

VOLKSTAAT COUNCIL

SECOND REPORT - SUMMARY OF EVIDENCE AND OTHER RELEVANT INFORMATION

This report enjoys the unanimous support of the Volkstaat Council. The members are:

1. Mr Johann Wingard (Chairman)
2. Mr Dirk Viljoen (Vice-Chairman)
3. Prof Hercules Booysen
4. Mrs Anna Boshoff
5. Mr Carel Boshoff
6. Mr Flip Buys
7. Mr Duncan du Bois
8. Adv Chris de Jager (SC)
9. Dr Wally Grant
10. Dr Chris Jooste
11. Mr Mars de Kierk
12. Dr Piet Liebenberg
13. Dr Natie Luyt
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15. Mr Koos Reyneke
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18. Mr Herman Vercueil
19. Mr Riaan Visagie
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Introduction

This report starts with a review of the legislation, composition and procedures of the Volkstaat Council. This review should be read in the context of the following appendices:

Appendix A: The Accord on Afrikaner self-determination reached between the Freedom Front, the ANC and the South African Government on 23 April 1994.

Appendix B: Principle XXXIV of the Interim Constitution, Act 200 of 1993.

Appendix C: Article 184 (A) and 184 (B) of the Interim Constitution, Act 200 of 1993.

Appendix D: Volkstaat Council Act, Act no 30 of 1994

Appendix E: Legal Interpretation by the Department of Justice defining relationship between the Volkstaat Council and the Constitutional Assembly.

The remainder of this report is devoted to a summary of evidence submitted to the Council since its inception. Evidence received after May 1995 will be mentioned and dealt with in future reports.

From the nature and magnitude of the evidence it can be deduced that the Council can make an important contribution to the constitutional process, and that the embodiment of Afrikaner self-determination in a new constitution, justifies particular attention by the Constitutional Assembly.

Essential matters to which the Council has to direct its attention in giving effect: to its commission have, in its opinion, been dealt with in the summary. The magnitude of the evidence received, makes it impossible to include an unabridged version. However, in processing and recasting these submissions and other information, the Council dealt with the original submissions and not with summaries.

In arranging and presenting of the evidence a distinction is made between submissions received from societies, institutions and experts in specific fields, and the representations, recommendations and suggestions received from the public throughout the country and which is presented thematically. A concise summary of all the evidence, from which the general trend and quality may be deduced, is presented in the final chapter.

1. Establishing the Volkstaat Council

1.1 Negotiating a new constitution

During February 1990 a negotiating process was initiated which was to culminate in a new constitutional dispensation for SA, based on the principle of an open democracy, without any discrimination in one undivided country.

This negotiation process gave rise to the amendment of the Interim Constitution of the Republic of South Africa to make allowance for the recognition of the principle of self-determination. Political recognition was accomplished by agreement of an accord between the Freedom Front (FF), the African National Congress (ANC) and the government of the RSA, while judicial and administrative regulations for the Volkstaat Council were provided by the Act on the Volkstaat Council of 1994.

1.2 Constitutional recognition

Act 200 of 1993 was amended to provide for such self-determination. This provision has two aspects:

Firstly, the acceptance of Constitutional Principle XXXIV which will be binding on the new as well as the subsequent constitution.

The principle reads as follows:

- "1. This Principle and the recognition therein of the right of the South African people as a whole to self-determination, shall not be construed as precluding, within the framework of the said right, constitutional provision for a notion of the right to self-determination by any community sharing a common cultural and language heritage, whether in a territorial entity within the Republic or in any other recognised way.
2. The Constitution may give expression to any particular form of self-determination provided there is substantial proven support within the community concerned for such a form of self-determination.
3. If a territorial entity referred to in paragraph 1 is established in terms of this Constitution before the new constitutional text is adopted, the new Constitution shall entrench the continuation of such a territorial entity, including its structures, powers and functions."

The importance of Principle XXXIV lies in the fact that it opens the constitutional door to the proponents of a volkstaat and enables them to use constitutional means in their endeavour to establish a volkstaat, without the need for unconstitutional methods.

The second aspect is the constitutional provision for the establishment of a Volkstaat Council in Sections 184A and 184B.

- 1 Section 184A states: "The establishment of a Volkstaat Council is hereby authorised."
- 2 Section 184B gives an unambiguous description of the functions of the Volkstaat Council within the following parameters: "The Council shall serve as a constitutional mechanism to enable proponents of the idea of a Volkstaat, to pursue the establishment of such a Volkstaat constitutionally..."

These articles also contain a description of the Volkstaat Council's commission, namely: "to submit representations and recommendations with regard to the possible establishment of a Volkstaat and any matter in connection therewith..."

1.3 Political recognition

On 21 December 1993 a first agreement between the ANC and the Afrikaner Volksfront was, for several reasons, not signed. However, this agreement would remain the basis for further negotiation, as it was accepted as a solemn undertaking by both parties. A final agreement between the Freedom Front, the ANC and the NP/SA Government was ultimately reached on 23 April 1994. It was titled: "**Accord on Afrikaner self-determination between the Freedom Front, the African National Congress and the South African Government/National Party.**"

The most important provisions regarding the Volkstaat Council are:

The parties represented by these delegations record the following agreement:

- 1 *The parties agree to address, through a process of negotiation, the idea of Afrikaner self-determination, including the concept of a volkstaat.*
- 3 *They agree that their negotiations shall be guided by the need to be consistent with, and shall be governed by, the requirement to pay due consideration to Constitutional Principle XXXIV, other provisions of the Constitution of the Republic of South Africa, Act 200 of 1993 as amended, that the parties take note of the Memorandum of Agreement, as referred to above.*
- 5 *The parties agree that the task of the Volkstaatraad shall be to investigate, and report to the Constitutional Assembly and the Commission on Provincial Government on measures which can give effect to the idea of Afrikaner self-determination, including the concept of the Volkstaat."*

This Accord thus provides political recognition to the constitutional provisions dealt with above. Another important issue addressed once again in the Accord, was question of *'substantial proven support'*, which is clearly spelt out in Article 4 of Accord:

"The parties further agree that in pursuit of 3. 1 (substantial proven support) above, the support for the idea of self -determination in a Volkstaat will indicated by the electoral support which parties with a specific mandate to pursue the realisation of a Volkstaat, will gain in the forthcoming election."

The establishment of the Volkstaat Council after the elections, in line with the requirement for proven support, therefore adequately demonstrates substantial proven support.

1.4 Composition of the Council

Because the new constitutional process was launched immediately after the first session of the National Assembly under the auspices of the Constitutional Assembly, it became imperative that the Volkstaat Council start discharging duties as early as possible, so as not to be left behind. Consequently, the Volkstaat Council was established, inaugurated and activated months before the promulgation of **The Volkstaat Council Act**.

The advanced establishing of the Volkstaat Council was supported by legal advisors from the Department of Justice in an interpretation of the relation between the Volkstaat Council and the Constitutional Assembly: *"However, it should be borne in mind that section 73(1) of the Transitional Constitution implies an obligation on the Constitutional Assembly to draft and pass the new constitutional text 'within two years as from the date of the first sitting of the National Assembly'. Since the first sitting of the National Assembly took place on 9 May 1994 a new constitutional text, by virtue of section 73(1) of the Transitional Constitution will have to be passed by the Constitutional Assembly before or on 8 May 1996. This necessarily implies that the Council should exercise its powers in terms of section 184B of the transitional Constitution **within reasonable timeframes** in order for the Constitutional Assembly to discharge its duties in terms of the said Chapter 5."*

The Constitution further stipulates that the Volkstaat Council "shall consist of 20 members elected by members of Parliament who support the establishment of a Volkstaat for those who want it". On the strength of this provision the Freedom Front's electoral college comprising parliamentary and provincial representatives elected the following members:

Prof H Booysen
Mrs A Boshoff
Mr CWH Boshoff
Mr PJW Buys
Adv CD de Jager (SC)
Mr J de Kierk
Mr DL du Bois
Dr WL Grant
Dr CJ Jooste
Dr PW Liebenberg
Dr N Luyt
Lt-Gen E Pienaar
Mr JP Reyneke
Prof HCG Robbertze
Comdt DG Steyn
Mr HJF Verceuil
Mr DJ Viljoen
Mr JWA Visagie
Lt-Gen JC Visser
Mr JH Wingard

On 16 June 1994 the Volkstaat Council was inaugurated, the Chairperson and Vice Chairperson elected, and the Council's activities officially commenced.

During this event the Council was addressed by First Deputy President, Thabo Mbeki, with the following words: *"There is a lot of mistrust still among the peoples of SA. And it seemed important that whatever agreements (were) reached, these agreements should be given a form which said that those agreements should be implemented. And that's what led to the birth of this body as a Constitutional Body charged with the task of pursuing the notion of Afrikaner self-determination, of pursuing the concept of a Volkstaat... it is a constitutional body charged with those specific responsibilities."*

General Viljoen, leader of the Freedom Front, made the following observations: *"The Afrikaner stands on the eve of a new era in his history. The creation of an own future and destiny will be determined by the Afrikaner himself. The Volkstaat Council will be the vehicle that will be instrumental in the creation of that own future and destiny. The Afrikaners will also have to look at the realities of South Africa and use scientific means to find a realistic and feasible solution whereby the Afrikaners will be ensured a deserving position in South Africa - a position which will ensure that the freedom of fellow South Africans will be recognised and respected, and that will enjoy the respect of the outside world."*

1.5 Legal Empowerment

On 2 December 1994 the Volkstaat Council was empowered by law to discharge its duties by the promulgation of Act no 30 of 1994: Volkstaat Council Act, under the heading:

'To establish the Volkstaat Council as envisaged in section 184A of the Constitution of the Republic of South Africa (Act 200 of 1993), and make provision for matters pertaining to it.'

