler or ruling party, no matter how popular, can do as they please. They are bound by the constitution and the law.

These qualities tend to be absent in liberation movements, for obvious reasons. Liberation movements operate in conditions of secrecy and hierarchy, the antithesis of key democratic values like openness and participation. Liberation is regarded purely as the seizure and control of all levers of power, not the limiting of power once it is attained.

This explains why the democratic record of liberation movements on our continent is so woeful. As the scholar Marina Ottaway warned in the early 1990s: nowhere in Africa has a liberation movement spawned a truly democratic regime.

But, under Nelson Mandela, it seemed as if the ANC - in the spirit of South African exceptionalism - would successfully make the shift from liberation movement to political party. There was a general understanding and acceptance of the need to limit political power to avoid the mistakes of the past.

As Mandela said when our interim constitution was adopted: "We enter into a covenant that we shall build a society in which all South Africans, both black and white, will be able to walk tall, without any fear in their hearts, assured of their inalienable right to human dignity - a rainbow nation at peace with itself and the world."

This notion of a covenant is absent in the ANC of today's discourse because the constitutionalists in the ANC are losing the internal battle for the party's soul. The group in the ascendancy believes that liberation means unfettered power to impose its will.

They are the modern-day, South African, version of the Jacobins. In a historical irony, the word Jacobins fits our circumstances perfectly, not just for political reasons, but because the name Jacobins is a word play on the name of their current leader Jacob Zuma.





Like the Jacobins of revolutionary France, the Jacob-ins' goal is to attain absolute power, an end which always justifies the means. And, like the original Jacobins, they are guided not by the Constitution which guarantees each person indivisible rights, but the 'general will' which they define arbitrarily, as they please, to achieve their goal of entrenching power.

Not surprisingly, the Jacob-ins tend to be drawn from the ANC's external armed wing, Umkhonto we Sizwe. They include power-brokers in key Cabinet Posts such as Jeff Radebe (Justice), Lindiwe Sisulu (Defence and Military Veterans) and Sipiwe Nyanda (Communication), all MK veterans. They have no shortage of young apprentices eager to learn at the feet of their political masters. Julius Malema is the obvious example.

The influence of the Jacob-ins permeates the movement. Consider, for example, the recent rise of the war veterans' associations with their violent rhetoric. We have become so inured to what Kader Asmal refers to as the militarisation of the ANC's discourse that an injunction to kill a public figure barely raises eyebrows anymore. And, when we look beyond the quaintness of a singing and dancing President, we are reminded of the absurdity of the leader of a constitutional democracy demanding his machine gun.

For the Jacob-ins, the ANC comes first and the constitution second. As Jacob Zuma has said, "The ANC is more important than even the constitution of this country." The constitution is no longer a sacred covenant that binds us all, it is a hindrance to be pushed aside when it gets in the way. As ANC Chief Whip Mathole Motshekga said recently: "Jacob Zuma has a mandate from 11 million people, so he can do what he likes", or words to that effect.

One of the most sobering realizations over the past year has been recognizing that a constitution can be effectively nullified without changing a single word of it. This happens when the institutions that are supposed to limit the power of the ruling party, merely become an extension of the dominant clique in the ruling party. When this happens, the entire purpose of constitutionalism is subverted, so that it protects the party and not the people.

There can be no better illustration of this than the neutering of the National Prosecuting Authority (NPA) at the hands of Jacob Zuma and the Jacob-ins. With 783 charges of corruption, bribery, money laundering, racketeering against Jacob Zuma - not to mention a financial advisor in jail for bribing him - the Jacob-ins realised that the constitutional principle of prosecutorial independence was the key obstacle in the way of Zuma's ascent to the Presidency. So they turned the NPA from an institution designed to limit power into an extension of their power.

First, they dissolved the NPA's investigative arm - the Scorpions - because, by Gwede Mantashe's own admission, it had successfully targeted ANC leaders. Next, the ANC fired Vusi Pikoli - the man who had originally charged Zuma and refused to withdraw the charges - as Head of the NPA. This was despite the Ginwala Commission's findings that he was fit to hold office. Then, with Pikoli out of the way, the ANC put enough pressure on the NPA's acting head, Mokotedi Mpshe, for him to drop the charges against Zuma. The coup de grace was the appointment of Menzi Simelane as Head of the NPA. This is a man who openly denigrates the constitutional principle of prosecutorial independence. With Simelane in charge, Zuma and the Jacob-ins can sleep at night knowing the NPA is in safe hands. The subverting of the NPA's independence gives us an idea of what the Jacob-ins will do to attain and retain power. But it doesn't end there.

The judiciary - the last line of defence for the separation of powers - is periodically threatened if it doesn't toe the line. The ANC's attack on Deputy Chief Justice Dikgang Moseneke when he professed loyalty to the South African people instead of the ANC is only the most famous example.

The engineered change in composition of the Judicial Service Commission (JSC) to prevent Judge Hlophe answering charges that he had attempted to influence Constitutional Court judges in the Zuma trial, shows that the ANC will manipulate a body with a key role in upholding judicial independence. It also tells us that - if we are honest - Hlophe probably did try and influence judges for Zuma. Why else would Zuma's acolytes on the JSC have squashed the investigation?

The conclusion is inescapable: the Jacob-ins are abusing the institutions of the criminal justice system to protect their political allies, purge their opponents, entrench their power and enrich themselves.

And they are seeking to control the levers of communication. The constitution envisages the SABC as a public broadcaster, but the ANC believes it should be the party's broadcaster. The new broadcasting bill, if passed, will give the Minister of Communications - who happens to be one of the Jacob-ins - excessive power to interfere in the SABC.


The rest of the media remain independent, but by no means secure. The ANC's Polokwane resolution to make the press accountable to parliament in the form of a media tribunal may not have materialized, but other threats lurk in the form of recently enacted and proposed legislation. The amendment to the Film and Publications Act allows for pre-publication censorship of certain publications. The Protection of Information Bill which has been withdrawn - for now - criminalises the publication of "sensitive information" if it is deemed to threaten the "national interest." Meanwhile, amendments to the National Key Points Act would, if passed, impose a media blackout on the coverage of strikes, protests, demonstrations, industrial accidents and criminal attacks. These pieces of legislation, taken together, give the ANC government as much power to exert control over the print and broadcasting media as the apartheid government had.

The constitutionally prescribed principle of local and provincial government autonomy is also under threat. This strikes to the heart of the democratic project of the party I lead, which is why the ANC is making menacing sounds. Our project relies on winning elections in more and more places. The more elections we win, the more opportunities we have to provide an alternative to the ANC. The more we get it right, the more threatened the ANC becomes. And, the more threatened the ANC becomes; the more likely it is to take unconstitutional measures to counter-act the threat.

And this is exactly what we are seeing.

The 17th Constitutional Amendment Bill gazetted last year is designed to strip away the power of municipalities and with it the federal principles rooted in our constitution. If the Bill were to be passed in its current form, it would reduce municipalities to little more than agents of national government, regardless of the party in charge and its electoral mandate. The ANC's periodic threat to scrap or reduce the number of provinces would, if carried out, amount to the same thing at provincial level.

We need to be aware of the ANC's agenda here. The ANC will say that reducing provincial and municipal autonomy is necessary for service delivery. They will talk of the need for 'increased

A photograph of Premier Helen Zille of the Western Cape, wearing a light pink blazer and glasses, speaking at a podium. The background is blurred, showing a wooden structure.

“The choice  
is ours.”

### **Premier Helen Zille of the Western Cape**

Helen Zille joined the former Democratic Party in the mid 1990s and was elected to the provincial parliament in the 1999 general election under the banner of the Democratic Alliance. In 2001 she became leader of the opposition in the Western Cape legislature, where she remained until she was elected as a member of the National Parliament in 2004. In 2006 she was elected as Mayor of Cape Town and in 2008 she was voted World Mayor in a poll conducted by the global think tank World Mayors. In 2007 she was elected as the Leader of the DA and in 2009 became Premier of the Western Cape Province following the April 2009 National and Provincial Government elections.





co-ordination' and other such euphemisms designed to conceal their real intent. But any rational observer of our politics knows that it is not provincial and local autonomy that hamper service delivery. It is the ANC's policy of deploying cadres, often without the requisite skills, to all centres of power, itself an unconstitutional practice. This is why the only provincial and local administrations that work are not run by the ANC. In the DA we reject cadre deployment; we appoint the right people in the right places. The result, over time, is better service delivery and more opportunities for citizens.

What is rarely realized, or analysed, in the studies of the tragic phenomenon known as the "failed state" is that its root cause is cadre deployment. Cadre deployment is a lever of power abuse. It is used by the ruling clique of the ruling party to place its political allies in all positions of power and influence, inside and outside the state. The purpose is to entrench the inner circles' power and promote its enrichment. The inevitable trajectory is this: centralisation of power, cadre deployment, cronyism, corruption and the criminal state. This involves the destruction of the constitution. It means the death of the economy, as capital and skills flee for safer environments. It means increased poverty and unemployment and all the associated evils.

It also destroys the capacity of the state to deliver services. But when the people rise in revolt the ruling clique use the institutions of state, designed to protect the people, against the people. The police, the army and the so-called independent electoral commission become institutions that protect the ruling elite. All these developments point to one thing: Our covenant so cherished by Presidents de Klerk and Mandela and every genuine patriot is in danger. The counter-revolution has begun.

