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**SPEECH BY FORMER PRESIDENT FW DE KLERK  
TO THE CONSTITUTION AND GOOD PUBLIC LEADERSHIP BREAKFAST DISCUSSION SERIES  
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**"THE CONSTITUTION AND GOOD PUBLIC LEADERSHIP"**

The preamble to the Constitution sets out succinctly the goals that public leaders should strive to achieve. They include the need

- to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; and
- to improve the quality of life of all citizens and free the potential of each person.

To achieve these goals government is required to adhere to the following fundamental values:

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

In providing good public leadership, government is also required to respect, protect and fulfil the rights in the Bill of Rights. Most of these rights - such as equality, human dignity and life - must be guaranteed by the state with immediate effect. Others are progressive rights that the state must strive to provide through the adoption of legislation and other measures within its available resources. They include housing, health care, water and social security.

These constitutional provisions pretty well define the task of government.

The question is: how are our public leaders doing?

When it comes to healing "the divisions of the past" we made a good start under President Mandela. He certainly worked successfully to promote reconciliation and to build a new multi-racial nation. We also witnessed a heartening resurgence of national unity and reconciliation during the 2010 FIFA World Cup. However, since then, the situation has deteriorated rapidly as a result of the aggressive implementation of race-based measures that are aimed against minorities in general and whites in particular.

We have done quite well in establishing "a society based on democratic values, social justice and fundamental human rights". We have independent courts that have consistently upheld the rights of citizens. We will soon be holding our fifth free and fair national election. Parliament functions on democratic lines - although most MPs - because of the proportional



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representation system - are in practice accountable to their political party bosses rather than to the electorate.

The government's mandate "to improve the quality of life of all citizens and free the potential of each person" covers most of the rest of its responsibilities. These include its responsibility to protect the lives and property of citizens; to ensure sound economic growth with employment for all; education, health, social and municipal services.

Last week the government provided its own assessment of its performance in the "20 Year Review" which was published conveniently two months before our national elections. The Review provides evidence in support of the ANC's contention that "South Africa has a good story to tell". Indeed, in many areas government does have a good story to tell regarding the manner in which it has improved the quality of life of its citizens.

- During the past 20 years, government at various levels has built 2.8 million houses and has delivered almost 900 000 serviced sites. This has provided housing and fixed assets to almost 25% of the population.
- The number of people qualifying for social assistance programmes has increased from 2.7 million in 1994 to more than 16 million people today. Social grants have played a key role in reducing absolute poverty in South Africa.
- Matric pass rates have increased from 61 percent in 2009 to 78 percent in 2013. The number of university passes increased from 70 000 to 128 000 between 2002 and 2012.
- During the past 20 years the government has completed more than 1 500 health infrastructure projects. Life expectation has improved from 50 years for males in 2002 to 56.8 years in 2012. For females it has improved from 55.2 to 60.5 during the same period.
- The number people receiving anti-retroviral therapy has increased from 47 500 in 2004 to 1.79 million in 2011. This has helped to reduce HIV deaths from 300 000 to 270 000 between 2010 and 2011.
- The murder rate has declined from 66/100 000 in 1994 to 31.1/100 000 in 2013. Success has also been achieved in reducing other serious crimes - such as car theft and burglary.

The government should be commended for these achievements.

Desnieteenstaande stem die goedgunstige beeld wat in die 20 Jaar-oorsig uiteengesit word, nie ooreen met die nasionale en internasionale indrukke betreffende die ontwikkelings in Suid-Afrika nie.

Die Oorsig omseil mislukkings - of blameer dit op die nalatenskap van apartheid. Laasgenoemde is 'n maklike benadering omdat dit hoogs onwaarskynlik is dat enige iemand enige kritiek van apartheid sal bevraagteken.

Dit beweer byvoorbeeld dat "die onderwysstelsel onder apartheid doelbewus en uitdruklik ten doel gehad het om te verseker dat Afrikane die bron van ongeskoolde arbeid vir die



ekonomie bly". Dit haal 'n aanmerking buite konteks aan, wat in 1956 gemaak is deur Eerste Minister Verwoerd, naamlik dat "daar geen plek bó die vlak van sekere vorms van arbeid is vir swart mense in die Europese gemeenskap nie." Ek wil nie wat hy gesê het goedpraat nie. Die punt is egter dat sy stelling nie die ware prentjie ten opsigte van onderwys bied nie.

Die skrywers van die Oorsig het die De Lange-kommissie heeltemal geïgnoreer, wat in die vroeë 80s aanbeveel het dat alle Suid-Afrikaners - swart en wit - dieselfde leerplan moet volg en aan dieselfde standaard gemeet moet word. Hulle het ook die feit ignoreer dat die aantal swart Suid-Afrikaners wat matriek geslaag het, toegeneem het van minder as 15 000 in 1980 na meer as 210 000 in 1994 - ten spyte van die wydverspreide ontwrigting van onderwys gedurende hierdie tydperk. Ironies genoeg het baie ANC-leiers aan universiteite gegradueer wat deur 'n stelsel gestig is wat volgens hulle "ten doel gehad het om te verseker dat Afrikane die bron van ongeskoolde arbeid bly".