In terms of this Act the Volkstaat Council could now officially start functioning as part of South Africa's constitutional structure and commence to discharge its commission.

1.6 Interpretation of its Commission

The Volkstaat Council was established in terms of Section 184B of the Constitution of SA with, inter alia, the following purposes:

- * *"With consideration of the provisions of the Constitution of the Republic of South Africa (1993) and of the Constitutional Principles, to examine, make recommendations and advise the government, the Constitutional Assembly, the Commission on Provincial Government (CPG) and other bodies concerned, regards self-determination in general and the attainment thereof of a Volkstaat for the Afrikaner.*
- * *"The Council shall serve as a constitutional mechanism to enable proponents of the idea of a Volkstaat to Constitutionally pursue the establishment of a Volkstaat."*

1.7 Procedures

The Council is competent and compelled:

- * *"to deliberate with interested parties, persons, societies and institution,, including the panel of constitutional experts referred to in Art 92(2) submit in reports such information, points of view, advice and recommendations obtained, as well as reservations which they may raise, together with observations of the Council regarding the above, to the authorities, the Constitutional Assembly and the CPG.*
- * *to submit representations and recommendations to the Constitutional Assembly and the Commission on Provincial Government regarding to the establishment of a Volkstaat;*
- * *to obtain oral evidence, accept written submissions and to receive advice of experts, in exchange for compensation if necessary;*
- * *to negotiate with the Constitutional Assembly, the CPG, the authors communities and societies, leaders and institutions about its recommendations and to mediate in any disputes that may arise from recommendations;*
- * *to elect or appoint consulting and advisory committees to represent different communities or interest groups who wish to express an opinion about the Volkstaat,.*

* *to publish the results of this process in a report.."*

1.8 Structuring of the Council

* **The Council:** The Council consists of twenty members. The council convenes for two days every fortnight.

* **Working Committees:** A number of standing and ad hoc committees were appointed to execute the Council's commission. The most important of these are:

- Delimitation Committee;
- Constitutional and Self-determination Committee
- Strategy Committee;
- Citizenship Committee;
- Local Government Committee.,
- Communications Committee;
- Economic Committee.

The research and findings of these committees are reflected in the Council's reports.

* **Executive Committee:** This committee comprises the chairpersons of the various committees. The Executive Committee monitors the progress of the committees and co-ordinates their activities.

* **Steering Committee:** It is responsible for the administrative management of the Volkstaat Council.

1.9 Relationship with the Constitutional Assembly

In defining the relationship between the Volkstaat Council and the Constitutional Assembly, a legal interpretation by the Office of the Director General of Justice referred to in paragraph 1.4 above concludes:

"* *The Council makes its submissions directly to the Constitutional Assembly;*

* *The Constitutional Assembly is under a duty to notify the Council of any fact or decision which affects the decisions of the Council or the interests of those represented by it,*

* *The Council is a statutory institution, (a constitutional mechanism) which is vested with original powers and which has an indisputable right to make representations and recommendations to the Constitutional Assembly. Generally speaking, the Council does not require the approval of the Constitutional Assembly to make such submissions to the Assembly.*

- * *The Constitutional Assembly cannot refuse to give hearing to such recommendations, but to duly consider them and to reach a decision regarding the accommodation (if at all) of a Volkstaat in a new constitution.*
- * *Only the Constitutional Assembly is competent to evaluate the merits of the constitutional recommendations, proposals and representations of the Council, the to adopt a binding decision in relation thereto.*
- * *The Constitutional Assembly is under an obligation to receive any recommendation or submission from the Council as an official document of the Assembly and to make it available to all its members.*
- * *If the Constitutional Assembly evaluates or considers and decides upon any matter relating to the institution or the concept of a Volkstaat or which affects it or makes an issue thereof, such evaluation or consideration or decision-making may only take place if that assembly has afforded the Council, being the principal interested party in the matter, a reasonable opportunity to submit it's own proposals, recommendations and representations to the Assembly."*

Two legal experts who are also members of the Council, Prof Hercules Booysen and Adv Chris de Jager, concurred with this interpretation.

1.10 Relationship with political parties

From the onset efforts were made to keep the Volkstaat Council out of political party affairs. At the inauguration of the Council Gen Viljoen expressed himself regarding this as follows: *"The duties of the Volkstaat Council must not be delayed or forced off track by political divisions among Afrikaners. To my mind, the Council must remain outside party politics and leave the solution of the problems that led to those divisions, to the political leaders."* During the same occasion the Chairman, Mr Johann Wingard, remarked: *"... my opinion is that the Volkstaat Council should be active outside party politics."* Since then, this point of view has been upheld and the Volkstaat Council remains totally apolitical in its search for scientific solutions to the problems pertaining to the Afrikaner's aspirations towards self-determination.

1.11 Implementing its commission

The Volkstaat Council is doing everything in its power to ensure the widest possible consultation with various interest groups and roleplayers, as is evident in the following:

- 1.11.1 **Call for submissions:** Advertisements were placed in the media, inviting interested parties to make submissions to the Council regarding the question of a Volkstaat.
- 1.11.2 **Evidence hearings:** Interested parties, knowledgeable persons and institutions were invited to present oral evidence before the Council. For this purpose monthly hearings were scheduled to enable protagonists and opponents to make submissions to the Council.

- 1.11.3 **Public hearings of evidence:** In addition to the formal evidence normally heard in Pretoria, it was decided, in the interest of the broadest possible consultation, to launch a public campaign whereby evidence was gathered in all nine provinces. The public media was again used to invite interested parties to present their evidence by appointment to the Council.
- 1.11.4 **Liaison with premiers:** From the onset the Volkstaat Council did everything within its power to establish contact with the provincial premiers. Interviews were conducted with the premiers of all the provinces except those of Gauteng, Eastern Cape and Kwazulu-Natal, who were, up to now, prevented from doing so by their full programmes.
- 1.11.5 **Contact with political parties:** Discussions have been held with nearly all parliamentary parties. Contact has also been made with extra-parliamentary parties among the Boere-Afrikaners.
- 1.11.6 **Liaison with government institutions:** The Council continuously liaises with the Department of Constitutional Development, South African Communication Services, the Commission on Provincial Government and the Constitutional Assembly.
- 1.11.7 **Contact with embassies:** Several meetings have been held with foreign diplomats, who have expressed a strong interest in the activities of the Volkstaat Council.
- 1.11.8 **Foreign visits:** The Volkstaat Council sent a delegation to Belgium, Germany and Switzerland to have discussions with experts. The problem of inter-ethnic conflict, as well as the modern approach to these problems, was studied.

1.12 Relationship with supporters of the volkstaat concept

Inevitably, the Volkstaat Council endeavoured to communicate on as wide a field as possible with the supporters of the volkstaat idea. A number of prominent organisations and individuals have consequently presented well reasoned evidence before the Council. They include organisations such as the Afrikaner Vryheidstigting, South African Bureau for Race Relations, Vereniging van Oranjewerkers, Volkseenheidskomitee, the Volks Republiek Werkskomitee of the Afrikaner Volksfront (who have endeavoured for some time to promote the attainment of a volkstaat) and a host of individuals.

1.13 Reports

It has already been mentioned that the Council has decided to publish a number of reports. These reports are intended to serve as documents for discussion. The reports will also serve as a basis for further research. The First Interim Report was brought out in May 1995 and the Council is presently introducing this report to various organisations. The report has already been submitted to the Constitutional Assembly and the majority of the provincial premiers and cabinets. Local transitional councils and other interested parties are presently being visited with a view to the introduction of the report.

1.14 Summary of evidence

This report is essentially to give a summary of the evidence heard since the institution of the Council. The submission of evidence continues and submissions received after the compilation of this report, will be taken up in future reports.

The synopsis of evidence consists firstly of submissions made by experts in various fields with regard to Afrikaner self-determination. Academics in the field of politics, church, cultural and agricultural leaders, businessmen, and people with strong viewpoints on a volkstaat submitted formal evidence before the council.

In the second instance, a summary is given of oral and written evidence submitted to the Council by the public.

The general drift and quality of evidence were related in the first report of the Council, yet it is repeated in Chapter 4 of this report.

All evidence received through all channels was examined by the Council. The evidence will receive meticulous attention in the various Council committees and be taken up in a processed format in successive reports.

2. Summary of formal evidence

2.1 The Vereniging van Oranjewerkers: *Some economic and agricultural considerations for the identification and reclamation of a volkstaat for Boere-Afrikaners*

2.1.1 The problem

A volkstaat as a cultural centre and a powerbase for the Afrikaner cannot be newly created.

