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**SPEECH BY FORMER PRESIDENT FW DE KLERK  
TO THE FW DE KLERK FOUNDATION CONFERENCE  
ON THE NEED FOR REAL TRANSFORMATION,  
CAPE TOWN,  
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**THE NEW SOUTH AFRICA AT 20: THE NEED FOR REAL TRANSFORMATION**

I would like to welcome all of you to this the fifth annual conference of the FW de Klerk Foundation. Our conference this year takes place a few days before the 24<sup>th</sup> anniversary of the commencement of our transformation process on 2 February 1990 and in the 20<sup>th</sup> anniversary year of the new society that emerged from that process.

When we were considering an appropriate title for the conference we decided to focus on 'the need for real transformation'. We chose this title for the following reasons:

- Firstly, because our new Constitution is a transformational document. It enjoins us to transform South Africa to ensure that everyone will be able to enjoy the rights that it guarantees in a society based on the values that it envisions.
- Secondly, because there are widely differing perceptions of what transformation means and widely differing views on the type of society in which it should culminate. These differing interpretations of transformation lie at the heart of our national debate and of growing divisions within our society; and
- Finally, because South Africa's future success will depend on our ability to continue to transform key areas of our national performance to ensure that all South Africans benefit from our new constitutional dispensation - and not just the present multiracial middle class and elite.

We agree with the National Development Plan's identification of the main transformational challenges:

- firstly in providing decent education for all our people;
- secondly in reducing dramatically the present unsustainable levels of unemployment; and
- finally, the manner in which we can transform our economy to ensure rapid and sustained economic growth that will bring prosperity to all our people.

We shall be dealing with these questions in greater detail in the four modules of our conference later today.

We also invited a senior representative of the ANC to address us on the ANC's vision of transformation - since we believe that it will be crucial to our discussion today. Unfortunately, he was not able to accept our invitation.

Because it is so central to the debate I would like to share with you our understanding of the ANC's views of transformation. I wish to stress that this is not our own interpretation - but is based squarely on a fair analysis of the ANC's strategy and tactics documents.

The ANC sees itself, not as an ordinary political party, but as a national liberation movement with an uncompleted revolutionary mandate. It sees "the continuing legacy of colonialism and white minority rule" as the "defining reality of our society".



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According to the ANC this legacy still impacts upon "the ways in which black people in general, and Africans in particular, are differently affected by everything, ranging from unemployment, to literacy, to life expectancy levels". The ANC accordingly "focuses its energy upon mobilising around the aspirations and transformation objectives of this historically oppressed majority".

Unlike its negotiating partners, the ANC did not view the constitutional negotiations as the means to achieving a final national constitutional accord. Instead it saw them as a means to achieving a beachhead of state power - which would then enable it to shift the balance of forces further to its own advantage. In the process it admits that it had to make constitutional compromises that it regarded as temporary expedients necessitated by the then prevailing balance of forces.

The ANC's first priority after the 1994 transition was to shift the balance of forces in its favour by seizing control of the levers of state power. Its targets, in its own words, were "the legislatures, the executives, the public service, the security forces, the judiciary, parastatals, the public broadcaster, and so on". It gained control of these institutions by deploying ANC cadres to leading positions.

The central goal of the ANC's National Democratic Revolution - even after 1994 - continued to be the elimination of apartheid social and economic relations. This would be achieved through the "de-racialisation of ownership and control of wealth, including land; and equity and affirmative action in the provision of skills and access to positions of management".

The ANC's transformation programme will culminate in the establishment of a "National Democratic Society" in which

- all the significant levers of state power will be controlled by "democratic forces";
- "apartheid property relations" will have been eliminated; and in which
- there will be demographic representivity at all levels of ownership, management and employment in the public, private and non-governmental sectors.

At the same time, the ANC insists that it is committed to the letter and the spirit of the Constitution, including

- multi-party democracy,
- the separation of powers in a constitutional state,
- fundamental human rights to all citizens,
- respect for the rights of linguistic, religious and cultural communities, and
- social equity.