Ironically, while people like Julius Malema rail against the counter-revolutionaries, they do not understand that they are the real counter-revolutionaries. They are undermining the constitution and we are protecting it. Malema and his cohorts want to take us back to a time when the party, not the constitution, reigned supreme. They want one set of laws for the powerful and another for everybody else.

Some people question me when I state that our top priority is to protect the constitution. They say it should be service delivery. Now I know that you cannot live in a constitution or eat a con-



stitution. But unless we protect our constitution, we will enter the cycle that leads to a failed state in which fewer and fewer can improve the quality of their lives.

Unless we protect the constitution, there will not be service delivery. It is the constitution that obliges the state to progressively realize socio-economic rights like housing, education, healthcare, food, water and security. The constitution doesn't just limit power abuse, it places an obligation on the party in power to deliver to the poor. If the ANC is capable of removing impediments to its power, it is quite capable of ignoring its constitutional duty to the most marginalized South Africans.

### What We Must Do To Halt The Counter-Revolution

There are some who will no doubt consider what I have said today as pessimistic. Let me say that I have never been one to revel in negativity. But I am not a Pollyanna politician either.

In a new book, Barbara Ehrenreich - who was diagnosed with breast cancer some years back - rails against what she calls the 'positive-thinking industry' because it relies on ignoring reality to sustain itself. As she says, when you ignore reality, you stop striving to understand and alleviate what it is you are suffering from because, to do so, is a threat to your own positivity.

Wishful thinking never saved a democracy, just like it never saved a sick patient. If we are to recover and thrive, we need to diagnose and understand the threats. This requires moving out of our comfort zones and the confines of political correctness.

It has become politically correct to see civil society as the sole saviour of our constitutional democracy. The risk is that it allows people to avoid taking the personal responsibility that the constitution gives them, to hold their rulers to account in elections. A constitutional democracy is premised on the idea that people will vote against leaders who abuse their power. If voters do not do so, the power-abusing rulers have nothing to fear.

In a functioning constitutional democracy, the politicians are frightened of the people, not the other way around. In a functional constitutional democracy it is impossible for people to fear they will lose their grant or their house if they do not vote for a particular party. Because these fears still exist, we know how much work needs to be done if people are to internalize the real meaning of our constitutional revolution: that they have power and the politicians should fear them.

The key divide in South African politics is between those who want to protect our nation's founding covenant and those who want to destroy it. If we destroy the constitution, racial nationalism and growing poverty will destroy the vision that President de Klerk held up for us 20 years ago. If we protect it, we can overcome the barriers of race and class and enable people to emerge from poverty - we can build one nation, with one future.

The choice is ours.

Thank you

*"We do not have to accept constitutional demise. We can prove the afro-pessimists wrong. This is why we must defend our constitution together."*

# The End of One Trek; The Start of The Next: South Africa's Long March to Becoming a Developed Economy



BY BOBBY GODSELL

Comments by Bobby Godsell at a conference to mark the 20th anniversary of President F W de Klerk's 1990 address to the South African Parliament

## Then And Now

The speech we celebrate today is one of the signal events in our country's history. More than one thousand years ago Bantu speaking people entered this part of the world. They joined the country's earliest inhabitants, the Khoi and San people. 350 years ago these Bantu speakers were joined by Dutch, French and English settlers. Soon after people from Malaysia and the Indian sub-continent arrived on these demanding shores.

2010 marks the centenary of the creation of the South African nation state. This new young nation, recently emerged from one of the earliest wars of colonial resistance, set a pattern for the journey from Empire to Independence.

This union made possible a reconciliation between Boer and Brit. Tragically, however, the question of the status, rights and future of black and brown South Africans was left unanswered. Within 3 years of union the 1913 Land Acts made it clear that this status was to be distinctly second class, if indeed black and brown South Africans were to be citizens at all.

While the debate continues as to what made possible South Africa's transition to non racial democracy one key element is be-

yond debate: that is the extraordinary, courageous act of statesmanship of President de Klerk's speech made this day twenty years ago. In this speech the then President unbanned the ANC, PAC and SACP; announced the imminent unconditional release of Nelson Mandela, and invited his opponents to the negotiating table.

This speech answered in the affirmative the challenge framed by the Freedom Charter adopted by the African National Congress and its affiliated organisations in 1956. That challenge, that promise, that corner stone of South Africa's new constitutional democracy said the country belonged to all who lived in it, black and white. That all are citizens. That all share a co-responsibility for building a great future for our country of great promise.

South Africans, black and white, need to remember with a deep sense of wonder and of gratitude those amazing words uttered by this young, new leader of Afrikaner Nationalism two decades ago.

## The Next Trek

This side of heaven no journey is ever complete. President de Klerk's acceptance of the place of black South Africans in the





country of his birth, together with the magnanimous and wise actions of the African National Congress under the leadership of soon to be President Mandela ended white minority rule and began the journey of our new non-racial democracy.

What is our country's next great challenge? Recently President Zuma said he hoped to see the day that South Africa ceased to be a developing country and economy and joined the ranks of the world's developed nations.

This hope neatly frames our next great national challenge. It is to add economic prosperity to the political emancipation now enjoyed by our nearly 50 million South Africans. All political parties share the promise of a better life for all. If this promise is to have meaning it must mean decent work, decent homes, decent schooling, decent healthcare for 50 million people. For this to be possible we need an economy and society that has indeed graduated from the ranks of developing and has become developed.

The concept of a developed nation lacks any widely accepted definition. However like beauty, though difficult to define, it is not difficult to recognize.

In 1961 twenty countries, all of them European with the exception of the United States, created the Organisation for Economic Co-operation and Development. These twenty countries, have since been joined by 10 others: **Japan** in 1964 (the first Asian member); **Finland** in 1969; **Australia** and **New Zealand** in 1971 and 1973 respectively; **Mexico** (the second Americas member after the US) in 1994; and then following the demise of the **Soviet Union**, the **Czech Republic**, **Hungary**, **Poland** and the **Slovak Republic** in the period 1995 to 2000. **South Korea**, Asia's second member country joined in 1996.

The thirty countries represent a wide range of levels of economic wealth, with the richest country, as measured by Gross Domestic Product per capita (expressed in US dollars, using current prices, and current purchasing parity exchange rates) being **Luxemburg**, at almost **\$78,000**; and the poorest being **Turkey** (a 1961 original member) at almost **\$13,000**. The average for this 30 country grouping is **\$33,000**.

Despite the wide range, and the clear influence of global politics, the OECD gives clear context to the idea of developed economies. In 2007 it invited a further five nations to become candidates for membership. These countries are **Chile** in Latin America (with a per capita GDP of around **\$12,000**); **Russia** (**\$15,000**); **Estonia** (**\$20,000**); **Slovenia** (**\$22,175**) and **Israel** (**\$26,000**).

A further five countries enjoy a relationship which the OECD describes as "enhanced engagement" and probably promises a somewhat slower road to membership. These countries, and the GDP per capita, are **India** (**\$2,752**); **Indonesia** (**\$3,727**); **China** (**\$5,344**); **Brazil** (**\$9,569**); and **South Africa** (**\$9,736**).

I have offered this information about the OECD in attempt to give some context to the aspiration of becoming a developed economy and society. The challenge is to set ourselves a goal of becoming part of the developed, relatively well resourced group of nations: a winning nation in the language of Clem Sunter.

Taking the average level of per capita wealth of current OECD members the challenge then is to grow the South Africa economy to three times its present size in real terms. This means something like three times as many people with real and sustainable work, adding real and sustainable value to the goods and services that constitute our country's Gross Domestic Product.

Is such a challenge possible? Clearly to treble GDP per capita will require the focussed, shared efforts of our nation. It will also take time. Longer than the time horizons which often constrain the vision of many in business (the next few quarters, at best the next few years) and also in politics (the next election). It needs a time frame of 25 or 30 years. And then it will have to be time well used.

Look at the lessons from our recent past. Between 1970 and 1994 South Africa's wealth as measured by GDP per capita essentially stood still in real terms. (**R29,887** per capita in **1970** compared to **R28,536** in **1994**, expressed in constant money terms) This was a wasted generation as the failed experiment of Apartheid, the political resistance and repression it engendered, made growth in the real economy very difficult. The first fourteen years of non-racial democracy has seen this measure grow by almost one third, again in real terms. (**R28,536** in **1994** to **R36,951** in **2008**).

Twenty-five years of growth rates just 2 to 3% above that of population growth, in the context of low inflation, will see per capita GDP double. Why should such growth rates be beyond the people of South Africa? And how can we promise a better life for all if we cannot achieve such rates of growth?

I am sure that finding the path to significant real growth, together with the continuing efforts to entice South Africans out of their race defined ghettos, are the two great challenges facing our generation. I am sure that the march to developed economy and society status should be one of our constant national dialogues over the next 30 years. I suspect there is no magic bullet, no single formula, no short cut, but rather unremitting effort and determination in a national conversation without end. I offer a few observations that might form part of this conversation, and conclude with some thoughts as to how the dialogue can be initiated and sustained.

## Laying The Foundations For Real Growth

Any house needs solid foundations. What are the foundations for a Developed Country South Africa?