In the light of economic and agricultural considerations the Vereniging van Oranjewerkers had, in the past, identified a volkstaat territory comprising mainly parts of the North-eastern Free State, South-eastern Transvaal, Pretoria and part of the Witwatersrand. The Volkstaat Council is requested to consider the territory and, because of new circumstances, to make adjustments by, for example., reducing the mentioned territory and, maybe, proposing a "shared area" or an "area of cooperation"..

The identified volkstaat area should eventually be reclaimed completely by the Afrikaners.

2.1.2 Solution

Essentially Afrikaners need not be the majority in the identified area. However, an Afrikaner majority should purposely be established in the territory by means of a process of reclamation. Spontaneous occupation and reclamation of the area will already be accomplished by means of the existing economic and agricultural tractive powers. Furthermore "active" and "positive" measures have to be implemented for the reclamation of the area by means of the "exchange of job opportunities" and the "settlement of unemployed non-Afrikaners outside the Afrikaner

land, either in buffer areas or in "shared areas". The basis for the establishment of a volkstaat should remain self-sufficiency in the field of labour.

2.2 CA Moller: *The possible extent of "affirmative action" (A statistical view of the RSA and Pretoria)*

2.2.1 The problem

Moller points out the extent that affirmative action may take in the country, and especially in Pretoria.

He indicates that the present number of white workers, namely 1,3 million, will have to be reduced by half to bring whites to the level of 12,8% of the total work-force. White employment in the Pretoria area represents presently approximately 49% of total employment. It should also be borne in mind that employment in Pretoria is strongly focused on the public sector. Consequently it can be expected that Pretoria will become the focal point of "affirmative action"

It is unlikely that the recipe for economic growth will succeed in creating a proportional distribution in the labour market. It is also impossible to, through normal retirement, get rid of the white surplus of 720 000 and to replace them with black labour. If affirmative action is to succeed, it is unlikely that young white workers will be absorbed into the labour market. He states: "'Affirmative action' can definitely not be translated as 'regstellende aksie' if it is going to imply the 'retrenchment' or 'displacement' or at least 'non-employment' of Afrikaners. Another word is then needed." (p 6)

2.2.2 Solution

2.2.2.1 When a volkstaat and cities in a volkstaat are considered, the situation caused by possible consequences of "affirmative action" should be thoroughly considered.

2.2.2.2 A possible solution is that a segment of a specific city should be planned as the volkstaat city. This means, however, that the Council shall have to indicate how the victims of "affirmative action" will be accommodated within such a volkstaat city.

2.2.2.3 The above is also, of course, applicable as motivation for a new city or cities, with the volkstaat's agricultural area as its large surrounding hinterland.

2.3 Mr Dries Bruwer (*on behalf of the Transvaal Agricultural Union*)

2.3.1 The problem

Inevitably some farmers will find themselves either inside or outside the boundaries of the volkstaat. The farmer will remain where he can sustain the best economic livelihood. However, farmers are uncertain about their future prospects.

For the sake of the prevention of conflict, it is of the utmost importance that the Council shall timeously reach finality on the position of farmers both inside and outside a volkstaat.

2.3.2 Solution

Organised agriculture seeks clarity from the VSC on the demarcation of a volkstaat and regarding food, water, and labour strategies within the volkstaat. Because of the interwoven nature of agriculture with various government sectors, the agricultural sector requires guidelines from the Council regarding the form of government, economy, training, communication, security, international liaison, health and welfare, labour, energy, transport and nature conservation within the boundaries of the envisaged volkstaat.

For the sake of conflict prevention it is important that Afrikaner farmers who find themselves outside the volkstaat, should have a form of own local government. They clearly wish to have their cultural autonomy and at least require control over their own schools and religion.

2.4 South African Agricultural Union: *Summary of Policies*

2.4.1 The problem

The farmer who is connected with organised agriculture, must be equipped to further the cause of agriculture and the farmer within the new constitutional environment. The profitability of agriculture must be protected and improved.

2.4.2 Solution

Joint action by farmers is needed on a national level to ensure that a market-driven policy is continually being pursued in order to create profit opportunities for the farmer. For this reason, private initiative should not be constricted.

A disciplined monetary and fiscal policy is needed to ensure that interest rates remain within limits, and that agriculture will still receive its fair share from the treasury. Existing agricultural financing should be extended and adaptations should be made in accordance with changing needs. Taxes should remain within limits and disaster and emergency relief should still be rendered.

The SAAU recognises the sovereignty of provincial agricultural unions to maintain their own views on land tenure. Nevertheless, the SAAU urges the central government to restrict state interference in land transactions to a minimum; to desist from manipulating the land market; not to implement land tax; and that financing should be conducted on a uniform basis. The right to land ownership should be explicitly protected in the Charter of Human Rights and the Constitution.

Healthy traditional labour relations and productivity should be maintained.

2.5 Mr Willie Lewies: *Transvaal Agricultural Union: Agriculture and land policy*

2.5.1. The problem

The government's agricultural policy has been politicised. Agriculture is a business venture which cannot be drawn into social development programmes. Trade unions are overplaying their hands in agriculture. Farmers cannot afford strikes.

2.5.2. Solution

Time is of the essence. Should the Council not make its propositions regarding a volkstaat in time, certain groups in agriculture may make their own decisions.

2.6 Dr Jan du Plessis: *Independent political consultant. Conflict management in multi-cultural societies*

2.6.1 The problem

The nation state, as a building-block of the modern state, is exposed to disintegration. Due to fragmentation many nation states end up with secession (for example the old Soviet Union). However, this does not solve the problem of ethnicity. With the fragmentation of the USSR, some 27 million ethnic Russians are presently living outside the borders of Russia. States will find it ever more difficult to curb conflict between struggling factions within their own borders.

The implication of this is that institutions such as political parties, and even democracy itself, find themselves in a crisis. Stereotyped political values, such as the interest of majorities and minorities, are no longer adequate mechanisms to solve conflict within states. A direct confrontation between democracy of numbers and democracy of interests is emerging.

2.6.2 Solution

From the above-mentioned conflict an evolutionary phenomenon is appearing that, on the basis of mutual interests, specific regions within one state are beginning to co-operate with regions of another state. This is not presented as a solution, merely as a phenomenon that should be recognised.

This modern international phenomenon does not deal with ideas such as protection of minorities, interest groups or corporate self-determination, or the creation of new states, but people with the same interests in the regions of one state, spontaneously decide to co-operate with people with similar interests in another state.

2.7 Dr F van Zyl Slabbert: *Democratisation and self-determination of minorities*

2.7.1 The problem

The world is currently experiencing the fourth process of democratisation. This entails the following principles:

2.7.1.1 The principles of "contingent consent".

Parties who participate in elections come to an agreement with one another: the winning party will not use its victory to deny the defeated parties an opportunity to win, in the following elections. The defeated parties, on their part, recognise the right of the winning party to make binding decisions concerning them until the next election.

2.7.1.2 The principle of "bounded uncertainty". This entails that the exercising of majority or minority power is limited by certain judicial principles that are constitutionally entrenched.

Minority self-determination plays an important role. Basic rights, such as freedom of association, movement, speech, religion, language and cultural rights, are protected against arbitrary abuse of power by any dominant group.

The transition in South Africa has, to a large extent, taken place according to these principles. It ensures that Afrikaners as part of a minority group have, at present, the most favourable internal as well as international climate by which the principle of self-determination of minorities within in a democratic system, can be gained.

2.7.2 Solution

The Afrikaners' demand for maximum self-determination regarding their language, religion and culture, has a greater chance of success than the claim to exclusive territorial separation.

2.8 **Klaus Freiherr von der Ropp: 'The new South African Constitution taking shape', 'Outbreak of peace in South Africa' and other documents**

2.8.1 The problem

Mr Von der Ropp presented various papers as evidence to the Council. In: "The new South African Constitution taking shape" that appeared in 1993 (that is before the general election), he pointed out that the ANC/SACP alliance should rather have discussions with the conservative Afrikaners (the then Volksfront) than with the former De Klerk government. He was of the opinion that the focus should move from institutionalised power sharing to geographical separation.

After the election he published a second article, titled "Outbreak of peace in South Africa". In this article he described the course of the negotiating process. He indicated that the unstable economic situation and high unemployment figure, as well as inadequate protection for minorities, are unresolved issues containing profound conflict potential.

2.8.2 Solution

In an article in "Insig" Von der Ropp suggested that, in order to prevent a Bosnia-Herzegovina situation in South Africa, the ANC/SACP alliance will eventually have to relent to the demand for a non-racial Afrikaner volkstaat. He was of the opinion that such a state should be situated in the combined northern and western Cape regions and that there should be an exchange of Afrikaners and non-Afrikaners between the two resultant new republics and the present Republic of South Africa.

2.9 Prof JC Stoyn: *An Afrikaner volkstaat and Afrikaans*

2.9.1 The problem

The Afrikaans language is waning in South Africa because of the ANC's language ideology. On the surface this policy is one of language pluralism, but in fact it boils down to a policy of language assimilation. The fact of the matter is that the Afrikaans language is at present encountering opposition. In the workings of the state, in public corporations like the radio and television, in education and in economic spheres the language is increasingly losing ground. Afrikaans as language has been diminished to such an extent that it is no longer a prerequisite for employment in South Africa.

