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**SPEECH BY FORMER PRESIDENT FW DE KLERK
ON THE 20TH ANNIVERSARY
OF THE FW DE KLERK FOUNDATION
THE TABLE BAY HOTEL
6 JUNE 2019**

**THE 25TH ANNIVERSARY OF SOUTH AFRICA'S HISTORIC CONSTITUTIONAL
TRANSFORMATION: DEFENDING THE CONSTITUTION AND LOOKING TO THE FUTURE**

Honoured Guests, Ladies and Gentlemen,

It is a great pleasure for me to welcome you to this celebration of the 20th anniversary of the FW de Klerk Foundation in conjunction with the 25th anniversary of the New South Africa. I should like to share a few ideas about the process that led to the establishment of our constitutional democracy - and then to say a few words about the work of the Foundation.

Every morning since I became politically-conscious I have woken up and worried about the future of the country. It is this that distinguishes South Africans from those other peoples in the world who have never had to worry about existential threats - who view politics in terms of economic and social policy, of regular elections and occasional scandals - rather than survival.

It means that we South Africans have never had the option of complacency. It has required a constant process of introspection and a never-ending search for some path out of the impasses that have always seemed to confront us.

When I was young, I worried about the future of the Afrikaner nation. Later, after I went into politics, I worried about how white South Africans would be able to end a manifestly unjust situation and dismount the tiger of minority rule - on which history had placed us - without being devoured. I remember the desperate period in the mid-1980s following the Rubicon Speech. The economy was in crisis; we were increasingly isolated; we were fighting a low-level war against the surrogate forces of the Soviet Union; we were confronted with violent uprisings in many parts of the country. There seemed to be no light at the end of the tunnel.

Then toward the end of the 1980s the logjam in which we found ourselves began to shift:

- Following the restoration of order throughout the country, the ANC - led initially by Nelson Mandela from his prison cell in Cape Town - began to accept that the problems of South Africa could be resolved only through negotiations. The government had already reached a similar conclusion.
- After the SADF's victory at the Battle of the Lomba River in October 1987 - a financially exhausted Soviet Union exerted pressure on Angola and Cuba to reach an agreement with South Africa. The result was the conclusion of the tripartite agreement of 1988



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that included the withdrawal of Cuban forces from Angola in conjunction with the implementation of the UN's independence process in Namibia.

- The successful process in Namibia - in terms of which the territory gained independence with a proper democratic constitution - that is still in place - reassured South Africans that fundamental rights could be protected by strongly-entrenched constitutional agreements.
- Finally, the collapse of the Soviet Union - symbolised by the fall of the Berlin Wall in November 1989 - helped to address the government's deep concern regarding the influence of the South African Communist Party - backed up by the Soviet Union - over the ANC.

We realised that the circumstances would never again be so favorable for constitutional negotiations as they were at the beginning of 1990. The longer we waited to initiate negotiations the more the balance of forces would inexorably shift against us. And so, on 2 February 1990, I rose in Parliament to make the announcements that would change South Africa forever.

The next four years were a roller-coaster ride - marked by crises that time and again threatened to derail the whole transformation process. These crises included:

- the exposure in 1990 of the ANC's Operation Vula - in terms of which the ANC was continuing to develop a clandestine military capability - despite the commencement of negotiations;
- faceless violence perpetrated by extremists on all sides who were opposed to a negotiated settlement;
- the Boipatong massacre and the ANC's subsequent withdrawal from CODESA;
- The "Leipzig Option" - in terms of which the ANC attempted to circumvent the need for negotiations by bringing down the government through rolling mass action and national strikes;
- the ill-fated ANC march on Bisho;
- the Record of Understanding of 26 September 1992 and the decision of the IFP and other parties to boycott the negotiations;
- Judge Goldstone's discovery in November 1992 of continuing illegal activities by elements in Military Intelligence;
- the assassination of Chris Hani on 10 April 1993;
- the AWB assault on the World Trade Centre;
- the Bophuthatswana crisis; and
- the IFP's refusal until the very last minute to participate in the elections.

There were many, many mornings during the negotiations when I awoke and worried about the future.

Despite these crises we emerged in December 1993 with an agreement on an Interim Constitution that ticked all the boxes that CODESA had set for itself in the Declaration of



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Intent at the start of the negotiations in December 1991. These included vitally important principles such as:

- the supremacy of the Constitution;
- an independent, non-racial and impartial judiciary;
- multi-party democracy;
- the separation of powers;
- acknowledgement of South Africa's diversity of languages, cultures and religions; and
- an entrenched and justiciable Bill of Rights.

This was a remarkable achievement by any standard. It was, perhaps, one of the greatest and most successful change management processes anywhere in the world at any time in history.