- **First foundation is to continue to live within our means.** Our new Minister of Finance has a tough few years ahead of him. The global recession, and the consequent slow domestic growth will constrain revenues. Perhaps some will be tempted to spend money we do not have. We need only look at countries around us to be reminded of the dangers of this. While Eastern countries have encouraged healthy domestic savings rates and very favourable trade balances, many Western countries have done just the opposite. C Fred Bergsten of the Petersen Institute for International Economics projects the US current account deficit in 2030 of a staggering 5 trillion dollars (15% of GDP); net debt of 50 trillion (140% of GDP and more than 700% of exports); with the servicing of foreign debt projected to consume 2.5 trillion dollars annually, or 7% of economic output. At these levels the US will need an IMF restructuring programme. South Africa is nowhere near these levels. And we do not want to go there.
- **The second foundation is to continue to improve physical infrastructure.** Better roads, rail, harbours and airports, and improved telecommunications all reduce the cost of producing goods and services. It makes it easier for entrepreneurs to combine resources in new ways to create new wealth.
- **Our third foundation is constantly improving our country's human infrastructure.** South Africa has expanded educational access, both in the last decade of the previous government and the first decade and a half of the new government at a rate, and to an extent unequalled anywhere else in the world. The challenge now is to ensure that access leads to quality



“I am sure that finding the path to significant real growth, together with the continuing efforts to entice South Africans out of their race defined ghettos, are the two great challenges facing our generation.”

### **Bobby Godsell**

Bobby Godsell currently chairs Business Leadership South Africa, an organization of the CEOs of South Africa's largest public and private companies, and co-chairs the Millenium Labour Council with Zwelinzima Vavi. He was CEO of Anglo-GoldAshanti from 1995 to 2007 and Chairman of Eskom from 2007 to 2009. He is the co- author, with James Motlatsi, previous President of the National Union of mineworkers of “Do it! Every South African's guide to making a difference”, published by Jacana in November 2008.





learning. In particular we need to expand and enhance learning beyond that relatively small number of “jobs” that need a university degree. It is encouraging that we have rediscovered both the artisan and apprenticeships. Along with artisans, our economy and society need technicians and technologists, agricultural extension officers, IT support workers, rural development service workers just as much as we need lawyers, doctors and engineers. We need learning pathways that for these other vocations that strikes the right balance between good theory and good application; between the classroom and the workplace. In healthcare South Africa is a paradoxical mixture of high quality but expensive private care, and poor but relatively well-resourced public care. Partnerships between these two healthcare sectors that share expensive equipment, scarce skills, and responsible and realistic funding models can lead to dramatically improved public health outcomes.

- **A fourth foundation is the establishment of real common markets on the African continent.** No country has made the transition to developed status without finding its place in larger global markets. A merger of COMESA (with its 19 member countries) and SADC (with its 15 member countries), with 8 countries already belonging to both communities would create an economic marketplace of more than 500 million people with a collective GDP of nearly 800 billion dollars. This GDP is of the same order as Holland, Australia and Indonesia, and is about two thirds that Canada and Korea.

However for this market to be real an internal trade currency will be needed (this is how the Euro began its life), common customs and tariffs, and hopefully a free movement of labour. Both COMESA and SADC have plans to achieve economic integration. Progress to fulfilling these plans will need to be accelerated.

I am sure other economy and society wide issues will also “found” our new trek to developed country status but these four at least make a good start.

## Sources Of Growth In A Developing South African Economy

What will a South African economy that is two or three times its present size look like? Which parts of our economy will grow, and which will shrink? Where does our global competitive advantage lie?

Opportunities for growth exist in both the well-established sectors of our economy as well as much newer sectors. The mining sector has been a source of growth not only for its direct contribution of mineral products, but also through related economic activity. Much of our engineering industry owes its origins to its mining customers.

- Bell Engineering is but one excellent examples of a mining related capital goods company. So too is the company, head-quartered here in Stellenbosch which is an acknowledged world leader in the area of seismic measurement and monitoring.
- Moving further up the value chain South Africa is already well developed in regard to mining consulting, measuring and valuation services.
- Our human capital in mining is equally strong. First year enrollment in the country's two major departments of mining

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engineering is probably as great as that of the rest of new entrants to mining engineering in the UK, US, Canada, Australia and New Zealand.

- In agriculture beyond the direct activity of food production the country has strength in the area of bio-genetics. Look Jill Farrant, at UCT, who is a world authority on the small number of unique species, known as resurrection plants, which withstand extreme drought conditions for prolonged periods. The survival techniques used by these plants hold out the promise of drought resistant crops.
- The UN agency World Tourism estimates that nearly a billion people participated in cross border tourism in 2008. Africa's share was a meagre 47 million, or 5%. However a growing trend is towards “activity tourism” where people choose an activity rather than a country or geographic destination. This requires web based marketing, and the capacity to design small (even individual) tours around particular activities. South Africa's web smart, small operator, and diverse interest base make it well placed to benefit from this. For examples of this look at the websites and africa.com and wildsucculent.co.za.
- South Africa has areas of excellence in the ICT group of industries, including for example Mark Shuttleworth's open-source software ubuntu.
- We also have cutting edge intellectual property in the areas of malaria, TB and AIDS treatment, as well as exciting potential in areas such as rural healthcare using remote x ray technologies.

All of the above are merely examples of areas of economic activity which already exist, and which could offer opportunities for dramatic growth.

## The Need For A New National Discourse

Indeed we need a thousand new business dreams to bloom. To do so our society needs to make the pursuit of economic growth not merely a desired national goal, but indeed an heroic one. How do we do this? Some suggest the need for an economic CODESA. I suspect we do need a national dialogue of some sort that will both define what our nation means by growth, including the necessary and desired social dimensions of growth. We then need a set of national objectives. We need a suitably long time frame (25 to 30 years) with realistic shorter-term milestones. Certainly defining a 21st century and new South African meaning for growth, setting long term goals and shorter-term milestones will require the involvement and real effort of our society as a whole. It will require not merely a developmental state, in the sense of government, but rather a developmental society.

The achievement of these goals will require different groups and interests in our society to work together in concrete partnerships. It is true that South Africans are a fractious lot. So many of us enjoy speaking the truth to power. We cherish our freedoms, and will guard our independence of thought and action. Yet twenty years ago black and white, left and right, management and labour agreed that the season of violence should come to an end, and a new society should be built by hard negotiation, risk-taking compromise, and unusual patterns of co-operation.

What better way to make President F W de Klerk's speech at the opening of Parliament in 1990 than to engage again with each other in a new journey to a society that can indeed offer a decent life to all of its people. ■



# The Progress Made, and Problems Encountered in Promoting The Independence of The Judiciary - as well as Prospects for The Future



BY CHIEF JUSTICE PIUS LANGA

Good afternoon and thank you for inviting me to address you on this auspicious occasion. For me it is a privilege and honour to speak here today, and acknowledge with you what many have pointed out already that the anniversary marks one of the most critical turning points in the history of this country. “Looking back (and) Looking forward” on this day is indeed not only appropriate, it is also necessary.

I will speak about how I see the development of our democracy and the achievement of reconciliation in South Africa, both now and at various stages in our history. I will make the point that the development of our democracy places demands on everybody, including all sections of government, that is, the executive, the legislature and the judiciary. Of particular importance for me, is how it implicates the independence and role of the judiciary. I will further stress the importance of reconciliation in South Africa as well as the fact that the quality and stability of a democracy is endangered where the rule of law does not enjoy pride of place.

South Africa has a short democratic history. Not long ago we,

as a nation, were battling with very painful issues, when the majority of our citizens were living under the yoke of apartheid, a system that was anti-people, anti-freedom and an enemy of human rights.

Thankfully, changes came about and we began a journey designed to lead us to a new and different way of life, away from the threat and reality of unjust, oppressive and discriminatory laws, brutally enforced by a merciless system. Our democracy has not been faultless, uneventful or unexciting. One thing is certain, however. There is no turning back to the life that was 20 years ago. Apartheid is ended. The battle to eradicate its legacy and that of decades of colonialism will, however, concern us for



many more years to come.

I make two points about our dramatic transition from apartheid rule to democratic governance. The first is that it was not an unassisted evolution. It did not just happen. Power and privilege are never given up voluntarily. Many women and men, yes, and children, fought for change and it was conceded after much sweat, blood and tears. All of us, black and white, suffered greatly and lost loved ones. All of us, as a nation, lost much time, many decades in fact, that could have been used constructively to build a prosperous national heritage. Apartheid rule was a time of gross wastage. For that is what oppression does to a community. The selfishness of those who impose it stifles and stunts the ability to grow and, even if change follows, what is lost can often never be recovered. What is more, both the oppressor and the oppressed become victims, and long-lasting rancour is spawned, that bedevils relations many years after normality has been brought about. What we should all appreciate is that the South African democracy was hard-won and came about as a result of the sacrifices of many. We should therefore never treat it cheaply or carelessly, nor should we ever stop or forget to honour those whose courage, tireless efforts and sacrifices have brought us to where we are.