Die VSC must take note that a volkstaat could also be counter-productive as far as the position of Afrikaans in the rest of South Africa is concerned. The existence of the volkstaat may be used as an argument against the recognition of language rights in the rest of South Africa. Furthermore, a volkstaat may cause Afrikaans to lose its numerical preponderance and this may lead to pressure to abolish it as an official language. If the volkstaat does not create room in South Africa for the advancement of Afrikaans, it may be an indirect threat to the future of the Afrikaans language in South Africa.

2.9.2 Solution

Because of the unfavourable position of Afrikaans in South Africa, a volkstaat is imperative. For the sake of the survival of Afrikaans, it is crucial that a volkstaat should offer opportunities for emigration to those Afrikaners who wish to leave the country.

Afrikaans should symbolically be the official language of the volkstaat. Education should be presented through medium of Afrikaans, except for non-Afrikaners who prefer their own languages. Afrikaans should also be the official language of industry in the volkstaat. In the volkstaat it would, furthermore, be necessary, for the authorities to take positive steps to establish Afrikaans as the language of trade and commerce. The cause of the Afrikaans speaking people in the rest of South Africa may be served by the volkstaat by applying pressure when language rights are threatened there.

2.10 Prof F Venter: *The meaning of the term "self-determination" in the Constitution and its implications*

2.10.1 The problem

The realisation of sustainable internal constitutional self-determination for an ethnic people in a plural society, can only be realised within a demarcated geographical area within the state.

However, such a demarcation is not possible in South Africa owing to the fact that no geographical area in South Africa is exclusively or primarily occupied or can be primarily associated with ethnic Afrikaners.

2.10.2 Solution

Constitutional Principles XII and XXXIV provide for the prevention of cultural, linguistic or religious suppression or domination. These principles prevent the state from undue interference in these areas. Furthermore, the state is charged to protect these languages, religions and cultures.

This offers a creative possibility to mobilise the civic communities in cultural spheres in order to realise a unique non-territorial self-determination. At this level the Volkstaat Council can play a constructive role.

It is impossible for any territorial separation to take place in South Africa. And further, the constitution cannot allow an independent state on the grounds of self-determination of a specific community, to take place on South African territory.

2.11 Prof Jorric Jordaan (*Theological School, PU for CHE*)

2.1.1.1 The problem

When Biblical principles are applied in terms of an own territory, there possible one-sided approaches that should be avoided. Firstly, a one-side scriptural approach may suggest that the search for an own territory is a Biblical demand. Secondly, a one-sided application of Scriptural information may the unilateral conclusion that the search for an own national territory should be spurned as unbiblical.

2.11.2 Solution

When probing for the Scriptural basis underlying the search for an own territorial base, one should guard against one-sided secularisation as well as one-sided spiritualisation of Biblical facts.

The faithful have a calling to strive for the peaceful co-existence of the peoples of South Africa. One way of promoting such peaceful coexistence, is the search for an own territorial base for every ethnic group in South Africa.

2.12 Dr JF Kirston: *Department of Political Science, PU for CHE*

2.12.1 The problem

The international community currently has contradictory ideas about the of self-determination. On the one hand the right to secession is recognised in Resolution 3315 Article 6 of the UN, but on the other hand, due to fear national anarchy, the international community of states is being called up to maintain the status quo.

Nevertheless, the statement can be made that national self-determination in the sense of an own territory, has become the right of peoples.

However, in view of the international community's hesitation to take a stand on issue, it must be accepted that secessionist movements will hardly be able to on international support. States will only support such a step if it would further their own interests.

Where, how and under what conditions will the Afrikaner be able to gain self-determination and how can it be realised?

2.12.2 Solution

At present, there is an international resurgence of nationalism. However, it differs from case to case. Although segmented in nature, this phenomenon also manifests itself amongst Afrikaners. Owing to the fact that a small group can create large scale destruction, it is necessary - for the sake of conflict prevention - to pay attention to the awakening of Afrikaner nationalism.

However, Afrikaners will have to be level-headed and realistic about the following aspects:

- 2.12.2.1 The Afrikaner must realise that he must largely depend on own resources.
- 2.12.2.2 The Afrikaner will have to realise that he will probably experience internal as well as external resistance.
- 2.12.2.3 Problems are presented by the geographical distribution of the Afrikaner. Consequently, an area will have to be delimited where Afrikaners will be able to work purposefully towards establishing an own majority. However, such relocations will be difficult, because Afrikaner will, of necessity, have to be attracted to less favourable socio-economic conditions.
- 2.12.2.4 Miserable conditions will enhance the chances of success. Therefore, the Afrikaner must be exposed to even poorer conditions before he will be ready for the idea of a volkstaat.
- 2.12.2.5 Disunity within own ranks as to the how, where and when of the volkstaat, diminishes the chances of success.

2.13 FA Jacobs, M Wessals and AE Jooste: *Independent study of three economists.*

2.13.1 The problem

To what degree could economic development, including development in the social, political, constitutional and cultural fields, make a positive contribution to the general development of the volkstaat?

2.13.2 Solution

To ensure the future economic development of the volkstaat in this regard, a strategy should be formulated timeously-

A framework of objectives, methods and instruments to be employed in drafting all economic development strategy, is suggested. The necessity of a positive approach to development within the present political framework, is emphasised.

The submission indicated that such an economic development strategy is the result of systematic analysis. A number of explicit or implicit principles, which may be used as guidelines for an economic development strategy, come to the fore. These guidelines deal with the contribution of the authorities, the importance of human development, the interdependence of objectives and individual differences and the need for co-ordination.

A concept action programme for economic development, containing objectives and methods, was presented in some detail and it was suggested that the Volkstaat Council should consider appointing a task group to investigate an economic development strategy for the establishment of a volkstaat.

2.14 Judge Pierre Olivier: *Chapter 4 of the Law Commission: The Protection of Group Rights*

2.14.1 The problem

2.14.1.1 *Introduction - p25*

Provision should be made, in an undogmatic and fair manner, for the legal needs of all citizens. The aspirations and fears of groups should also be addresser. Consequently group rights should be defined and the protection of group rights should be addressed.

2.14.1.2 *The South African question regarding "group rights" - p26*

The era of white privilege in South Africa is a thing of the past and it is generally accepted that we are already in a process of political and socio-economic changes. (Phase of aspirations and fears.) The question of defining and protecting group rights is paramount.

2.14.1.3 *Identification of different problems*

(i) Aspirations, needs and rights

The acceptance that certain "rights" already exist, or that such "rights" could be harmed by other parties. A distinction should be made between "needs" and "rights". Only after the needs of a legal subject have been "positivised" by the state (written into law), can it be referred to as a "human right", (individual as well as group needs). It would differ from the "law of nature".

The process with which we are presently occupying ourselves, is in fact the "positivisation" of needs - it is a prerequisite for constitutional reform: "... that all needs and aspirations are negotiable..."

(ii) **Groups and the RSA society**

The heterogeneous disparities within South Africa tend to increase the conflict potential.

(iii) **The source of group conflict in the RSA - (historically?)**

Members of all-population groups who share the same territory - no clearly defined own territories. Question: Are we going to grow into a unity or are the population groups still going to fight for exclusive national identities?

Three points of view:

Rejection of the unitary state demands for self-determination and an own territory - afterwards rights of individuals and minorities by the volkstaat proponents.

In favour of a unitary state with the protection of individual and community rights - accept that rights will be protected - no unanimity as to how and which rights, for example NP: language, religion and culture - ANC not in favour of the idea of power-sharing - p 35

PAC demands a unitary state without the protection of rights, contrary to the rightwingers who wish to maintain the status quo.

(iv) **The Commission's point of view**

Full democracy should be pursued - a legal state - where the needs of individuals and essential communities are fully protected: the existence of groups and conflict between them cannot be ignored.

2.14.1.4 The right of a people to self-determination

Different ideas exist regarding this

- (i) **The Conservative Party** makes a distinction between minority protection and protection of a people. From an historic point of view the Afrikaners have the right to self-determination in its broadest form.
- (ii) **The Afrikanervolkswag:** group and minority rights are not synonymous. Group rights can only be exercised in an independent state.
- (iii) **The Boerevryheidsbeweging** distinguishes between a "group", a "minority" and a "volk", the latter in a delimited area.
- (iv) **Prof AWG Raath** distinguishes between state, people and nation. Nation reaches a larger state of unity where cultures are related - holistic. When larger cultural differences are present, the nation gets a more mechanical character. In many respects the unity of a people is stronger than national unity.

- (v) **Prof FIJ van Rensburg** points out the need for criteria for the constitutional protection of groups - the term "volk" is a group reality - an own territory may be a supporting factor.
- (vi) **According to Judge Z Sutej**, ethnic groups and minorities should not be confused with each other - but the rights of both should be protected. South Africa is a multi-national state wherein every people has the right of protection.
- (vii) **Prof PS Dreyer** is a supporter of the protection of the freedom of the different peoples in South Africa.

Consequently, many parties, organisations and individuals believe that the group that should be protected, should be the "volk". Every volk has a sovereign right to self-determination - to an own territory and demands the right of partition and secession.

