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**SPEECH BY FORMER PRESIDENT FW DE KLERK
TO THE TAIWAN FOUNDATION FOR DEMOCRACY
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SOUTH AFRICA'S TRANSITION TO DEMOCRACY

It is a great pleasure for me to address you today on the topic of South Africa's transition to democracy. This is now my ninth visit to Taiwan and with each visit I have admired the manner in which your country has progressively consolidated and deepened your own democratic system.

Our progress in South Africa was different. In our country the challenge was not so much a transition to democracy but an extension of democracy to all our people.

The country we today call South Africa was created by the British Empire only 108 years ago. As was the case with many other African countries, the British drew borders on the map of the continent that arbitrarily included a great variety of peoples with different languages, cultures and levels of economic development.

Unlike most other African territories, the new country included a large community of European descended people who had been in the subcontinent for 250 years. They already had a long tradition of democratic government in the British self-governing colonies of the Cape of Good Hope and Natal and the formerly independent Afrikaner Republics of the Transvaal and Orange Free State.

When the British created the Union of South Africa in 1910 - and in keeping with the imperialist values of the times - they gave the democratically elected white parliament a virtual monopoly of political power despite the fact that whites comprised only 20% of the population. South Africa was a parliamentary democracy - but only for whites.

For the next 40 years South Africa developed more or less along the lines of the other Commonwealth dominions like Australia, Canada and New Zealand. Until the mid-50s, in a continent that was still dominated by European powers, white minority rule in South Africa seemed unexceptional. In a world in which racial discrimination was still shockingly the rule, South Africa's segregation policies elicited little criticism.

However, as the tide of imperialism ebbed from Africa during the 1960s South Africa was left stranded and floundering in the continent's last pool of white rule. Its apartheid policies were an affront to the new international norms of racial equality and non-discrimination.

Newly independent African and Asian countries saw South Africa as a painful reminder of their subjugation by European powers. Western countries - anxious to distance themselves from their own imperialist and racist pasts - vociferously joined in the growing chorus of condemnation.



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South Africa was on the wrong side of history.

We were faced with the unacceptable prospect that retention of our right to rule ourselves in our own democratic system could be achieved only by denying the black majority's equally valid right to democracy. We knew that that this course would inevitably lead to a hopeless downward spiral of repression, injustice and conflict.

The world was demanding that we accept one-man, one-vote elections and the inevitable transfer of power to a black government - but we had existential fears about this process:

- It would mean the end of our own right to national self-determination - which we had twice defended against the mightiest empire in the world. We must remember that the war that the two Afrikaner republics of the Transvaal and the Orange Free State fought in defence of their independence between 1899 and 1902 was the biggest war that Britain fought between the Napoleonic Wars and the First World War. Britain deployed 430 000 troops during the war - compared with the 65 000 troops that it had sent to America during the American War of Independence.
- Secondly, we were deeply concerned about Communist influence in the ANC. Throughout the 1970s and 1980s, virtually all the members of the ANC's National Executive Committee were also members of the South African Communist Party.
- Thirdly, we were worried about chaos. Most one-man, one-vote elections in the rest of Africa had not resulted in functioning democracies: many had descended into tyranny, corruption and economic collapse. By the mid 1980s there had already been more than 80 *coup d'états* in Africa and there were only four or five genuine democracies on the continent.

During the 1980s we searched desperately for solutions. We tried reform: by 1986 we had repealed more than 100 apartheid laws; we had recognised black trade unions and had extended political rights to Coloured and Indian minorities.

But by then, the demand was no longer for reform: it was for a transfer of power.

At the end of the 1980s history opened a window of opportunity for an inclusive constitutional settlement:

- By 1987 Nelson Mandela had accepted that there would have to be negotiations.
- In 1988 50 000 Cuban troops - which had been sent to southern Africa with the support of the Soviet Union - were withdrawn from Angola.
- This enabled us to implement the UN independence plan for Namibia - a territory that we had ruled since 1915 in terms of a disputed League of Nations Mandate.
- In November 1989 the fall of the Berlin Wall signaled the collapse of Soviet Communism and the victory of liberal democracy and free market economics.



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We realised that the circumstances for successful constitutional negotiations would never again be so propitious. So, on 2 February 1990 we leapt through the window of opportunity that history had opened and commenced negotiations. I made a speech to Parliament in which I spelled out the following goals:

- a new democratic Constitution that would include all South Africans;
- 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 private enterprise;
- better education, health services; housing and social conditions for all.

During the next four years former enemies came together to negotiate a new democratic Constitution that would include all the people of South Africa.

In the course of the subsequent very tough negotiations South Africans exhaustively examined the main issues that had divided us for centuries.

- We agreed that - unlike the situation before 1994 - the Constitution - and not Parliament - would be supreme. Any law or action that was inconsistent with the Constitution could be struck down by a strong and independent Constitutional Court.
- We accepted that the new society would be based on strong foundational values that could be amended only with a 75% majority in Parliament. These values included human dignity, equality, fundamental human rights and freedoms; non-racialism and non-sexism; the supremacy of the Constitution and the Rule of Law; and a system of genuine multiparty democracy.
- We agreed on a strong Bill of Rights.
- We included strong protection for all South Africa's cultural and language communities. Our eleven national languages would all have official status and would all be treated equitably. We agreed that everyone would have the right to education in the language of their choice in public educational institutions where this was practicable.

On the one hand all sides had to make painful compromises. On the other, all sides were satisfied that their core interests had been secured. It was a classic win-win solution.

Our success in solving our seemingly intractable racial and political problems was an inspiration to the rest of the world. Our new Constitution was regarded as one of the most democratic and advanced constitutions in the world.

We have learned since then that negotiating a good constitution is only the first step in establishing a strong democratic system. It is equally important to ensure that democratic



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principles take root in the hearts and minds of the people and that they are accepted by all political parties.

On the whole, our new democracy is working well.

- We have held five free and fair elections;
- We have watched power pass seamlessly and constitutionally from the hands of President Mandela to his four successors;
- We have strong and independent courts, completely free media and free and active civil society organisations - including my own foundation, the FW de Klerk Foundation.

Nevertheless, we have often had to struggle to defend our Constitution, the independence of the courts and freedom of expression. The provisions that we included in our Constitution to protect the rights of our minority communities are also under increasing pressure.

We recently experienced a major crisis when elements close to former president Jacob Zuma successfully captured key state institutions in their efforts to loot billions of dollars from the State and State-owned enterprises. In the process our intelligence services, our National Prosecuting Authority, our revenue service and some important police units were subverted to the point where they were no longer carrying out their functions in accordance with the Constitution.

Fortunately, the courts, our former Public Protector, the media and civil society all helped to expose and combat these abuses. They contributed to the defeat of the elements that supported State capture at the ruling ANC's elective conference in December last year. Our new President, Cyril Ramaphosa, has committed himself to restoring the integrity of the State institutions and State-owned enterprises.

We have learned that the price of liberty is, indeed, eternal vigilance. I am confident that in the years to come we will be able to further strengthen and consolidate our constitutional democracy.

We have an excellent Constitution - and we have seen in recent years that we have also developed the institutions on which all democracies ultimately depend:

- strong and independent courts,
- free and outspoken media,
- active and engaged civil society organisations, and
- a public that is determined to defend, maintain and preserve the constitutional democracy that we established in 1994.