The advent of change in South Africa required astute and courageous leadership. The white leadership had to grasp the nettle and take the critical steps required. The leadership of the liberation movement also had to take important steps. The speech fell into that context and was an acknowledgement that the time had come to move ahead and change direction from a perpetually divided, conflict-ridden, undemocratic society, to a constitutional democracy which respects the human rights of all. Let me just make the point that our young democracy will always need that calibre of men and women who are prepared to lead even though the road ahead may be unpopular and unstylish.

Let me get to my second point about our transition. The ending of apartheid was never the sole objective of the South African project. This has been made clear over and over again in a number of ways and at various forums. The epilogue of the interim Constitution speaks of: "...a historic bridge between the past of a deeply divided society ... and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex."

The preamble to the Constitution reminds us of an obligation to – "... Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights".

These ringing expressions are statements of intent. The objectives of the South African nation go beyond the eradication of a system that maintained, at much cost to us all, white minority rule. This much is clear from the form of government we opted for, namely: a non-racist and non-sexist multi-party democracy founded on the values of human dignity, the achievement of equality, the espousal of the ethic of fundamental rights and freedoms; the supremacy of the Constitution and the Rule of Law. The Bill of Rights is entrenched and its spirit and content proclaim a determination to transform South Africa into a particular kind of society. We have set up new structures - such as the Constitutional Court and the other courts, the Public Protector, the Human Rights Commission and the other Chapter 9 institutions - to strengthen democracy and to act as guardians of the new direction we have chosen for ourselves. Checks and balances are embedded in the system to discourage and prevent abuse of power.

The importance of an independent judiciary is underscored by these arrangements and constitutional prescripts. It is the judiciary that must interpret the Constitution and provide a reminder of where the boundaries lie, between the different functions of the organs of state. It is the function of the judiciary to resolve disputes, and its integrity and independence mean that the courts can do this function without fear, favour or prejudice, and administer justice to all, equally.

Time, however, is a great teacher. The mere creation of these structures and institutions should theoretically ensure that the stability and quality of our democracy are unassailable. But time teaches us that nothing is beyond human machinations and manipulation. If our democracy is going to attain and maintain the stability and quality we aspired for it at the beginning, there is no substitute for eternal vigilance by all of us. We should all exert as much energy, courage and, yes, sacrifice also, as those who fought against the evil system of apartheid did. The terrain is different and new tools are available. Free speech and the freedom of association, a free and fearless media, an independent judiciary, all these and others are a great help. We should therefore guard against tendencies that threaten to weaken these pillars of democracy. In doing this, we will find that an independent judiciary is indispensable to the kind of democracy we want to maintain.

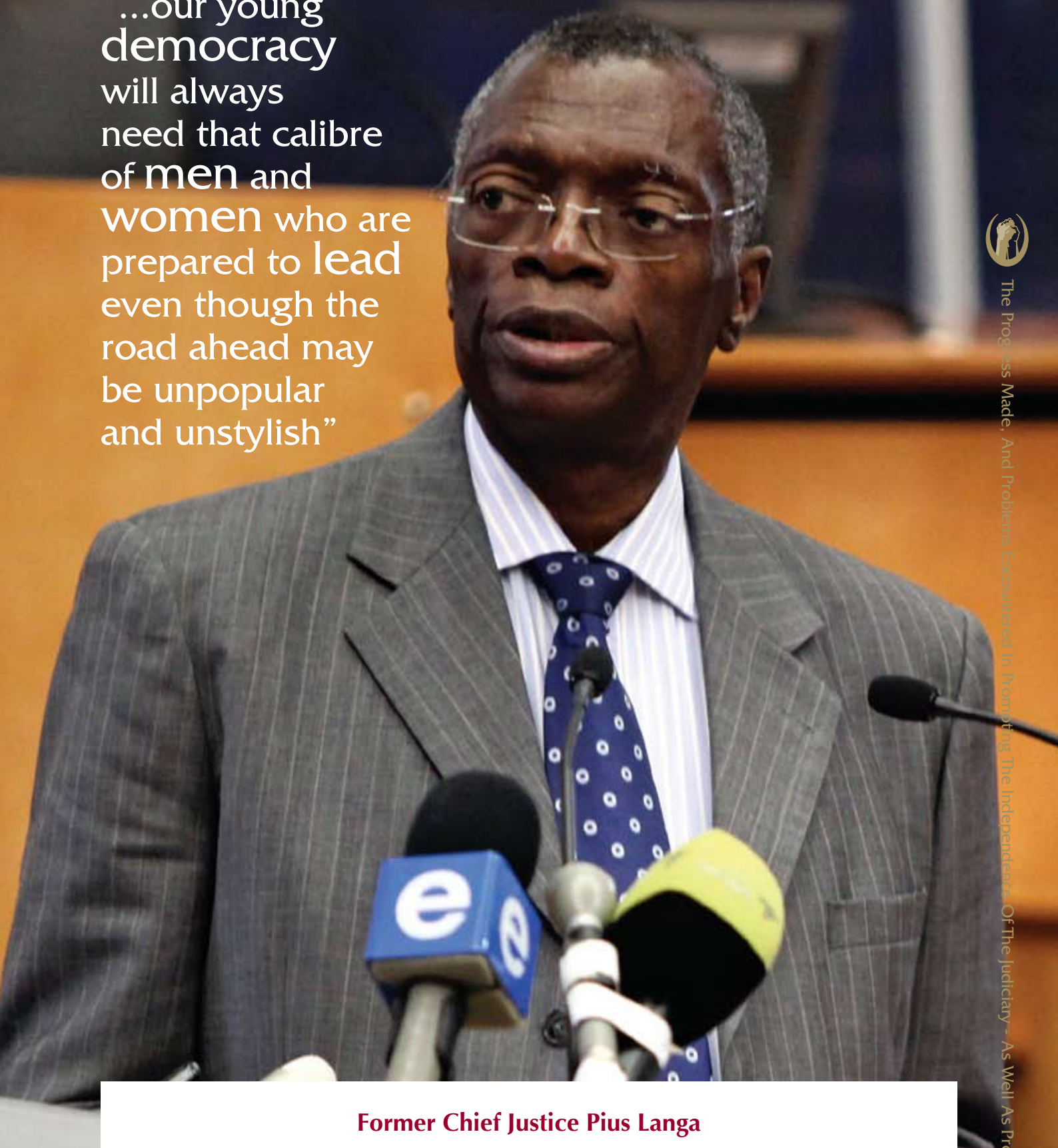
It is necessary now to go beyond mere words when we speak of democracy. We are looking at change since the adoption of the new direction. That being the case, it is appropriate to confront the question whether, substantively, this transformation has taken or is taking place. That is what will define the kind of society that we are. There is no doubt that the journey towards a just and equal society that will signal the maturity of our nationhood continues inexorably to challenge us and our democracy.

In July 1984, there was the final sitting of South Africa's last all-white parliament. This was perhaps the first, albeit formalistic and not particularly inclusive, step that a succession of apartheid governments had taken toward the granting of democratic rights to so-called "non-whites". Only five years later did the realisation that apartheid was no longer a viable option lead to talks with the liberation movement, the release of political prisoners, including finally, Mandela's release which happened on 11 February 1990.

In early 1992, the white electorate endorsed government's stance in the negotiations in a referendum and on 27 April 1994, South Africa's first democratic elections were held. Quite suddenly, in the short space of 10 years, we had achieved democracy. Finally all South Africans were allowed to vote for the government of the country, not only of the homelands to which we had been allocated. We were free to express ourselves, protected by the Bill of Rights; we could sit on whichever benches we chose; move freely without a pass and marry whomever we wished to. We had the formal freedoms for which we and those before us had fought for, for so long.

But with all that hope and enthusiasm for a new political order, there were, inevitably, deep fears and resentments and a massive apartheid legacy to overcome. The early 1990s was a time both of great hope and great uncertainty. The country seemed to be on edge. There were some who were preparing for certain chaos! Of course, these exaggerated fears did not materialise. Common sense prevailed. Among black South Africans, overjoyed as they were by their changed status, there would have been uncertainty regarding where democracy really left them. Which highlighted the fact that, the euphoria notwithstanding, the real struggle for all South Africans was going to be the achievement of substan-

“...our young democracy will always need that calibre of men and women who are prepared to lead even though the road ahead may be unpopular and unstylish”



### Former Chief Justice Pius Langa

Justice Langa served in various capacities - from interpreter/messenger to magistrate - in the Department of Justice from 1960 to 1977. In 1977 he was admitted as an Advocate of the Supreme Court of South Africa, practised at the Natal Bar and attained the rank of Senior Counsel in 1994. When the Constitutional Court of South Africa was established with the advent of a post apartheid constitutional and democratic era in 1994, Justice Langa was appointed together with ten others as the first Judges of the new Court. He became its Deputy President in 1997 and, in 2001, assumed the position of Deputy Chief Justice of South Africa. He was appointed as the country's Chief Justice and head of the Constitutional Court with effect from June 2005 until his retirement in October 2009.





tive, not merely formal, democracy. Let us see what this means.

In one of its judgments in a case dealing with socio-economic rights (Soobramoney), the Constitutional Court expressed this notion as follows:

“We live in a society in which there are great disparities in wealth. Millions of people are living in deplorable conditions and in great poverty. There is a high level of unemployment, inadequate social security, and many do not have access to clean water or to adequate health services. These conditions already existed when the Constitution was adopted and a commitment to address them, and to transform our society into one in which there will be human dignity, freedom and equality, lies at the heart of our new constitutional order. For as long as these conditions continue to exist that aspiration will have a hollow ring.”