It was a victory for all those black, brown and Indian South Africans who had struggled for so long for freedom, for non-racialism and for full political rights. But it was also a victory for the great majority of white South Africans who had sought for so long to extricate themselves from the impossible position in which history had placed them.

It was South Africa's greatest achievement.

The constitutional agreements that we reached provided a fair and reasonable foundation for our new society. Despite the many serious problems and challenges that continue to confront us, we have made significant progress during the past 25 years:

- We have put an end to the indignities and injustices of apartheid;
- We have resumed our place as a full member of the international community;
- We have experienced a quarter century of relative peace during which tens of millions of South Africans have been able to proceed with their daily lives;
- We have established a functioning multi-party democracy and have just held our sixth free and fair national elections;
- Our courts remain independent and frequently strike down laws and executive action that are unconstitutional;
- Our free media, civil society and courts have helped us to ward off the very real threat of State capture.

South Africa's successful constitutional transformation was regarded throughout the world as one of the most positive developments of the latter part of the 20th century. It seemed to show that even the most intractable problems could be solved peacefully through negotiations, compromise and goodwill.

Many observers regarded it as a miracle.



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And yet 25 years later hardly any attention is given to the great process that gave birth to the new South Africa. The story of the multi-party genesis of our new society through tough negotiations and painful compromises is being airbrushed out of history and is being replaced with a narrative of unilateral revolutionary victory.

Today, the FW de Klerk Foundation is celebrating its 20th anniversary.

We established the Foundation on 6 June 1999 in the hope that we would be able to make a contribution to upholding the core elements in the great national accord that we South Africans negotiated in December 1993. I felt that I had a residual duty to all those who voted 'yes' in the 1992 referendum - and to all those who had voted for the National Party in the 1994 election - to stand by the agreements that we had negotiated on their behalf - and on behalf of all of the people of South Africa.

We decided to focus our efforts firstly on defending, and promoting the Constitution and the Bill of Rights, and secondly on advocating and supporting constitutional provisions that defend the rights of cultural and linguistic minorities and that promote positive inter-community relations.

During the past 20 years we have played a prominent role in the national debate on these matters:

- We have consistently called for effective steps to advance equality;
- We have supported a balanced approach to land reform and have resolutely opposed attempts to expropriate property without compensation;
- We were one of the first civil society organisations to warn of the implications of the ANC's National Democratic Revolution ideology;
- We have campaigned for the language and cultural rights of all our communities and have opposed the progressive elimination of Afrikaans at university level;
- We exposed and opposed illegal initiatives to capture key State institutions and State-owned enterprises - starting with the decision at Polokwane to disband the Scorpions in 2007;
- We were proud to assist with Glynnis Breytenbach's defence against the spurious charges that the forces of State capture had laid against her;
- We have campaigned for the independence of the Judiciary and joined as *amicus curiae* the case of the Cape Bar Council against the Judicial Service Commission over the manner in which judges are appointed;
- We have spoken out against unbalanced affirmative action and were instrumental in initiating litigation against the Department of Correctional Services over its requirement that Coloured personnel in the Western Cape should be appointed and promoted according to national demographic criteria;
- We have opposed both old and new forms of racism.
- We have warned that the government has failed to observe constitutional requirements in respect of language and cultural rights.



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We hope that we will be able to continue with this work deep into the future.

In addition to the attention that we have traditionally given to upholding the Constitution and to promoting positive relations between communities, we have now adopted a third goal: it will be to preserve, communicate and celebrate the memory of the great constitutional transformation process that gave birth to - and provided the foundation for - our new society.

To this end we plan to acquire our own building that will provide the home for a documentation and education centre for the remembrance of our constitutional transformation process. We shall start this venture modestly - but we hope that with time it will grow into an institution worthy of the commemoration of the greatest success that all the people of South Africa have ever achieved.

I continue to worry about the future of South Africa.

Now when I wake in the mornings I worry about the need of all our parties to abide by the great constitutional accord upon which our new society has been founded. I worry about unacceptable levels of inequality, poverty, unemployment and corruption. I worry about growing bitterness and alienation in race relations. I worry about those who seek to place their own divisive ideologies above the uniting values in our Constitution.

Being South African will continue to mean that there is no room for complacency.

In the years ahead the FW de Klerk Foundation will continue to uphold the Constitution and to promote positive inter-community relations. It will continue to search for paths out of the impasses that will continue to confront South Africa. But now it will also seek to keep alive the memory of South Africa's greatest achievement - of how South Africans from all our communities and political parties came together to reach agreement about the foundations of our new society. It will seek to remind South Africans of what we can achieve when we all work together in spirit of compromise and goodwill.