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**SPEECH BY CHAIRMAN EMERITUS OF THE FW DE KLERK FOUNDATION  
FORMER PRESIDENT FW DE KLERK  
TO THE FOUNDATION'S ANNUAL CONFERENCE  
CAPE TOWN  
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**THE CONSTITUTION AND GOVERNANCE IN SOUTH AFRICA - AT ANOTHER CROSSROADS?**

We are privileged to have with us today a number of eminent South Africans who are very well-qualified to address various aspects of our conference today. Judge Yacoob will give us his assessment of where we stand with regard to constitutionality; Moeletsi Mbeki and Christo Wiese will provide perspectives on governance - particularly with regard to the economy. Our goal will be to consider "The Constitution and Governance in South Africa" and to ask whether these are now "at another crossroads?"

It is appropriate for us to refer to "another crossroads" because we have encountered a number of crossroads on our constitutional journey during the past 30 years.

We were confronted with an historic crossroad at the end of the 1980s. There were many who insisted that we should remain on the road to confrontation and conflict. On the right and on the left there are still those who believe that we should not have made the painful compromises that peace always requires - and that we should instead have fought it out to the bitter end.

However, we South Africans chose instead the difficult and rocky road to negotiations and to peace.

One of the principal voices calling for this option was that of Nelson Mandela. From his prison cell in Pollsmoor he reached the conclusion that continuing conflict would simply leave the country in ruins. There would be no winners - only desolation and destruction. So he opened a line of communication to President PW Botha - despite the fact that he had received no mandate from ANC headquarters in Lusaka to do so.

Again, in September 1992, we had reached a fateful crossroads. The ANC - under the influence of the SACP - had abandoned the CODESA negotiations four months earlier. They had embarked on the so-called "Leipzig Option". They thought that if they could get enough people onto the streets in rolling mass action for long enough, the National Party government would fall - just as the East German government had collapsed a year or two earlier.

This approach had culminated in a dangerous clash at Bisho at the beginning of September that had brought the country close to the precipice of conflict. The next item on the radicals' agenda would have been a march on Ulundi - which could easily have pushed South Africa over the edge.



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Fortunately, sanity prevailed. Once again, Nelson Mandela chose the right road - the road that led to the Record of Understanding and the resumption of negotiations on the basis of the important agreements that had already been achieved at CODESA.

In the early 90s and soon after 1994 the ANC Alliance once again reached a crossroads: one road led to the adoption of socialist policies as the foundation for a radical lurch to the left. The other road, led to the adoption of conventional economics in which free markets would continue to play a significant role - on the basis of the ANC's GEAR approach.

To the shock of COSATU and the SACP, President Mbeki and Trevor Manuel took South Africa down the GEAR road. Between 2005 - 2007 this resulted in economic growth rates of more than 5%; to budget surpluses; significant job creation and to the reduction of national debt to only 23% of GDP.

Once again, South Africa took the right road.

And then at its National Conference in Polokwane in December 2007, the ANC Alliance came to another fateful crossroads. One road led to the continuation of President Mbeki's successful and broadly pragmatic policies. The other road was advocated by the SACP, COSATU and the ANC Youth League under the leadership of Julius Malema. It led to the election of Jacob Zuma as President of the ANC and to the resurrection of the radical policies that the ANC had abandoned when it adopted GEAR.

60% of the delegates at Polokwane voted for Jacob Zuma as President of the ANC - to the shock of a dumbfounded President Mbeki. They did so in the full knowledge that there were 783 outstanding charges of fraud against their chosen candidate for the presidency. Having seized control of the levers of ANC power, President Zuma and his supporters were able to 'recall' President Mbeki and progressively jettison his policies.

One of the core goals of the new leadership at Polokwane was to destroy the Scorpions - by far the most effective corruption-fighting unit that South Africa has ever had. They did so because of the relentless manner in which the Scorpions had been investigating and prosecuting those involved in corruption, including many senior ANC members. Their action in so doing opened the way to corruption and state capture.

Five years ago - in 2012 - the ANC encountered another crossroads: one road would have led to the implementation of the National Planning Commission's National Development Plan; the other led to what President Zuma calls "the radical implementation of the second phase of the National Democratic Revolution".

On 25 July that year the FW de Klerk Foundation hosted a conference on "National Policy at the Crossroads." In my speech at the conference I said that the NPC had presented a vision of the future that all South Africans of goodwill could share. It included:



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- Constitutional democracy;
- Unity in diversity;
- High quality education;
- Health and social services providing security to all those in need;
- Sustainable and equitable economic growth;
- Fair employment for all;
- An environment in which business could invest, profit and contribute to national goals;
- An effective state and public service;
- Mutual respect and human solidarity; and
- A South Africa that contributed to Africa and to the world.

I added that all reasonable South Africans would also agree with the NPC's diagnosis of the problems confronting South Africa. They included:

- High unemployment;
- Poor education - especially for black South Africans;
- Inadequate and antiquated infrastructure;
- Spatial planning that marginalised the poor;
- Unsustainable resource-intensive growth;
- An ailing public health system;
- Poor public service delivery;
- Corruption; and
- The fact that South Africa was still a divided society.