The warning is not new. It is inherent in the structure of our society, 16 years after the advent of democracy in our land. We are arguably the most unequal society on this planet, with the poorest of the poor, the homeless, the unemployed living side by side with the wealthiest, who do their best to protect themselves and their wealth behind high barbed wire fences. Protests about poor service delivery have become all too frequent. The promise of social justice and a better life for all has not yet been fulfilled, there are still too many of our people living on the margins of the benefits of our democratic society. Proper quality education is a huge problem; severe shortages in many areas mean that many are unable to exercise democratic freedoms and therefore to move beyond the imbalances and inequalities of the past. All may vote but many are unable to influence government policy. These are all challenges that stall us on our path to substantive democracy and the national reconciliation that stems from it.

I do not propose to give you a gloomy catalogue of our failures, and to measure how far we are from the promised land. Such a picture would not entirely reflect the truth. We have achieved tremendously, and we need to acknowledge those achievements, cherish them and build on them. Rather, I wish to make four points.

- **One, there is no going back for us, we must press on to transform ourselves into the great nation we can be.** One nation. Not one that is merely black and white, rich and poor, but one nation. While some of us are not able to reach and savour the benefits of our great constitutional dispensation, we will not be able to reach the ideal of a future envisaged by the Constitution.
- **Two, in our journey forward, we must stay focussed and identify obstacles on our path and eradicate them.** We must be as ruthless with them as we were in our fight against apartheid.
- **Three, we must hurry.** Time is against us. The poor and the hungry and the drowning and the dying will not wait. What should be our response to those in desperate straits, those who need immediate relief? Can we say to them: “Wag ‘n bietjie ... alles sal reg kom?” We cannot allow ourselves to be a “wag ‘n bietjie” nation, when the weakest and poorest are

wallowing in despair. Nor can we promise them that their relief will only arrive tomorrow. For, as Shakespeare’s Macbeth pointed out (Act 5 Scene 5) “Tomorrow and tomorrow and tomorrow, creeps in this petty pace from day to day, To the last syllable of recorded time ...”

- **Four, Fear is our enemy.** It is fear that fed the hatred that fuelled apartheid and that makes us a nation where the affluent shut themselves out, behind high walls topped with barbed wire. As the popular song tells us, “a stranger is just a friend you do not know.” It is fear that stops debate and makes us resort to hurling insults at one another. Let us fear fear, remove it and replace it with a sharing engagement.

That way, we shall look back after the next 20 years with more pride and with a greater sense of unity and achievement.

The last point I want to touch on is national reconciliation. It is my belief that achieving social justice and accelerating the route to equality and human dignity are the surest building blocks to a South African nation that has come to terms with itself. It is extremely difficult to achieve national reconciliation where the formerly oppressed are labouring under a heavy yoke of want, poverty, disease, poor and inferior educational resources, in a land that boasts plenitude as our country does. This is all the more so where the colour of success and wealth is white and that of poverty and want is black. Meaningful democracy is, as I have suggested earlier, much more than the formal changes and the adoption of the best Constitution on the planet. It is the substantive aspects that bring about change in the material conditions of our people, that translate into real democracy. And that is the commitment that history is demanding from all of us, as we celebrate this 20th anniversary.

As we chart our way forward, we need to be aware of the responsibilities upon us. To safeguard what we have achieved and to build upon it requires that we make our country a safe haven for all who live in it. The supremacy of the Constitution and the rule of law are central in our development and define the quality and stability of our democracy. The future will be secure only if we have women and men who are prepared to show the same integrity and courage displayed by the founders of this constitutional order. These are people who are prepared to defend the Constitution and the rule of law, in the face of all attacks, be they subtle or overt. I do not doubt that we have such people and that our democracy will continue to strengthen and mature. But they must speak up. They must challenge all unconstitutional conduct.

We cannot miss the opportunities to better the society we live in. Reconciliation is not about great shows of unity, it is about individual awareness of the past and the present and an individual drive to do what is necessary to draw South Africans together. It is about acting to ensure and not to undermine, the fulfilment of democratic freedoms. It is about each of us actively pursuing the goal on which our Constitution is built, that is, to “... heal the divisions of the past and establish a society based on democratic values, social justice and fundamental rights”.

I thank you. ■

*“The supremacy of the Constitution and the rule of law are central in our development and define the quality and stability of our democracy.”*

# South Africa's Role in The International Community since 1990



BY BARONESS LYNDA CHALKER OF WALLASEY

**Thank you for the responsibility and opportunity to be with you today, 20 years to the day when I heard in Lusaka, President de Klerk's historic announcement to the South African Parliament. As UK Minister for Africa and for International Development, I was leading the British delegation to the European, African, Caribbean and Pacific conference on Development.**

South Africa's news was a joyously welcome shock, due to the breadth of the changes announced. It was also the clear realisation that the changing world politics had not stopped with the fall of the Berlin Wall, whose building I witnessed as a very young student there, and other changes towards democracy in eastern Europe. I want to pay my personal tribute to the leadership of FW, for whatever critics may have said and still sometimes say, his was responsibility at its highest at a time of dramatic changes world wide. In the years that followed, truly difficult as they often were for FW, the world saw a near miraculous transition, so much assisted by Nelson Mandela's courage and spirit for reconciliation.

Much has been written about the difficult years of debate in South Africa when so many of you and particularly, Cyril Ramaphosa and Roelf Meyer, with us today, sat for so many months to seek to reconcile the constitutional issues, and to lessen the tensions of building a working relationship between all the different constituencies within South Africa, so that transformation could begin to become a political and economic reality for this nation. That is not my brief today, except insofar as the process and outcome affects the way in which the Government of South Africa is viewed by other African countries and the international community.

For so many across the world, South Africa's Truth and Reconciliation Commission has been a shining and courageous ex-

ample of a brave engagement of the issues, which is almost universally praised and often attempted to be copied in full, or in part, in other countries.

Against that background one negative from the UN must be mentioned. Many have found Security Council statements over the last decade and then positions of the South African representatives in certain UN debates surprising to say the least. One only has to recall the surprising vote on Burma, and positions taken on the condition of ordinary people in Zimbabwe during the last 8 years to see why human rights positions, so often expressed by South Africa on other foreign national issues, seem to many to have been forgotten in these two most sensitive of cases. One aspect of how South Africa's role is regarded internationally is inextricably linked to how it is seen to be delivering growth and development at home in this huge and complicated country. Thus it is not only about the good relationships that have been and are being built between South Africa, international bodies and other nations, but it is also about what happens here in South Africa, where I now spend about a third of my life.

There is one person, whose role in alerting all nations not only to the huge challenge, but also to the massive complications of change in South Africa, was often badly understood. Margaret Thatcher, whom I served as a Minister for all her time as





Prime Minister, did understand how wrong apartheid was; she also understood that to change the system was imperative, yet a very dangerous journey. Throughout her Premiership, she was a loyal and committed, but not uncritical, friend to President de Klerk, and this country. Little credit was given in the world at large for the work she did quietly with other nations for change in South Africa. But without concerned friends in the international fora before and after 1990, the task for South Africa would have been much harder.

**International Fora:** South Africa has benefitted from some outstanding diplomats over the years. The country plays a leading and respected role in almost every international forum from the EU Africa meetings to today's AU, the UN to the G20, but it is worth a friend noting that other African nations are determined, especially in the African Union, to be viewed as equal partners alongside each South African delegation. That means that the contribution of government to debate and the initiatives that it takes, is much more critically reviewed now than in earlier years.

African nations have battled for many years to develop their own democracies. To paraphrase Sir Winston Churchill: 'democracy is not perfect, but the least bad form of government yet devised'. With open modern communications, the expectation of what democracy can deliver far outweighs the reality, and thus there has to be management of that expectation in every policy area according to economic reality. This is a hard lesson for any country, particularly South Africa where affluence is clearly visible to most of the population, but enjoyed by a minority. Working to alleviate poverty has to be by growing the economy as a whole. It cannot be by dividing up the economic wealth already created.

**Expectations:** This country is seen internationally to have a vibrant and effective private sector on the whole, and well developed financial institutions which rank highly alongside those in developed world capitals. South Africa is looked to as an example to others, as each nation tries, particularly in this highly competitive post-recession period, to focus on the essentials of sound economic management. Thus the responsibility on South Africa to manage its political, economic, security and social affairs is much greater than for other countries. Fairly or not, more is expected of South Africa than from most countries in the African continent.

The recent 'Doing Business 2010' report's comparative rankings show some concerning features which will influence investors. Any country ranking on an economic ability scale below the top third of countries needs to examine how to improve their performance, and for South Africa the critical issue is the supply of well trained labour and technologically able staff.

**Education deficit:** At present the clearest policy criticism inside and outside South Africa, concerns the educational deficit within the nation. The continuing skills deficit is a worrying brake on business, many years after the initial efforts to make transformation a reality. With 25% unemployment and 40% among young black people, delivery of education is critical in order to provide the right platform to grow the next era of school graduates, and to ensure the long term prosperity of the nation. The US, the UK and many other countries also suffer tertiary skills deficits. In most nations the focus is on providing quality and quantity of early learning skills, so that there can be a real pool of achievement among teenagers to continue into tertiary education. As yet this approximately 10 year plus cycle of sound learning is not being seen in South Africa's Matric results.