2.14.1.5 *Partition in South Africa*

As far back as 1913 no true partition - rather a form of racial separation with white domination as the objective.

Supporters of the idea of partition rejected the Commission's recommendation which did not recognise the right of the Afrikaner volk to govern itself. Proposition 25 poses a threat to white Afrikaners.

Since 1960 - idea of radical partition - the total division of the country between a white state and black states - absolute sovereignty. Suggestions for the delimitation of the boundaries and location of a white or Afrikaner state made by various organisations. There are also those from the ranks of blacks who support the concept of partition. (Ngubane 1936 - 1979.)

Related suggestions:

Forms of a confederation: "... that the sovereignty of the member states should remain inviolate... independent and differentiated geographical bases."

Prof Schlemmer (1970 and 1978): "Division of the whole South African territory - "white", "black", and "grey" areas.

Dr Leistner: New states should be independent - white dominated state should be retained.

Venter: Wants the homeland policy carried through and then a loose association or a commonwealth of states.

2.14.1.6 *Foundation of the idea of partition*

- (I) **The historical** argument - who was where first
- (ii) **Partition** also based on protection of identity

Prof AWG Raath - Afrikaners should strive for the retention of sovereignty in own volks-order as well as mutual adherence of the different peoples of South Africa.

(iii) **Numerical** proportions and inundation

Afrikaners can only participate (on a national level) if they have an own territory within which they are an absolute majority and are governing themselves. In a multi-racial unitary state the Afrikaner will be defenceless.

"Therefore the delimitation of an exclusive white and Afrikaner national territory is a prerequisite for peace, and for the possibility of a sensible, constructive and positive debate and co-operation with other peoples in SA." (Booyesen)

(iv) **The self-determination** of a "volk". The Afrikaner's need for, and right to self-determination can only be accomplished through partition and self-government - the fear for and repugnance of domination.

(v) **Peace** - partition is the only solution.

(vi) **Economic** considerations (p 60): Hoernle - in a unitary state black people will economically still be unjustly treated by whites. Partitionists suggest that the whites/Afrikaners are no longer prepared to carry other races economically.

(vii) **Absence** of a spiritual communality. Even within the ranks of the blacks there is no homogeneity. Afrikaners regard it as their right to maintain their own interests, and also regard it as the right of other peoples.

(viii) **Minority protection**

A unitary state offers no guarantee for the survival and identity of the whites or the Afrikaner people.

Prof Raath: It is naive to think that interests of population groups can be protected by a charter of human rights - it has not yet succeeded in Africa.

Dr CJ Jooste: The basic problem with human rights is that a minority is not adequately protected against assimilation, disintegration and dissipation. Protection of minorities is relevant to unitary states. That is for minorities who do not claim own volk states, but who still wish to maintain their cultural identity. Those who desire a volkstaat demand it as an instrument to adequately protect themselves. The protection of language, education and land interests may only be achieved with difficulty by the government of a unitary state.

(ix) **Failure of power-sharing** (P 63)

A country with a deeply divided heterogeneous population has a choice: either of power-sharing or of territorial partitioning - however, powersharing has invariably failed.

(x) **Appeal to the will of God or Christian Calvinism**

The idea of an Afrikaner state is promoted in order to prevent the Afrikaner people from being assimilated into a Babylonian "common unity".

(xi) From a black perspective

Prevent white uprisings and unrest; Ngubane: Calls for proportional partition because of the conflict potential - establishment of a "white homeland".

2.14.1.7 *Legal arguments in favour of partition and secession*

Profs Raath and Strauss - submission to the commission: "...all people and spheres of society..." prescientific rights. (p 65)

International Law recognises a peoples right to self-determination:

(i) **Charter** of the United Nations

(ii) **Article 55** of the Charter

(iii) **Articles 73, 76**

(iv) **Resolution 545 (vi)** of the General Assembly of the UN: "All peoples shall share the right to self-determination."

(v) **Resolution 637** of the General Assembly 1952

(vi) **Conference** on security and co-operation in Europe (Helsinki Conference)

(vii) **Resolution 2625** of the General Assembly of the UN "... The establishment of a sovereign and independent state"

(viii) **Hugo de Groot**- neither residents nor the government can cede, but "the right which the part has to protect itself is greater than the right of the body over the part."

(In: The British Empire = provision is made for the right to secession. Imperial Conference 1930.)

Bonjull Charter of Human Rights and People's Rights: "All peoples shall have the unquestionable and inalienable right to self-determination..."

2.14.1.8 *Legal arguments against partition and secession*

The premise that human rights and the right of society is prescientific, is unrealistic. The right to partition or secession has never been 'positivised' in sense that it has been recognised as an enforceable right.

Some existing international resolutions regard the sovereignty of the state, in specific conditions, higher than the right to partition and secession.

There can be no absolute sovereignty of a state where the rights of minorities are ignored. Neither can the right to secession be absolute.

These two principles will have to be reconciled.

Buchheit seeks a solution for this dilemma between state sovereignty and determination. He finds it in the maximising of world harmony.

The claimant must demonstrate that it is in fact a "self, capable of independent existence..."

"... The claimant must show that acquiescence to his demand would result in a greater degree of world harmony (or less global and societal disruption ...)"

- (i) **Only an** identifiable, ethnically based group may demand self-determination.
- (ii) **This group** must occupy a demarcated area. "... in claim for the secessionist self-determination it seems inescapable that the claimant group must occupy a distinct territory."
- (iii) **The group** must be able to exist independently after secession.
- (iv) **"Current disruption"** due to minority suppression, should exist within the state (p 77). The problem facing partitionists is whether these claims can legitimately realised where a situation of suppression doesn't yet exist, but is merely feared.

The right of a people to self-determination (national sovereignty" - Cobbon) cannot reign supreme. However, there remains "an uncompromising right to secession on the part of a community that calls itself a nation. If, at the same the state maintains its rights of sovereignty over the distinct nation, there resolving of the conflict".

What holds for secession, is also applicable to peaceful demands for partition, as the latter is only a peacefully negotiated form of secession.

2.15 Afrikaner -Vryheidstigting - First submission: *Prof CWH Boshoff, Mrs Kobie Gouws, Rev CJ van Rensburg and Mr DJ van Rensburg*

2.15.1 The problem

The requirements of a volkstaat where emphasis is placed on the population of such a volkstaat as a prerequisite for a self-governing Afrikaner state, are thoroughly investigated. The fact that the population is homogeneous excludes a political power struggle, labour unrest and any need for discrimination.

Furthermore, the acceptability of volkstaat suggestions among the members of the volk themselves are dealt with, as well as the authority of the RSA and international forces who have an interest in the recognition of a volkstaat.

Stumbling-blocks on the road to a volkstaat are the distribution of Afrikaners in an integrated society with vested interests throughout the whole country; the black population which constitutes the majority in large parts of the country and whose population is growing at an alarming rate; as well as the Afrikaners' dependence on labour in an integrated economy.

The following aspects will have to be elucidated with a view to establish a volkstaat: Citizenship, the relationship with the RSA, a charter of human rights and the implementation of affirmative action, Afrikaners outside the volkstaat and the unrealistic expectations of Afrikaners.

2.15.2 Solution

The AVSTIG suggestions deal with the following matters:

- 2.15.2.1 Delimitation and boundaries: An area in the Northern Cape with development areas along the Orange River, the Doring River and the West Coast is suggested. The economic viability of this area has been investigated and presented.
- 2.15.2.2 Self-determination and constitutional development: Steps to the realisation of the volkstaat:
 - (i) Declaration of Intent which recognises the volkstaat aspiration in an area that has been negotiated and that will be constitutionally protected.
 - (ii) The establishment of a development council for planning and occupation.
 - (iii) The establishment of an authority charged with the foundation of the state, which may commence with emerging departments.
 - (iv) Local or migrant groups to promote settlement in the volkstaat area.
- 2.15.2.3 Citizenship: The suggested area in the Northern Cape presents the opportunity for Afrikaner settlement without extensive forced resettlement of non-Afrikaners. It presents solutions for the citizenship question, as foreigners who will remain in the area, will not be of paramount importance.
- 2.15.2.4 It has been established that the area has the economic potential to be developed towards prosperity and mutual advancement by a motivated and schooled labour force with First World technological training. It can become an important partner of the RSA.

2.16 Afrikaner-Vryheidstigting - Second submission: Prof CWH Boshoff, Mrs Kobie Gouws, Rev CJ van Rensburg and Mr DJ van Rensburg

2.16.1 The problem

AVSTIG was requested to make a second submission with specific concentration on certain aspects such as the position of Afrikaners outside the volkstaat, the role of the Government of National Unity, the question of the absence of the Afrikaner in the "empty" country, and possible majority occupation of Afrikaners in other part, of the country.

2.16.2 Solution

AVSTIG is not intolerant of other suggestions. In fact, AVSTIG's proposals are submitted to the VSC so that they can be considered and compared with other suggestions and their foundation. However, AVSTIG would like to be involved in a reasoned discussion of other suggestions, for example at a symposium where the proponents of various delimitations can debate the issue.