The NPC had also warned against the factors that had caused "civilizations, empires and countries" to experience "dramatic decline rather than progress". These included:

- Corruption;
- The weakening of state and civil society institutions;
- Poor economic management;
- The danger of skills and capital flight;
- The politics of ethnicity and factionalism; and
- The lack of maintenance and standards of service delivery.

Sadly, these factors perfectly describe the approach that the government has taken since Polokwane. Instead of taking the road to the NDP, we have trundled aimlessly down the road to societal decline. If one reads President Zuma's recent statements the only conclusion that one can reach is that he is determined to accelerate our descent along the road to state capture, economic crisis and racial confrontation.

We are now unambiguously on the wrong road:

We are on the wrong constitutional road. The constitutionally guaranteed independence of key institutions has been fatally compromised by state capture. They include the National



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Prosecuting Authority; the Hawks; elements of the Police; the Intelligence Services - and now possibly the Public Protector as well. These institutions are now routinely abused to prosecute opponents and to protect friends and allies. Parliament no longer plays the independent oversight role envisaged by the Constitution: it has, all too often, become an uncritical rubber stamp for the Executive.

The erosion of the power and role of these constitutional institutions has opened the floodgates of corruption - the NPC's first indicator of societal decline.

The policy of cadre deployment - which has been declared illegal by our courts - has weakened state institutions and has resulted in serious declines in the maintenance of infrastructure and of standards of service delivery - two of the other indicators of societal decline identified by the NPC. Just think of Eskom, the SABC and SAA.

We are on the wrong economic road. The abrogation of our bilateral investment treaties with EU countries; the growing legislative threat to property rights; the imposition of racially restrictive policies; and the pressure that has been applied against the Minister of Finance are all contributing to capital flight and to perceptions of poor economic management - another two of the NPC's indicators of societal decline.

Finally, we are on the wrong road in terms of our need for national unity and non-racialism. We have become deeply embroiled in what the NPC referred to as "the politics of ethnicity and factionalism."

Our government has adopted an openly hostile attitude to white South Africans based on negative racial stereotypes that it itself avidly propagates - and fervently believes. It is creating an adverse racial climate to justify the implementation of policies that are aimed at harming the legitimate economic and cultural interests of white citizens based solely on their race. That is what the radical implementation of the second phase of the National Democratic Revolution is all about.

The National Democratic Revolution's goal is to establish a National Democratic Society characterised by demographic representivity in every facet of society. The jobs that people have; the land and property they own; their prospects for advancement will all be determined - not by qualifications, merit or hard work - but by the percentage of the population represented by their race.

This means that the economic and cultural space in which minorities will be allowed to operate will be restricted to the proportional demographic pens to which they have been consigned. These pens will progressively diminish as the percentage of minorities in the total population declines. This is bad news for whites who comprise 25% of the population over the age of 65 - but only 5% of the population below the age of five.

It is also bad news for other minorities such as our Coloured and Indian population groups.



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If this approach is implemented in the private and non-governmental sectors with the rigidity with which it is already being imposed in the public sector, the great majority of white farmers, lawyers, doctors, academics, businessmen and managers would lose their jobs. They would have little option but to emigrate.

This would result in a further decline in the minority share of the population and to a commensurate reduction of the share of wealth, land and jobs that those who remain behind would be able to claim.

It is a mathematical certainty that the rigid implementation of demographic representivity could within 50 or 60 years result in the virtual elimination of the white minority in South Africa.

Another crossroads is looming toward the end of this year when the ANC will again gather for its five-yearly National Conference. The ANC will be faced with stark choices: will it continue along its present road to state capture, economic decline and racial confrontation - or will there be a change of direction?

There are many decent members of the organisation who are horrified by the direction in which President Zuma is taking the country. They are deeply committed to the vision in the founding values of the Constitution. They recall the ideals that motivated them during their struggle and the examples of selfless service presented by former leaders such as Albert Luthuli, Oliver Tambo and Nelson Mandela. They would dearly love to put the ANC back on the road of constitutionalism, economic growth, social progress and non-racialism.

Inevitably, the ANC Alliance will find it increasingly difficult to accommodate factions with such divergent attitudes, approaches and values. At some stage there will be a split between those who want to turn left down the SACP's road to socialism; those who want to remain on the gravy train of self-enrichment and racial entitlement; and those who want to return to the Constitution and to the vision of the ANC's founding fathers.

This could lead to a new political dispensation in which South Africans will come together on the basis of shared values and policies, rather than on the basis of race.

The good news is that the vast majority of South Africans of all races reject corruption, economic decline and racism of any kind. Surveys show that most South Africans believe that race relations are improving and favour appointments based on merit rather than race. They are increasingly aware of the corruption, incompetence and self-seeking of the ruling elite. There is a very good chance that in future elections they will make their voices heard.

In the final analysis, in our constitutional democracy, the people will determine which road South Africa will take.

I have confidence that they will make the right choice: it will be the road toward the realisation of the vision in our Constitution - to a society based on human dignity, the



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achievement of equality, the advancement of human rights and freedoms; non-racialism and non-sexism, the supremacy of the Constitution and the Rule of Law; and a genuine multiparty democracy based on openness, accountability and responsiveness.