Many commentators are concluding that basic education quality is not yet being effectively delivered here in South Africa. All levels of education, especially teacher training, urgently require

greater investment and to be separated from political considerations, so that all who can teach may play a part in equipping South Africa for the vibrant business competition that is becoming increasingly clear across the world. It is not just the quantum of GDP spend that is crucial, but how the money is spent, and what returns this is providing. Quality is critical as well as extending schooling to a much wider number of young people.


Building up skills for the nation is not just a task for governments, but also for the private sector. Thus one clear worry in international development debates is whether there is yet a real dialogue in South Africa to bring the best engagement of its private sector in education into a continuing partnership with Government, so as to help make skill development, and thus transformation, a reality for a much greater proportion of the people than even 5 years ago. To be successful and tackle poverty sustainably, governments have to create and maintain frameworks of opportunity for all in education and technical training. Talent exists in all communities; international studies show it to be randomly distributed across populations, but opportunities to develop all the talent will only succeed if government encourages and uses all good training institutes from the universities, colleges, ngo's and training openings, both State and private.

Without this educational boost, finding and developing talent for the benefit of the nation over the coming decade, will mean that South Africa will suffer from less international competitiveness than its people deserve. One only has to examine the extraordinary concentration of educational development and technological leaps for more than 20 years in China, Malaysia, South Korea and India to understand the challenge for South Africa to compete successfully in almost every sector.

**Economic development:** South Africa's macro economic performance, whilst not untroubled even before the recession of 2008/09, is considered impressive overall. The nation owes a great debt to Trevor Manuel for his wise counsel, determined planning and successful changes in financial management. He was a brilliant Chair of the World Bank's Development Committee. Here at home South Africa's banking system showed itself much more robust in terms of profitability and capital adequacy than many developed and emerging nations. The nation's capability to withstand these last 2 years of downturn in many sectors, although challenged by those skilled people who have left these shores for new pastures, has impressed most overseas planners readying themselves for full participation in the World Cup this winter.

However, it is the continuing challenge, for all governments with major development needs, to have sufficient funds to spend on the essentials of health, education and infrastructure. This must not destroy the entrepreneurial spirit of start ups and other business development by taxing the highest earners too greatly. Here the financial institutions see some worrying signs. The primary sector contribution to the economy, which provided comparatively greater employment and produced real revenue gains, has shrunk in 20 years in South Africa. The financial sector has more than doubled in the last 50 years, but the manufacturing sector has stayed about the same. This needs to change.

The greater the proportion of the population in productive employment, the more ability a nation has to invest in its future. But the doubling of the proportion of those in public employment in South Africa in the last 50 years is one of the least sustainable aspects of economic activity. Sadly this mirrors some of the worrying features of developing world economies, who have to seek IMF assistance, an avenue not open to South Africa as a middle income country.



“South Africa must, above all, attract and use foreign investment wisely.”

### **Baroness Lynda Chalker of Wallasey**

After 12 years as Minister for Africa, Baroness Lynda Chalker founded “<http://www.africamatters.com/>” Africa Matters Limited (AML), a pan African group of advisers, in 1997. Prior to this she was one of only four Ministers who served continuously in Government from 1979 to 1997. She was made a Life Peer in 1992. In addition to chairing AML, Baroness Chalker is Chairman of the Medicines for Malaria Venture (MMV). Her many Board appointments have always covered business & investment in Africa, governance and corporate social investment.





In this post financial liquidity constrained era, South Africa must compete globally to attract foreign direct investment to ensure growth and employment. Last month President Zuma helped assuage the confidence of major players in the mining world with a clear statement that the nationalisation of the mining sector was NOT on the government's agenda. He must stick to this. His statement was well received by financial market participants for whom stability is such a key factor. Overseas in every economic forum there remains an underlying concern about how South Africa manages the medium to long term economic needs of the people, whose population increases are not matched by productivity improvements. The criticism often heard is that real action on the essentials for increases in productivity are not yet being thrashed out into a strategic policy plan for growth in the next decade. Without those, South Africa runs an unacceptable risk of the public sector costs becoming financially unsustainable.

Most worrying of all is the unacceptably high unemployment among black South Africans, especially those who for whatever reason have dropped out of school in the last 20 years. Friends are united in saying that serious efforts need to be made to offer real basic education and skill training to all the unemployed, but particularly the 4 in 10 young black people without work, before their stark disadvantage and mounting frustration from a lack of resources turns them into criminals or their communities into hotbeds of disorder. It goes without saying that unless the nation can cure its energy shortages and consistency of supply, thereby providing reliable power for industry and for the many communities who live at the edge, there will be even more pressure on communities resulting in potential social unrest.

**Water:** The other great challenge now debated in every international body, but above all in this continent, and particularly in South Africa now, is the lack of clean potable water, and sufficient supplies for agriculture. New methodology for water treatment is now widely available, and could utilise large quantities of waste water whether from mines, sewage or other industries. But like power generation and distribution, the urgency to begin a major investment to correct the deficit seems to be missing from an action plan for such declared policy objectives. The positive difference that this could make to residents and visitors alike, let alone for the agricultural sector and thus quality produce for exports should not be underestimated. It is sad that when technology is available, that it is not being seized by those who could make a huge and lasting difference.

**Security Sector Reform:** South Africa is regarded as a pioneer of Security Sector Reform (SSR). The country systematically reformed its policing, defence and intelligence bodies and integrated seven different armed formations, downsizing mainly by natural attrition. The plans attracted more criticism inside South Africa than in the international sphere, but seem to have produced a sound model, which has worked for the military and intelligence sectors.

Early in the 90's South Africa won great praise and thanks for its international leadership in the decommissioning of nuclear weapons. By setting the example, others have been persuaded to follow, and for this too, Mr. de Klerk and the country deserve real thanks. This was a courageous act of great foresight.

One clear area of anxiety in and out of South Africa and, thus a particular concern in this World Cup year, is that of tackling criminality. There have been operational improvements by many sections of the police. But the tragic ingenuity of too many determined criminals from inside and outside South

Africa remains a major concern for all, especially those working hard to counter money laundering, drug and human trafficking and other destructive aspects of modern life.

South Africa has a well functioning Ministry of Defence and its wise guidance in other African countries has been highly praised in international and African fora. Thus the views of leading South African military, police and intelligence personnel are often sought. This places a high responsibility on the leadership from the Presidency downwards to advise widely in government and the provinces on the importance of reform in the security sector. The African Security Sector Network created to bring African organisations working on governance and security sector reform together is making quiet progress.

However, the involvement of other bodies such as the new US Africa Command, and the growing presence of China and now India in mineral and energy rich countries means a new look needs to be taken by all nations at the development in global power play when military help is offered. This could be a challenge for the best of Defence Ministries. Social development: In the preparation of this speech, I have found my reading of commentaries from outside Africa, full of praise for achievements to date in South Africa, but puzzled by some of the political changes, for the ANC decisions and their reasoning are not well explained across the globe. In no sector is this more true than in the family and social sector. The keys to greater success in health and education are being sought everywhere.

Every nation struggles with the organisation of health for the mass of the people where increasing scientific ability encourages the belief of, and demand for, a cure for every ill. Whether in the US, in Europe or developing countries, the most progress is made where national insurance schemes are deployed, but that means more employed people contributing to the national revenues. So I find myself agreeing with the commentators who declare that until South Africa uses the best of private provision with a national health service based on contributions from the employed and with cover for the unemployed, sick and disabled from the national purse, we are unlikely to see a nation with real health benefits. South Africa has many strengths. Its tourism and the beauty of the country is for me, the best in the world. Its scientific discovery, its high class Universities and Business Schools, its financial management skills and its medicine are top class. But it has to address the weaknesses, and top of the list is to address and correct the causes of poverty and disease. The conclusion of commentators and in international organisations is that, without doubt, South Africa has travelled successfully a great distance in managing the hopes of her people. She has moved from growing isolation in the 80's to making a truly positive contribution on the world stage. But to achieve a good proportion of people's expectations at home and contributions overseas, South Africa must, above all, attract and use foreign investment wisely. The nation has many strengths, but it must deal with the weaknesses, whether in local government, housing, water and social provision, and above all in skills and education from primary level up. It is about delivery, delivery, delivery.

Thank you President de Klerk and your team for your huge role in pushing this change process all those years ago. Now younger generations must ensure that economic commonsense and the best possible use of resources really does produce a modern nation where poverty is diminished and all have the chance to share in the nation's opportunities for success.

Thank you. ■



# A solution to the South African Dilemma Forged by South Africans and Amongst South Africans



REMARKS BY PRINCE MANGOSUTHU BUTHELEZI  
MP PRESIDENT OF THE INKATHA FREEDOM PARTY AND  
TRADITIONAL PRIME MINISTER OF THE ZULU NATION

**On an occasion such as this we are not commemorating a specific day,  
but rather a long process which closed and culminated on that day,  
the fateful day of February 2nd twenty years ago.**

There are innumerable facets and episodes to that process and one may wish to consider that process as really beginning long before both Mr de Klerk and I were born. All this belongs to the historical reflection of our posterity. On an occasion such as this, I wish to limit my remarks to placing on record for the benefit of posterity just a few of the facets and episodes of that process, in which history or faith called upon me to be a protagonist.