Die rooskleurige prentjie, wat die Oorsig skets, stem ook nie ooreen met so baie ander analyses van die ontwikkelings in Suid-Afrika nie. Dit stem veral nie ooreen met die duidelike uiteensetting van die uitdagings wat Suid-Afrika die hoof moet bied nie, soos vervat in die Nasionale Beplanningskommissie se diagnostiese verslag vir 2011. Dit sluit in:

- Die hoë werkloosheidskoers;
  - Swak onderwys - veral vir swart Suid-Afrikaners;
  - Onvoldoende en verouderde infrastruktuur;
  - Ruimtelike beplanning wat die armes marginaliseer;
  - Onvolhoubare hulpbron-intensiewe groei;
  - 'n Sukkelende openbare gesondheidstelsel;
  - Swak openbare dienslewering;
  - Korrupsie; en
  - Die feit dat Suid-Afrika steeds 'n verdeelde samelewing is.
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- Suid-Afrika word in die gesig gestaar deur onaanvaarbare vlakke van werkloosheid. Die amptelike werkloosheidsvlak van 24.1% is nie 'n aanduiding van die ware omvang van die probleem nie. As moedlose werksoekers bygereken word, styg die syfer na 31%. Dit word egter gemeet teen 'n baie lae arbeidsabsorpsiekoers van 38% vir swart Suid-Afrikaners, wat beteken dat slegs 38% van swart Suid-Afrikaners tussen die ouderdom van 16 en 65 enigsins betrokke is in die arbeidsmark.
  - Suid-Afrika se arbeidsverhoudinge is van die slegste in die wêreld. Volgens die Wêreld-Ekonomiese Forum se Internasionale Mededingendheidsverslag
    - vaar Suid-Afrika die slegste uit 142 lande wat geassesseer is betreffende samewerking ten opsigte van arbeid-werkgewer-verhoudinge;
    - vaar dit die vierde swakste ter wêreld ten opsigte van die buigbaarheid van loonbepalings; en
    - Is Suid-Afrika die tweede swakste ter wêreld betreffende die indiensnemings- en afdankingspraktyke.



- Die 20 Jaar-oorsig se viering van die toename in die matriekslaagsyfer van 61% in 2009 na 78% in 2013 moet ook met skeptisisme bejeen word. Die feit is dat die kwalifikasie behaal kan word deur drie vakke met 40% en drie met 30% te slaag.
  - Slegs die 128 000 kandidate wat met universiteitstoelating geslaag het, verlaat skool met 'n aanvaarbare kwalifikasie - en hulle maak slegs een agste uit van die kinders wat 12 jaar vantevore die skoolstelsel binnegegaan het.
  - Die grootste faktor wat sukses of mislukking bepaal is die gehalte van onderwysers en skoolhoofde. Volgens die Nasionale Beplanningskommissie se diagnostiese verslag werk onderwysers in voormalige swart skole 'n gemiddeld van 3.5 uur per dag, in vergelyking met 6.5 uur per dag in voormalige wit skole.
- Suid-Afrika het uitstekende vordering gemaak betreffende die bekendstelling van sy antiretrovirale programme. Vigs is egter steeds verantwoordelik vir 31% van sterftes - meer as enige ander faktor.
  - Alhoewel ons vordering gemaak het ten opsigte van sekere aspekte van gesondheidsorg, ontvang Suid-Afrika se kinders dikwels nie die behandeling wat hulle benodig nie. Volgens *Save the Children* se kinderontwikkelingsindeks het Suid-Afrika van die 60ste plek in die wêreld in 1995-2000 na die 84ste plek in 2005-2010 geval. Dit is hoofsaaklik weens die uitwerking van Vigs en armoede en die feit dat die meeste ander samelewings baie vinniger vordering as Suid-Afrika gemaak het.
- Die Ouditeur-generaal het verlede jaar bekendgemaak dat uit Suid-Afrika se 278 munisipaliteite, slegs nege skoon oudits ontvang het, waarvan drie in die Wes-Kaap val. Hy het bevind dat munisipaliteite R9.82 miljard op onreëlmatige wyse bestee het, terwyl vrugtelose en verkwistende besteding meer as verdubbel het van die vorige jaar tot R568 miljoen. Sy bevindings is veral noemenswaardig gegewe die feit dat munisipaliteite aan die voorpunt van dienslewering staan.
- Die SAPD het inderdaad 'n bietjie vordering gemaak met betrekking tot die vermindering van gewelddadige misdade. Ons moordkoers van 31.1% is egter steeds die 13de hoogste in die wêreld. Daar is ook toenemende probleme betreffende die dissipline van en beheer deur die polisie, wat onlangs aan die lig gekom het in
  - die dood van Andries Tatane wat in 2011 deur die polisie veroorsaak is;
  - die saak van Mido Macia, die taxibestuurder van Mosambiek wat in Februarie 2013 tot sy dood gesleep is agter 'n polisievoertuig; en, op 'n selfs ernstiger noot
  - die Marikana-voorval op 16 Augustus 2012 waarin 34 betogende myners doodgeskiet is;
- Volgens die Instituut vir Sekuriteitstudies dui inspeksies wat by 85% polisiekantore tussen 2006 en 2008 uitgevoer is daarop dat "daar 'n algemene gebrek aan bestuur en beheer in die Polisie diens op plaaslike vlak is. Die gevolglike swak vlakke van dissipline en hoë vlakke van korrupsie is bron tot ernstige kommer". Hulle het ook bevind dat "... baie van die probleme van die polisie die direkte gevolg is van 'n ineenstorting van beheer en bestuur en 'n gebrek aan toesig in sekere gebiede."