Secondly, the way in which minorities are treated in multi-ethnic states indicate that there is, apart from the volkstaat idea, no real solution for peoples with minority status.

Self-activity is the key condition for true freedom, stability and productivity in a volkstaat. The application of this principle should be considered against other suggestions.

The question as to the size of the population is considered in view of international conditions. The myth that a critical population size is needed before a volkstaat could receive international recognition, or before it could become economically viable, is refuted.

Upon investigation into the prerequisites for economic viability, the conclusion has been reached that the Afrikaner state will be able to make an important contribution to the economic stability and growth in Southern Africa, while at the same time affording the Afrikaner People the opportunity to maintain First World standard;. The Northern Cape is being tested against this requirement and the conclusion reached is that the people responsible for growth are the most important prerequisite for economic excellence.

Furthermore, the importance of a Declaration of Intent, which includes the identification of a territory, has been underlined in view of political and demographic circumstances in the RSA.

Should an area immediately be indicated as an Afrikaner state area, it will be possible to implement intermediate steps and measures to promote the realisation of a volkstaat. Attention is drawn to the importance of the Balfour Declaration for Israel.

Finally, the interests and rights of the Afrikaners outside the volkstaat were dealt with. Proposals concerned with this question are certainly important, yet the volkstaat, as the first essential prerequisite for the future of the Afrikanervolk, should remain the first priority. Such measures could include the following: A volksraad (national assembly) at national level; Cultural councils at provincial level; Community councils at local level.

These institutions should concentrate on the maintenance of language, education and property rights, access to the media, job security, press freedom and freedom of speech, an own community life and personal security.

2.17 Prof Willie Breytonbach: (*University of Stellenbosch*): *The recognition of self-determination and conditions for the establishment of a volkstaat*

2.17.1 The problem

The "accord" between the ANC, the NP and the Freedom Front recognises the principle of self-determination and determines certain conditions under which a volkstaat may be established. The Constitution entrenches the principle of self-determination and lays down rules according to which self-determination, including a volkstaat, can be negotiated. While these rules and preconditions are not unreasonable, the attainment of a volkstaat is not an easy or simple matter, as the Constitution in its present form, does not make provision for partition or secession. Stumbling-blocks to the realisation of a volkstaat are:

- The absence of consensus about the boundaries of a volkstaat among the volkstaat proponents themselves.
- The requirement that the community who seeks a volkstaat should pass the tests of language, culture and non-racialism. Therefore, race exclusivity is unacceptable.

2.1 7.2 Solution

Against this the viability of other forms of self-determination is less complicated. The Volkstaat Council should consider the option of a tenth province. The most important requirement is that it should come to pass within the limits of the recognised constitutional framework. In this regard, volkstaat proponents may call attention to the self-determination of the German minority in Belgium, where they comprise merely one per cent of the total population (against the 2,2 per cent attained by the Freedom Front in the elections).

This self-determination includes the entrenchment of defined and exclusive rights. These rights are concerned with culture, education and language. This system works well for the 68 000 Germans in Belgium. However, it is not a tried and tested system, and only time will tell whether it will prevail. Yet, it contains possibilities for the volkstaat proponents and is a sensible alternative for the extremely problematic idea of a volkstaat. A volkstaat will require huge population displacements while the Belgian model is not as drastic, and yet still means comprehensive self-determination.

2.18 Prof Deon Goldenhuys (RAU): *Afrikaner self-determination: International perspectives*

2.18.1 The problem

Under which circumstances will international acceptance for the demands of minority rights for the Afrikaner be attained?

The perception of the outside world is that the Afrikaner is presently living in a peaceful country where democracy is being implemented. Furthermore the Afrikaner has the problem that he has no defined area with an historical claim. The outside world also does not believe

that the majority of Afrikaners are in favour of a volkstaat. They also fail to see any similarity between Afrikaners and the ethnic peoples of the Eastern bloc who were suppressed by communism.

2.18.2 Solution

The concession of different forms of self-determination in recent years, indicate as that the idea of ethnic self-determination has gained unprecedented international prominence and respectability. The outside world will prefer any form of minority rights, or even regional autonomy, to secession or fragmentation.

However, this does not imply that no argument can be made out for peacefully negotiated partition, particularly in view of the growing perception of cultural alienation and insecurity among Afrikaners, their concern about the status of Afrikaans, as well as affirmative action which, clearly, adversely affects Afrikaners.

The volkstaat aspiration which will be internationally acceptable, is a volkstaat satisfying modern requirements with regard to fundamental rights. However, evidence should also be produced to the effect that the volkstaat will not detrimentally affect the economy of the rest of South Africa. Furthermore, it must be indicated that sacrificial partition is pursued and that this solution would contribute to the solving of conflict and the defusing of violence.

However, there is no clear-cut case that democracy will prevail in South Africa. In the eyes of the international community, the strongest case for a volkstaat will be made if democracy should collapse in South Africa. The possibility of a violent secessionist effort will increase, should Afrikaners be unjustly treated or singled out for suppression by the state. The option of violence may even occur earlier should the government refuse to negotiate about a volkstaat. To the mind of the outside world the end to violence is of greater importance than its doubts about, and dislikes of a volkstaat.

2.19 VEKOM (Volkseenheidskomitee): *The volkstaat is where the Boer-Afrikaners live*

(Presenters on behalf of VEKOM: DFB de Beer and JJ Pienaar)

2.19.1 The problem

Die Afrikaner-Boer people will not be able to survive as a unique entity if they do not have their own geographical area within which they can govern themselves,.

Nearly 80% of the Afrikaner-Boer people are still concentrated within the areas of the historic Boer Republics.

However, since 1910 they have been systematically swamped by other indigenous peoples who, in search of job opportunities, migrated to the industrial areas. As a result of this process the Boer-Afrikaner people presently constitute a minority of the population in their own traditional territory.

1.19.2 Solution

Within the boundaries of their traditional territory, a smaller area should be delimited where Afrikaners still constitute the majority of the population.

A period of Afrikaner-centric affirmative action should be granted to the volk to develop along its own lines and to ensure that they establish themselves as in absolute majority within this territory.

2.20 Prof CJ Maritz (Department of Development Studies, RAU): *The problem of self-determination in the South African plural community - an ethno-dynamic perspective*

2.20.1 The problem

The problems of the South African community did not suddenly disappear when the Government of National Unity came into power. With reference to political behaviour, the nature of spatial arrangement, the economic and fiscal practice, the nature and content of education, communication and socialising at grassroot levels, it is not certain that the Afrikaner will not react negatively to the results of the new dispensation.

It is, in fact, the Afrikaner who is presently perceiving himself as the most threatened people. Under such conditions it can be expected that the nationalist forces will flourish and cognisance will have to be taken of the fact that a sizable element susceptible to violence, still remains among the Afrikaners.

2.20.2 Solution

A dispensation of maximum self-determination amidst inter-dependence, may prevent forces of destruction from being unleashed in South Africa.

The task of the Volkstaat Council is to seek a balance between the viable and nonviable points of view of different political role players ranging from total rejection by the ANC to the demand for a total sovereign state.

However, the Council should realise that the balancing-point between the viable and non-viable is determined by forces outside its control. Should the Afrikaner experience totally unacceptable conditions, solutions which may have been regarded as non-viable, may suddenly be reversed.

Prof Maritz is of the opinion that a delimited sovereign volkstaat for the Afrikaners is not viable under the present conditions. In the event of increased pressure on the Afrikaner, such an option may become more viable as, under such circumstances the Afrikaner will consolidate himself within an identified space. Therefore, it would not be remiss of the Council to delimitate a territory in the interim period with the view to the possibility of future crisis.

He pleads for an open-ended approach. Blind determinism and dogmatism should be abandoned. In the meantime, for the sake of peaceful coexistence, attention on should be

given to more immediate, smaller and less spectacular spheres and dimensions of Afrikaner self-expression (lebensraum). The dimensions that require the immediate attention of the Council are:

2.20.2.1 **Corporate self-determination**

Socio-cultural space can be created for the Afrikaner within the present dispensation on local, regional and national levels by means of cultural councils.

2.20.2.2 **The mitigation of the role of the state**

By reducing the role of the state, the probability of inter-ethnic conflict will be diminished.

2.20.2.3 **"Breathing space"**

Should the possibility for sociocultural space be created, peace and security will be promoted.

2.20.2.4 **Reinterpretation of the term "democracy"**

A democracy does not merely deal with the will of the majority. A balance will have to be established between the majority-will and the interests and rights of minorities and individuals.

2.21 Mr Jaap Kelder: *Thoughts on the establishment of a volkstaat*

2.21.1 The problem

The history of Africa teaches us that the Afrikaner cannot expect adequate protection in future and, furthermore, an economic collapse is practically inevitable. Unlike the Jews all over the world, the Afrikaners will not be able to exercise their own culture, religion and way of life as a minority group in South Africa.

2.21.2 Solution

If the Afrikaner is to survive in Africa, he has no other option but to strive towards the establishment of a volkstaat. For the sake of the Afrikaner's economic survival, the creation of job opportunities will be the volkstaat's first priority.

Firstly, an area such as Orania will have to be identified as a volkstaat nucleus where Afrikaners can exercise financial and cultural control.