As you all know, one of the main sources of disagreement between myself and the ANC was on the dispute over the methodology to achieve liberation, with the ANC believing our liberation was achievable through an armed struggle, and my advocating the Gandhian route of passive resistance and nonviolence, to support an all-inclusive negotiated outcome. I believe in negotiations, negotiations, negotiations.

The ANC's armed struggle also served the purpose of its international backers, the former Soviet Union, which, through the ANC, was trying to expand its military and political influence in Southern Africa, extending its already existing direct or

indirect military or political involvement in Mozambique, Angola and Namibia.

I believed in a solution to the South African dilemma forged by South Africans and amongst South Africans, so that, at the end of it, there would be no winners or losers, but we could all equally triumph in our collective liberation. Most of all, I dreaded the idea of a Soviet-backed liberation, which would have taken us out from under one yoke and placed us under another.

In this context it was natural that, as soon as Mr de Klerk took power, a dialogue began to seek a negotiated path to the democratization of South Africa based on universal suffrage. Once the Berlin Wall fell, the political scenario in South Africa changed way beyond what was registered in our own internal discourse and political reflections.

The risk that the Soviets would be brought to power in our country through our liberation disappeared and, with it, the fears that the West had in that respect.





“I believed in a solution to the South African dilemma forged by South Africans and amongst South Africans, so that, at the end of it, there would be no winners or losers, but we could equally triumph in our collective liberation.”



The indirect and often hidden support until then given to the Apartheid Government was immediately withdrawn and it was clear that Apartheid's days were numbered.

In that context, President FW de Klerk approached me to begin negotiations, so that together we could formulate a democratic constitution which would give all South Africans the equal right to franchise. The idea was that the constitution would come first and then, once that was in place, all political prisoners would be freed and the parties until then banned would be unbanned.

Throughout the negotiation process from 1991 to 1994 the National Party maintained the same position that the constitution had to come first and then liberation would come in terms of that constitution, which led to the compromise of having two constitutions; an interim and a final one.

I accepted the notion of a dialogue, for in my life I have never refused dialogue with anyone, especially with my enemies or opponents. A committee was appointed to identify the preconditions and parameters of that dialogue. One of our representatives was Rowley Arendstein, a communist lawyer who had been subjected to one of the longest periods of exile on account of his ideology. The Committee presented a legally clear memorandum setting out our position, which had different categories of negotiable and non-negotiable conditions and parameters.

The category of non-negotiable conditions contained only one item, namely that the dialogue and negotiations could not continue until and unless all political prisoners - especially Nelson Mandela - had first been released, and all banned political parties had been unbanned, so that they too could participate in such negotiations on an equal footing.

That precondition which we placed caused the end of that dialogue. The next we heard was President de Klerk's epoch-making speech of February 2, 1990, in which he announced the progressive dismantling of Apartheid's undemocratic laws, the release of political prisoners - including Nelson Mandela - and the unbanning of the until then banned political parties.

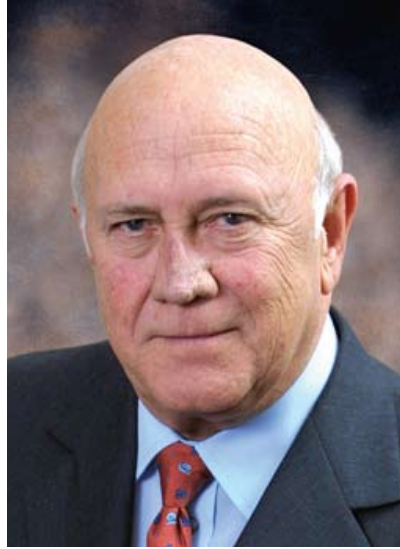
In his address of that day, President FW de Klerk candidly and kindly identified me as the person who had convinced him and his Party to take such a step, for I had foreclosed the other options. I always took this to refer both to my unwillingness to negotiate a democratic constitution on a bilateral basis with the National Party - even though that would have effectively made me the liberator of South Africa - as well as my unwillingness to accept nominal independence for the self-governing territory of KwaZulu and for the Zulu Nation.

The fact that the Zulu Nation never relinquished its South African citizenship and never became part of a nominally independent State, collapsed all hopes of Apartheid ever working.

As Zulus are the most numerous group in South Africa, even accepting Apartheid's fictions of nominally independent States, those who remained with South African citizenship were the majority and remained disenfranchised and oppressed, even after the White Government expanded both representation as well as its power-base to include Coloureds and Indians.

Against this background one must praise President FW de Klerk for having had the courage to bring together all the pieces of this mosaic, which awaited a catalyst of goodwill - such as he was - to be recomposed into a picture which could finally accommodate all South Africans and project the hope of a shared future of goodwill which could overcome and heal a past characterized by divisions and oppression. ■

# Twenty Years Later: Looking Back, Looking Forward



SPEECH BY FW DE KLERK  
TO THE CONFERENCE TO COMMEMORATE  
THE 20TH ANNIVERSARY OF HIS SPEECH  
OF 2 FEBRUARY 1990.

Historians will regard the beginning of February 1990 as the watershed of South Africa's modern history. There were many events that opened the way to the speech that I delivered to the South African Parliament on 2 February 1990. However, the nine days between it and the release of Nelson Mandela on 11 February changed South Africa forever. Those crucial nine days set the country irreversibly on the road to a different and, I believe, a much better future.

This afternoon I would like to look back over the 20 tumultuous years since then and express some views on the factors that led to my speech - and developments since then.

My predecessor President P W Botha clearly understood the need for change - or as he put it, to 'adapt or die'. For some years black South Africans and the international community had been vociferously demanding that the South African government should dismount the tiger of white domination on which history and circumstance had placed it.

White South Africans had three concerns regarding the tiger dismounting process:

- Firstly, how would they - and particularly Afrikaners - be able to maintain (in a one man, one vote dispensation) the right to national self-determination that had been the central theme of their history for more than 150 years?
- Secondly, how could they be sure that universal franchise would not lead quickly to the chaos and tyranny that had sadly characterised the decolonisation process in so many other parts of Africa?
- Finally, the government was worried about the possibility of a communist take-over.

P W Botha's response to the question of how one dismounts a tiger - was that one does it quite gingerly - one foot at a time - with





“We knew that the circumstances for a reasonable constitutional settlement would never again be so favourable. So we jumped.”



as much military fire-power as one can muster. The first foot was the decision to bring Coloured and Indian South Africans into the parliamentary system by means of the tricameral constitution of 1983 - while at the same time dispensing with some of the most controversial apartheid legislation.

By 1986 coloureds and Indians theoretically enjoyed equal rights with whites; far-reaching labour reforms had been introduced and more than 100 discriminatory laws - including the pass laws - had been repealed. The crucial process of lowering the second foot to the ground - the question of black political rights - was referred to the President's Council which considered at length all sorts of extensions of the consociational approach.

Reforms nearly always unleash a revolution of rising expectations. One of the results of the far-reaching reforms of the early 80s was the fomentation of widespread unrest led by the newly established United Democratic Front. By the end of 1985 nightly scenes of turmoil in the townships had brought about a collapse of international confidence in the government's ability to control the situation. South Africa was faced with a dire economic crisis as the rand collapsed and foreign banks refused to roll over \$14 billion in short-term international loans. Order was restored only after the imposition of the 1986 state of emergency.

In the winter of 1986 there appeared to be very little hope for the future.

And yet within three and a half years the situation had changed entirely. What factors contributed to the dramatic changes that led to 2 February 1990?

- The first factor was the government's realisation that 'separate development' had failed and held no prospect whatsoever of bringing about a just or workable solution. The partition of the country on which it was based was hopelessly inequitable - with the 78% black majority being allocated only 13 % of the land; the economy - and the supposedly white cities - were becoming more integrated with each year that passed; whites did not constitute a majority in any geographic region of the country; and the solution was vehemently rejected by a vast majority of blacks, coloureds and Indians.
- A critically important factor was the acceptance by all sides that there could be neither a military nor a revolutionary victory - and that continuing conflict would simply turn South African into a wasteland. The security forces had accepted this reality by the early 80s. The ANC did so only after the 1986 state of emergency restored order in the country. Discreet contacts between the ANC and the government - originally initiated through Nelson Mandela while he was still in prison - enabled both sides to explore possibilities for negotiated solutions.
- Sanctions were, of course, also a factor. By the mid-80s our economy was increasingly isolated and we had to deal with the crisis caused by the refusal of international banks in 1985 to roll over our short term loans. Sanctions caused enormous distortions in the economy and probably cost us 1.5% growth per annum. Nevertheless, the economy actually grew at an annual rate of 2.7% between April 1986 and February 1989. Sanctions were often counter-productive. They increased opposition to foreign interference - and hobbled two of the greatest forces for change - economic growth and exposure to the world.
- Economic growth of the 60s and 70s was a major change factor. Between 1970 and 1994 the black share of personal disposable income increased from 28.9% to almost 50%. Millions of black South Africans moved to the cities and improved their standard of living and education. By 1989

they had begun to occupy key positions in the industrial and commercial sectors. Increasingly they were becoming indispensable in the white-collar professions. By 1994 there were more black South Africans at university than whites.