However, it says that these commitments must be seen "within the context of correcting the historical injustices of apartheid" that is, within the framework of its goal of establishing a "national democratic society."

It is against this background that the ANC's debate in 2012 regarding the commencement of the second phase of the transition takes on special significance.

In his closing remarks to the 2012 Policy Conference President Zuma implied that the triple crisis of unemployment, inequality and poverty had been caused - not by ANC policies - but by white males and the continuing impact of "apartheid colonialism". He warned that "unless we decisively deal with racialised and gendered inequality, poverty and unemployment, our collective democratic and constitutional achievements would be put at grave risk".



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The President also believed that the balance of forces had shifted sufficiently - in South Africa and internationally - for the ANC to abandon compromises it made during the political transition.

The reality is that the ANC's approach to transformation now dominates many core aspects of government policy and of our national discourse. It lies at the heart of the debate over land reform; black economic empowerment; and affirmative action.

- Government is imposing mathematical demographic representivity throughout the public sector.
- Minister Rob Davies has made it clear that the Government wants to impose similar demographic representivity in the private sector as well.
- The new gender equality bill now before parliament would require a 50% female quota throughout society, in government, in the private sector, on NGOs and even in political parties.

However, the ANC's views on transformation are not all that bad, if compared with those of its alliance partners.

COSATU and the SACP see the ANC's goal of the National Democratic Society only as a staging post on the line of march to the establishment of a full-blown communist state.

What then are the views of most of the non-ANC parties on transformation? What did they think they were signing on for when the 1996 constitution was accepted? Without wanting to pre-empt Francois Venter's presentation I would like to share with you a few of my own interpretations of what the Constitution says about transformation.

Although the word "transformation" does not appear in the constitution there can be no doubt that it is a transformational document. It is permeated with the requirement to move society from where it found itself in 1996 to the vision set out in its founding values.

These values include

- Human dignity, the achievement of equality and the advancement of human rights and freedoms;
- Non-racialism and non-sexism;
- Supremacy of the Constitution and the rule of law; and
- Universal adult franchise, a national common voters roll, regular elections and multi-party system of democratic government, to ensure accountability, responsiveness and openness.

Real transformation should be measured by our success in establishing a society built on these values. How are we doing?

We have made progress with the achievement of human dignity. However imperfect our society still is, all South Africans now enjoy much greater human dignity than they did in the past. This is because they are equal before the law; they enjoy the protection of a bill of rights; they have access to independent courts and can participate in a genuine democratic system.

At the same time, the human dignity of tens of millions of South Africans is seriously undermined by the failure of our society to assure many of the rights to which they are entitled.

For example, real transformation would require a professional and caring police service and justice system that would be able to effectively protect the lives, persons and property of all South Africans.



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Despite some successes, we still have among the highest murder and rape rates in the world. We need a transformed police and justice system.

The ANC Government has achieved some important transformational successes since 1994.

- It has built three and a half million new homes and has extended electricity, water and sanitation services to some 80% of the population.
- It has, on the whole, implemented appropriate macro-economic policies that have brought South Africa 20 years of modest economic growth - with the exception of 2009.
- It has extended social grants to more than 16 million South Africans. Although such grants may not be sustainable they have significantly reduced the percentage of South Africans who live in absolute poverty.
- It also presided over a very successful FIFA Soccer World Cup in 2010.

All these successes are examples of real transformation.

At the same time there have been significant failures. In particular, we have failed to provide all but a small percentage of our children with decent education. We have unsustainable unemployment that far exceeds the official figure of 24.7%. According to STATSSA only 14 million of the 34 million people between the ages of 16 and 65 are in formal or informal employment.

Our modules on education and unemployment will be dealing in greater detail with these transformation failures.

Perhaps our greatest transformation failure is that we are a more unequal society than we were in 1994. Our GINI coefficient of 0.7 makes us one of the most unequal societies in the world. Not only has inequality increased throughout society, it has also increased within each of our population groups.