Hierdie ontwikkelings het ongetwydeld 'n negatiewe uitwerking op huidige en toekomstige buitelandse belegging. Volgens die VN se Konferensie vir Handel en Ontwikkeling het buitelandse direkte beleggings in Suid-Afrika met 43.6% in 2012 gedaal - die grootste afname in alle ontwikkelende ekonomieë. Dit is ernstig aangesien Suid-Afrika afhanklik is van



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buitelandse beleggings, nie net vir groei nie, maar ook om die groot tekort op ons lopende rekening te dek.

Nog 'n gevolg van hierdie ontwikkelings is die toenemende landswye voorkoms van betogings rakende swak dienslewering. Volgens die Instituut vir Sekuriteitstudies het hierdie soort betogings toegeneem van 7 913 in 2009/10 na 10 517 in 2012/13. Dit beteken dat daar regoor die land nou 30 sodanige voorvalle per dag plaasvind ten opsigte van wat nou bekend staan as die "opstand van die armes." Selfs meer kommerwekkend is dat die aantal gewelddadige betogings gedurende dieselfde tydperk toegeneem het tot vyf per dag.

The main causes of the protests include:

- dissatisfaction with delivery of basic services such as running water; electricity; sanitation; etc;
- lack of houses and basic infrastructure;
- corruption amongst municipal officials;
- nepotism & deployment of unqualified persons;
- unemployment and poverty; and a
- general sense of deprivation

So, the conclusion that we must reach is that, no, things are not going quite so well as they are depicted in the 20 Year Review.

What are the underlying causes of this failure of political leadership? I believe that they include the following:

- The idea that the ruling movement has a right to control what are supposed to be independent institutions of the state. According to the ANC's *Strategy & Tactics* documents a key strategic task of the NDR after 1994 was "to strengthen the hold of the democratic movement (i.e. the ANC) over state power, and to transform the state machinery to serve the cause of social transformation. The levers of state power include the legislatures, the executives, the public service, the security forces, the judiciary, parastatals, the public broadcaster, and so on."
- Cadre Deployment. The ANC has consistently appointed trusted cadres to senior posts in the public sector based on their loyalty to the ANC leadership - with little or no reference to merit, experience and sound personnel selection criteria. According to the ANC's *Strategy & Tactics* documents: "In all centres of power, particularly in Parliament and the Executive, ANC representatives must fulfill the mandate of the organisation. They should account to the ANC and seek its broad guidance. As a matter of political principle, and in our structures and our style of operation, we proceed always from the premise that there is one ANC, irrespective of the many and varied sectors in which cadres are deployed."
- Unbalanced race-based affirmative action. The ANC has consistently appointed and promoted people in the public sector on the basis of race and political affiliation rather than on the basis of merit and experience.
- The establishment of a climate that is conducive to corruption as exemplified by



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- the firing of Adv Vusi Pikoli when he refused to drop charges against Police Commissioner Jacki Selebi;
- the disbanding of the highly successful Scorpions investigative unit;
- persistent attempts to interfere with the independence of the National Prosecuting Authority;
- the release on 'medical parole' of Shabir Shaik;
- the dropping of murder and fraud charges against General Richard Mdluli; and
- the inclusion in ANC's electoral lists of many cadres who have been linked to corruption and unacceptable behavior.
- The adoption of the unconstitutional and divisive ideology of the National Democratic Revolution - as well as the inclusion in the ANC's tripartite alliance of the South African Communist Party and COSATU - both of which support the establishment of a communist state.

None of these approaches accord with the values and vision in the Constitution.

We urgently need government to return to the precepts of the Constitution in the manner in which it exercises its leadership function.