However, because Afrikaners are not living in concentrated geographical areas, volkstaat cantons should be established in other cities, towns and rural areas. Only general conditions pertaining to a volkstaat should be applied to these cantons, while the day-to-day management should be left to each canton's discretion. Community services such as policing, defence, administration of justice, education, hospital and health services should be managed by the volkstaat itself.

Local levies, as well as a pro-rata portion of the income tax, would be adequate to make the volkstaat and cantons self-sufficient. Large-scale services would have to be shared with other communities.

2.22 Prof Daan Booyen. *The volkstaat*

(Note: Prof Booyen submitted evidence in his personal capacity; not on behalf of the Nederduits Hervormde Church of Africa.)

2.22.1 The problem

The Afrikaner's sense of nationalism towards the 'Volk' has been deliberately destroyed. Its revival is, however, unavoidable. Prof Booyen fears that the revival of ethnicity may give rise to violence in the country.

2.22.2 Solution

Ethnicity should be managed in such a way that it is prevented from leading to violence. All interested parties should realise that this nationalism can only be correctly managed if a volkstaat is established.

Divisions in Afrikaner ranks should be settled around the volkstaat idea.

The volkstaat should now be delimited in empty or sparsely populated rural areas.

2.23 Rev ALA Buys (Reformed Church, Piet Retief): *A Scriptural ontological evaluation of human rights*

2.23.1 The problem

In future all political decisions will be considered in accordance with a claim to human rights. As rights will increasingly be linked with power, the demand for rights will cause the establishment of pressure groups.

So-called human rights are involved with that which the human and human race assumes to do or not to do. The question is whether human rights, be they for the individual or for the group (volk), can be scripturally justified. Can a person in any way claim rights?

2.23.2 Solution

Adhering to the confession that God is the Creator, the human being has no fundamental rights; only obligations. If one wants to speak of rights, it is at best a "right to grace in Jesus Christ". This "right to grace" is, however, not enforceable on God.

We should, therefore, be careful not to be too pragmatic, be too taken with the system and, on the grounds of fundamental human rights, insist upon the fact that the Afrikaner has a right to self-determination.

The terrible injustices in the world can only be rectified by Jesus Christ if the link with the Father via Christ is restored.

2.24 Adv Mooiman Mentz. *Proposals for regional delimitation*

2.24.1 The problem

In the delimitation of regions, the spurning of cultural homogeneity and historical claims can readily lead to conflict and bloodshed. Precisely because of this reason, the regional boundaries of Nigeria have already had to be redrawn six times. Likewise, in India, colonial boundaries had to be gradually replaced by boundaries according to the language distribution in the country.

2.24.2 Solution

With the aim to cultural homogeneity and historical claims, a nucleus area in the vicinity of Pretoria-Verwoerdburg-Akasia is suggested for the Afrikaner.

This nucleus may be gradually extended to provide for the Afrikaner's need for self determination. More than half a million Afrikaners already reside in this area. The dominant Afrikaner population in this area is larger than the populations of many fully-fledged states. Moreover, this area, which comprises approximately 1800 square kilometre, is larger in area than many similar states. Yet this area forms only a minute part of South Africa.

For the Afrikaner, Pretoria has the same meaning as Paris for the Frenchman.

Apart from the Pretoria-area, attention should also be given to the proposals of AVSTIG.

2.25 Prof A Raath; UOVS (University of the Orange Free State): *Self-determination and secession: A possible territory for a future Afrikaner state*

2.25.1 The problem

Secession can only be achieved in one of two ways, namely voluntarily or involuntarily. The establishment of a volkstaat should preferably be achieved in a peaceful way, as this will greatly contribute to the recognition and effective functioning of such a state.

2.25.2 Solution

In recent times the principle of self-determination has increased in importance throughout the world in recent times and there is a strong resurgence among ethnic groups who wish to retain their own unique identity.

Should such an ethnic group not comprise a majority within a delimited territory, it does not diminish its right to self-determination.

The right to self-determination is not an immediate given fact; it should rather be seen as a process. It is a continuous process which should be managed in such a way that the end objective, namely secession, could be achieved as soon as possible. For this reason it is of cardinal importance for the Boer people to strengthen the federal nature of the final constitution.

In the meantime the international community should take cognisance of the Boer people's aspiration towards self-determination.

2.26 Mr Loon Louw of the Free Market Foundation: *The identification of viable, attainable and constructive options for the accommodation of the Afrikanervolk*

2.26.1 The problem

Why is South Africa always out of step with the rest of the world? Now that the world regards the concept of group rights as liberal and democratic, it is being rejected in South Africa. Forced integration is politically and morally just as wrong, and as much a violation of human rights, as forced segregation.

2.26.2 Solution

inherently, there is nothing wrong with the creation of a volkstaat if Afrikaners desire such a state. Unfortunately the policy of apartheid has caused great harm to the concept of a nation state, because opponents of a volkstaat see it as apartheid in a new disguise.

Nation states can be established without firstly ascertaining whether they will be viable. Viability is only a fashionable catch phrase. Moreover, there is no such thin as an optimum size for a state, and it is also not necessary that a state should have substantial natural resources, territory and infrastructure. Any state can be a success if the necessary will exists to make it succeed and if limited government and a free market system is the norm.

However, the fact that Afrikaners are dispersed throughout South Africa, presents a problem. Furthermore, it is in the interest of black South Africans to accommodate the Afrikaners in one way or another, without impairing their own interests in any way. It will be a tragedy if Afrikaners were to become strangers in their own country.

2.27 Prof Thernba Sono: Executive Director of the Centre for Development Analysis: *The promise of Constitutional Principle 34. What is to be done?*

2.27.1 The problem

Blacks will never accept a volkstaat. For the blacks, the volkstaat conjures up visions of the history of apartheid because it will be exclusive. South Africa finds itself in the era of majority politics and the Afrikaner should realise that he is, population-wise, totally dominated by blacks. If the establishment of a volkstaat supposes a territorial entity, then pragmatic considerations render the existence of such a state nearly impossible. Principle 34 is a vicious

joke because it promises something that can never become a reality. It is impossible to effect changes to the boundaries of the nine provinces without large-scale political upheaval.

Because neither self-determination, nor community is clearly defined, Principle 34 is doomed.

2.27.2 Solution

The Volkstaat Council should demand from the Constitutional Court, a clear definition and declaration of the meaning of Constitutional Principle 34. The Council should, furthermore, preferably endeavour to secure the establishment of a true federal constitution that would strengthen the provincial government, rather than the objectionable, unviable and controversial efforts to establish an Afrikaner volkstaat.

2.28 Mr Aibrecht Holm: *Symbolism and monuments in architecture with reference to the Old Raadsaal in Pretoria*

In his effort to escape from his mortality, the human being turns to the erection of monuments and the acceptance of certain symbols that imply immortality, perpetuity, indestructibility and heroism. The symbolic statement made by the Old Raadsaal, is one of dignity, authority and order. It is meaningful that the British recognised and respected the symbolic value of the Old Raadsaal by appropriating it as a seat of state authority in 1902, after taking over the power from the Suid-Afrikaanse Republiek. However, with the establishment of the Union in 1910, the symbolic value of the building was diminished in favour of the Union Buildings. It is not desirable to move monuments from the place where they had been erected because, very often, the place is of greater significance than the monument

2.29 Rev Mossio van den Berg: *The role of Afrikaner culture in the realisation of Afrikaner freedom*

2.29.1 The problem

Culture is never concluded and finished. It should rather be seen as deeds, actions, movement; a focused attention on whatever may happen, and an alignment or the future. In the past, forces generated in the cultural sphere had opened political opportunities for the Afrikaner. For this reason, the present onslaught is so heavily directed against Afrikaner culture - and this is experienced in nearly all spheres of life. Schools, the workplace, hospitals and neighbourhoods have become pitfalls of assimilation for Afrikaner culture.

2.29.2 Solution

By directing Afrikaner culture towards political freedom and self-determination, the Afrikaner people can also make a huge contribution towards the realisation of the political freedom and self-determination of neighbouring black peoples who were deprived of their right to comprehensive self-determination.

However, the Afrikaner will have to break free from his addiction to foreign labour or all the talk about self-determination, freedom and a volkstaat will remain mere lip service.

2.30 Mr Pieter Bruwer from Oraniewarkers: *The origin and development of the volkstaat movement*

2.30.1 The problem

Many people suggest that the volkstaat concept is a recent phenomenon or idea.

2.30.2 Solution

The volkstaat concept had its origins in 1795 in Swellendam when the residents, for the first time, claimed the right to exist as a separate people.

The second phase of this idea took form during the Great Trek and the establishment of no fewer than 13 Boer Republics. While the volkstaat idea had been very alive at the start of the 20th century, its proponents had been for the largest part bounded by the party political system and they would not readily be able to escape from it. Furthermore, the election victories of 1924 and 1948 did not lead to the realisation of the Afrikaner's aspiration towards self-determination and an own volkstaat.