Clearly, the government's policies to promote equality have failed. This is possibly because the main beneficiaries of affirmative action and black economic empowerment have been the emerging black middle class and elite - and not the vast majority of truly disadvantaged South Africans.

Real transformation would have required the implementation of remedial policies to empower the genuinely disadvantaged masses through the provision of decent education, jobs and effective social and municipal services.

Non-racialism is one of the principal values on which our new society has been built. We have made great steps in peacefully integrating our society and in changing the racial mindsets of South Africans - particularly among our youth. At the same time, the ideology of demographic representivity is once again creating a situation where South Africans are judged on the colour of their skin and not on the content of their character. South Africa is once again becoming one of the most racially prescriptive societies in the world.

Real transformation would require us to move steadily toward a society in which race is no longer an issue or a source of division.

Our Constitution proclaims the supremacy of the constitution and the rule of law. Once again, we have made great progress in transforming our society from the situation before 1994 where parliament was supreme. Today the constitution and the law are supreme. Our courts have been



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substantially transformed and have frequently shown courage and independence in striking down legislation and government action that is unconstitutional.

However, here also there are some alarm signals:

- The preponderance of politicians on the Judicial Service Commission and its increasing propensity to appoint judges on the basis of race - rather than in balance with the other criteria required by the Constitution - is threatening the professionalism and impartiality of the courts.
- The decision to disband the independent and highly effective Scorpions has opened the floodgates of corruption.
- Interference in the National Prosecuting Authority - including the irregular firing of National Director Vusi Pikoli; his attempted replacement by Menzi Simelane and the dropping of charges against General Richard Mdluli - are all serious causes for concern.
- It is equally unacceptable that transparently unfounded medical parole should be granted to friends of senior politicians.

Real transformation would require effective action to ensure that everyone - including the most senior politicians - is equally liable to be investigated, prosecuted and judged by truly professional and independent institutions.

Finally, we have undoubtedly made important progress in establishing a functioning multiparty democracy. We will soon be holding our fifth national elections. Nevertheless, there is a strong sense that Parliament is not playing the role envisaged for it in the constitution. Oversight of the executive is ineffective because, in terms of our proportional system, MPs are accountable to their political bosses and not to the electorate.

Real transformation would require the implementation of the kind of reforms proposed by the late Frederik van Zyl Slabbert. He suggested a hybrid system, providing for geographic constituencies as well as a proportional list.

The Constitution also requires a government that is accountable, responsive and open. The recently adopted *Protection of State Information Act* is the antithesis of this requirement. Real transformation would require the inclusion of an effective public interest clause.

From all this the following points emerge:

- In many respects we have made significant progress in transforming our society.
- However, in other important areas, we have failed to achieve real transformation - particularly with the promotion of equality; the provision of decent education and other important services; our failure to create jobs for our people; and our failure to achieve levels of economic growth that are sufficient to meet the aspirations of all our people.
- It is also clear that the Government's transformation policies are not rooted primarily in the constitution and its values, but in its own dangerous ideology of the National Democratic Revolution. That is not what the non-ANC parties agreed to during our constitutional negotiations.
- We signed off on the values, rights and institutions that are articulated in the Constitution. We are more than willing to work for real transformation on that basis. We did not sign on for the National Democratic Revolution.
- We were never consulted about the ANC's approach to transformation and we do not accept it. These policies - in the ANC's so called second phase of transition - are overtly directed against



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South African citizens on the basis of their race. That is unconstitutional and the antithesis of the goal of national reconciliation.

The time has come for serious talks between Government and all those who are targeted by its version of transformation - including our minorities, our farmers, the media, civil society organizations; and small and large businesses. Collectively, we need to talk to Government

- about its misplaced struggle approach to transformation;
- about its divergence from the values in the Constitution;
- about the likely consequences for the economy, for inter-community relations and for the future of our national accord; and
- about the need for real transformation within the framework of the solemn pacts we made in 1993 and again in 1996.