- Similar changes were taking place in the Afrikaner community. In the decades following 1960 a whole generation of young Afrikaners moved from the working class to the middle class. They graduated from university and travelled abroad – and were inevitably influenced by global values. The new generation of university educated Afrikaners no longer shared the fiery nationalism of their parents and grandparents. By the early 'eighties they were becoming increasingly uncomfortable with many aspects of apartheid – and wanted the NP leadership to find some way of dismounting the tiger of growing black resentment without being devoured. By 1989 they were ripe for change.
- A further factor was the successful conclusion of a tripartite agreement in 1988 between South Africa, Cuba and Angola. This resulted in the withdrawal of Cuban forces from Angola, the implementation of UN resolution 435 and the independence of Namibia. The negotiations with the Angolans and the Cubans and the subsequent successful implementation of the UN independence plan during 1989 reassured the government that it could secure its core interests through negotiations with its opponents.
- The final – and critically important - factor for change was the collapse of global communism in 1989. At a stroke, it removed the government's primary strategic concern. The demise of international expansionist communism and the manifest success of the free market economies also meant that there was no longer any serious debate with regard to the economic policies that would be required to ensure economic growth in a future democratic South Africa

By the time I became president in September 1989 the National Party was already committed to fundamental transformation. After my election as leader of the National Party in February 1989 I had made it clear that our goal was "a new South Africa, a totally changed South Africa". I told my supporters after the September 1989 election that "the main issue was not whether all South Africans should be accommodated in future election, but how this should be done". However, the collapse of Soviet communism enabled us to accelerate the process. When history opens a window of opportunity it is important to jump through it. We knew that the circumstances for a reasonable constitutional settlement would never again be so favourable. So we jumped.

There are a few points that emerge from all of this:

- Firstly, it would have been virtually impossible for us to have done in 1980 what we did in 1990. White public opinion would not have tolerated it. As late as 1986 only 30% of whites supported the idea of negotiations with the ANC. Also, what we regarded as our main strategic threat - the SA Communist Party supported by the Soviet Union - was still a dominant factor throughout most of the 80s;
- Secondly, it would have been very difficult for us to initiate successful constitutional negotiations in South Africa if we had not been able to hold the line along the Namibian/Angolan border in the period after 1975. Our negotiating prospects would have been severely weakened if Cuban forces had not withdrawn from Angola and if Soviet-backed SWAPO forces had been permitted to achieve a military victory in Namibia. It would have been equally impossible for us to initiate successful negotiations had we not been able to restore order after the unrest of the mid 80s.

The late Chris Louw was wrong: the sacrifices of the security

forces were not in vain.

In my speech of 2 February 1990 I spelled a vision that included "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..." In the end, we succeeded in achieving all these objectives - including some additional goals such as our quasi-federal system of provinces.

Despite the fact that the 1993 and 1996 constitutions succeeded in securing many of the National Party's core objectives there are still many whites who are critical of the process.

Some believe that the former government could have continued to rule in perpetuity regardless of the clear threats that had developed during the 1980s. The reality is that, had we not grasped the transformation initiative when we did in February 1990 South Africa would soon have been completely isolated in the international community. Our international trade would have ground to a halt; we would have been confronted by escalating conflict on our borders and in our townships.

We would, no doubt, have been able to maintain control for many years but under increasingly grim and unacceptable circumstances. Our young men would have spent half their time in military service; many more white South Africans would have left the country; and there would have been pervasive white poverty and unemployment among those who remained. Worse still, the prospects for a satisfactory negotiated settlement would have diminished with each successive cycle of revolution and repression.

There are also many whites who accept that we had to change but believe that Roelf Meyer and FW de Klerk bungled the negotiations and allowed Cyril and his colleagues to run rings around them. They insist that the National Party should have negotiated some or other minority veto. Let me assure them that this would have been neither politically feasible nor internationally acceptable.

The one main area where the National Party failed to achieve its negotiating goals was in respect of power sharing at the executive level. I felt - and still feel - that there should be constitutional mechanisms in multicultural societies that ensure the involvement of all communities in a consensus seeking executive model - particularly in respect of issues that affect them.

We proposed a state council in which leading minority parties would be represented and which would have considered a range of national and communal issues. It would not have had a veto - but it would have ensured much greater inclusivity in our approach to national issues. Unfortunately, the ANC was not prepared to consider even this modest proposal and the other opposition parties were not prepared to make a stand. The failure of the ANC to accept some ongoing form of power-sharing or consultation at the executive level was the main reason for the New National Party's withdrawal from the Government of National Unity in 1996.

The 1996 Constitution - with all its faults - is the result of the genuine give and take process inherent in all negotiations. Indeed, the ANC, in its documentation admits that "the elections of April 1994 entailed a degree of compromise, some concessions and postponements, many of which took account of the enemy's real strength and untapped power." They add that "there were also compromises forced upon us because we could ill-afford to jeopardise the larger prize - majority rule - in pursuance of a few uncertainties".





The outcome of the negotiations was at least as close to our original negotiating position as it was to that of the ANC. It contains all the basic rights that we need to maintain a free and prosperous society. The Constitution has also served us well for fourteen years. South Africa is a free, multiparty, democracy. We enjoy freedom of expression and belief. The full range of basic rights is guaranteed. Until last year we had experienced seventeen years of uninterrupted economic growth which had been facilitated to a large extent by sensible and orthodox macro-economic policies.

The problem is not the Constitution - but that, on the one hand, the government fails to implement some of its provisions; and on the other, that citizens do not claim the rights that are safeguarded by it.

At the same time, there are those at the other end of the political spectrum who regard important elements of the Constitution, not as part of a solemn social contract, but as temporary compromises that were necessary because of the power balance of the time. They believe that such constitutional provisions should not be allowed to impede their progress toward the attainment of the ideological objectives of the National Democratic Revolution. Some even regard the Constitution and many of the rights and values that it espouses as a Western construction with little relevance for Africa. They accordingly show little compunction in ignoring or circumventing provisions that they do not like.

Let me disabuse those who harbour such views:

- The proposition that governments should be subject to the rule of law is not a Western concept. It is the sine qua non for effective governance everywhere in the world.
- The recognition of cultural and language rights is essential for the promotion of harmony and national cohesion in multicultural societies everywhere. Failure to accommodate such rights is the greatest single source of conflict throughout the world - whether it is in Africa, south Asia or South America.
- Independent judiciaries are as essential for the maintenance of justice in Africa as they are in any other part of the world; The protection of private property is the essential foundation for economic growth and development everywhere. There are no exceptions.
- Sound macro-economic policies do not work only in Europe, North America and East Asia. They bring benefits wherever they are implemented.

Looking back over the past twenty years it is clear that South Africa has done best when it has followed these benchmarks - and it has done worst when it has ignored them.

The historic developments between 2 and 11 February opened the way to a new and much better country.

- It is accordingly appropriate for us to celebrate the twentieth anniversary of 2 February 1990 - not to honour my role or the

role of any other individual or party, but because it prevented a catastrophe.

- For white South Africans, the announcements of 2 February 1990 and their support for continuing negotiations in the referendum of March 1992, signaled their decision to lay down the burden of guilt and alienation that had been laid on them by centuries of white domination.
- For black South Africans the events of February 1990 heralded the dawn of the new age of dignity, equality and full political rights for which they and their ancestors had struggled for so long.
- For the world, these historic events showed that even the most intractable disputes could be resolved peacefully by negotiations and goodwill.

All South Africans can be proud of the example that we have set since then. All of us should be equally determined to ensure that we will continue to provide inspiration to divided societies throughout the world.

As we face the next 20 years, we should rededicate ourselves to the process that we South Africans initiated during the first two weeks of February 1990 and that culminated in the adoption of the 1996 constitution. We should rededicate ourselves to that Constitution and to the vision of equality, human dignity and justice that it articulates.

The Constitution is the foundation of our national unity and the guarantor of our fundamental rights. The future happiness, prosperity and the security of all our children depends directly on the preservation of all the carefully balanced rights and guarantees and the values that it contains. ■



## Former President FW de Klerk

During his presidency from September 1989 until May 1994, FW de Klerk dismantled apartheid and initiated and presided over the inclusive negotiations that led to the adoption of South Africa's first fully democratic constitution in December 1993. After the election on 27 April 1994, Mr De Klerk served as one of South Africa's two Executive Deputy Presidents until 1996 when his party withdrew from the Government of National Unity. He retired from active politics in September 1997. He published his autobiography "The Last Trek - A New Beginning" in 1999 and the same year established the FW de Klerk Foundation. The Foundation upholds the Constitution through the work of its Centre for Constitutional Rights and works for positive relations in multicultural societies. Mr De Klerk is also the Chairman of the Global Leadership Foundation, established in 2004, whose panel of former presidents, prime ministers and statesmen provides discreet advice to heads of government on issues that concern them.

*“The Constitution is the foundation  
of our national unity  
and the guarantor  
of our fundamental rights.”*

FW DE KLERK, SPEECH ON 2ND FEBRUARY 2010



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**FW de Klerk**  
FOUNDATION

**Upholding South Africa's National Accord**