The third phase of the volkstaat movement commenced with the establishment of a variety of organisations, such as the Calvinist Bond, the Ossewabrandwag, the Reddingsdaadbond and others. After World War II the idea again manifested itself in the republican aspiration, even though the Republic of 1961 again failed to bring about the desired volkstaat. After the euphoria about the newly won republic had passed, the pure volkstaat idea again reared its head, even though the Afrikaners had, in many respects, become prisoners of the National Party. People were of the opinion that they would lose their political volkstaat. However, there was no question of a territorial volkstaat.

The fourth phase of the volkstaat idea came about during the 1980's and 90's with the establishment of numerous Afrikaner organisations who worked towards that goal. Consequently, the aspiration towards a volkstaat received constitutional recognition with the establishment of the Volkstaat Council.

1995 should be declared as Volkstaat Year because in this year the volkstaat aspiration among Afrikaners will reach its bicentennial.

2.31 SABRA: *Mr Gräbe and Prof Boshoff*

2.31.1 The problem

For the sake of survival, the Afrikaner can settle for nothing less than a volkstaat.

2.31.2 Solution

The political viability of a volkstaat will have to be established in phases of development. This phased development starts with its recognition in a Declaration of Intent, which should be constitutionally entrenched. Furthermore, the volkstaat should be defined and delimited as a state for Afrikaners: in other words, a state:

- 2.31.2.1 Where, to ensure the exclusion of an ethnic struggle for control of the government, the population will consist primarily of Afrikaners.
- 2.31.2.2 Where uniformity will exist with regard to language, general culture, heritage, history, and where norms will be a matter of course.
- 2.31.2.3 Where discrimination on grounds of ethnicity will be unnecessary.
- 2.31.2.4 Where the economically active population will consist of Afrikaners and immigrants.

That in view of the above, the Northern Cape should be accepted as the area within which a volkstaat should be established.

That the implementation of self labour in the volkstaat shall be the guarantee that the freedom and the fatherland will never again decline into a crisis similar to the present one. That should be accepted as a non-negotiable starting-point. Proposals which create false expectations among Afrikaners should be avoided.

2.32 Prof Fanie Jacobs: *The volkstaat as political model*

2.32.1 The problem

It is of the utmost importance that the idea of a volkstaat should be fundamentally justifiable. Proper account must be given regarding the practical implementation of theoretical foundations.

2.32.2 Solution

A political model such as a volkstaat, does not only regulate conflict, it also prevents conflict. Research should be done on states where the multi-ethnic nature has generated conflict to such an extent that it gave rise to a spontaneous movement to investigate political conflict-solving solutions.

The Afrikaner's aspiration towards self-determination is in line with international law.

Should a situation be created in South Africa, where the Afrikaner's right to self-determination is ignored by the central government in terms of constitutional principles, then he has the right to secession.

The Afrikaner cannot unilaterally decide which territory he wants. This matter will have to be solved through negotiations. Furthermore, the Afrikaner cannot allow himself the luxury of a huge territory, yet it will still remain the ideal to secure a consolidated area. However, if the future volkstaat should consist of more than one territory, existing constitutional and international law offer methods by which the loose areas can be federatively linked together.

Citizenship must only be bestowed on citizens of the volkstaat. With regard to non-citizens, one will have to look at the German example. In the volkstaat, provision should also be made for a charter of human rights and obligations. Such a charter should protect the rights of non-citizens.

2.33 AVSTIG Cape: Hendrik FV Boshoff, Prof Van Eeden and company.

2.33.1 The problem

The use of the word "volkstaat" for the resurgence of the long redundant term "white South Africa", and the inability of party-politics to be open for a radical future directed debate, present the biggest problem to explain the realities of the term "volkstaat"

Then, what does such a radical volkstaat look like?

Who are the Afrikaners for whom such a volkstaat is intended?
Are the coloureds part of the people of the volkstaat?

2.33.2 Solution

This discussion should be conducted outside the political arena, which depends on support and votes.

An operational (deliberately vague) definition is presented.

A volk is a group of people who:

- 2.33.2.1 are inter-related,
- 2.33.2.2 have certain cultural traits in common,
- 2.33.2.3 have, for generations lived in such close proximity to one another that they have established extended contact with one another, and
- 2.33.2.4 have established a unique group-identity in, inter alia, their oral and written records and their institutions.

The point of view is being raised that the coloureds cannot be regarded as part of the volk. However, in the long run, more and more coloureds will be accepted as Afrikaners. The future will determine whether the Afrikaner and the coloured will grow into one nation, or whether the coloured will assert itself more to become an independent people.

The radical test for the delimitation of a territory for the Afrikaners is that they should, in the long run, be able to become the vast majority of residents and citizens in the specific territory.

2.34.1 The problem

Why is the establishment of a volkstaat imperative?

2.34.2 Solution

A volkstaat is necessary for the sake of the Afrikaans language, and for the economic advantages that it entails.

It is essential that the Afrikaner volkstaat should have only one official language. This should be entrenched in the constitution.

For the sake of a free market system, a stable government, peaceful labour relations and an advantageous tax system, a volkstaat is imperative. However, the advantages of a volkstaat should also benefit the neighbours of a volkstaat, indirectly contribute to the RDP, and solve the problems of the South African government with the Afrikaners.

2.35 Mr Andrew Gray: Department of Constitutional Development

2.35.1 The problem

The Volkstaat Council should give formal judicial (and preferably constitutional) substance to Afrikaner self-determination.

Which aspects of the 1993 Constitution relate to self-determination?

2.35.2 Solution

Specific provisions in the Constitution, which may affect "self-determination" are quoted and commented upon.

It is clear that the way in which self-determination can be structurally manifested is subject to considerable restrictions in the 1993 Constitution. The decisions of the Constitutional Court are decisive in posing the question whether adequate proven support had been demonstrated regarding the constitutional expression of self-determination. It should be emphasised that Constitutional Principle XXXIV does not mean that Constitutional Principles are not applicable to the volkstaat. A volkstaat will neither be able to contravene Constitutional Principles, nor the provisions stated in the chapter on fundamental rights, nor any other provisions of a new constitutional text.

Constitutional requirements provide, theoretically and not politically, the establishment of a totally new province with new border functions, powers and institutions should Constitutional Principle XVIII (4) be altered.

By using the Volkstaat Council as mechanism, the proponents of structural entrenchment of Afrikaner self-determination have extraordinary access to the writing of the Constitution.

In view of the difficulty with which the Constitution can be changed in future, the ideal is probably that proposals concerning the structural accommodation of self-determination should be directly negotiated with the Constitutional Assembly.

2.36 Prof Frik de Boer (UNISA): Ethnicity in nation states - Myth or reality

2.36.1 The problem

Sociologists, political scientists and economists have, as supporters of the nation state, described ethnicity as a cancer, a virus that should be eradicated. The idea was that cultural groups within one state structure should disappear into a so-called "melting-pot". However, this expectation did not materialise. Furthermore, there was a strong negative reaction against the cultural assimilation process.

During the 1960's it became clear that national unity could neither be created by means of democratic systems of government nor by the acceptance of Charters of Human Rights. Scientists were then forced to reinvestigate this problem, and in the process the concept of "ethnicity" was born.

2.36.2 Solution

Scientists have moved away from the idea of the "melting-pot" and begun to see the idea of multi-cultural pluralism as the alternative.

The actuality and reality of ethnicity in South Africa, with its multi-cultural society, cannot be ignored. In fact, this issue has been the central theme of congresses in South Africa.

Irrespective of the fact that charters of human rights wish to achieve the opposite, minority groups do not experience equal rights in terms of their cultural rights, legal protection and equal access to resources.

The roots of ethnicity lie deeper than a mere class division and racial adherence. Ethnicity refers to culture.

Although not all people identify with ethnicity, more than a third of all nation states are presently struggling with the problem of ethnic conflict in their midst. During the UN congress on self-determination for ethnic groups in Geneva, more than 300 million people from 70 countries were represented.

Ethnicity is no myth, but a reality of which the new South Africa will also have to take cognisance. We have a unique opportunity to accommodate ethnicity constitutionally. In the light of what had happened in other parts of the world, we have, for the sake of conflict prevention and real peace, no other choice than giving expression to this phenomenon in the new constitution.

2.37 Prof Ben van den Berg (PU for CHE): *The way to real federalism/confederalism in the RSA: A local government, model along the lines of federal and confederal principles in the Belgian and Swiss constitutions*

2.37.1 The problem

The present interim constitution is primarily based on the survival principle of: "All powers are vested in the state to divide it as it sees fit." Provinces and local governments are mere territorial sub-components of the state. Local government is even more inhibited in as far as provincial government also exercises a large degree of control over local government. This is a radical violation of the autonomy of local government and a total negation of true federal/confederal principles

2.37.2 Solution

A federal form of government is proposed. Communities and provinces should have their own legislative and executive bodies, as well as legislative powers. The federal entities must have an effective voice through direct representation by way of a second chamber in the legislative body of the state. Only through the entrenchment of autonomy and participation can co-operation be ensured. Only when the Constitution entrenches own decision-making with regard to ethnic, cultural, language, religious, political, geographical, economic, historical and even ideological realities, a direct democracy and tolerance will come into being.

The Belgian and Brussels models (see elsewhere in this document) are discussed. The deficiencies of the Belgian system which grants powers to the regions rather than to community councils, are pointed out. The conclusion is reached that the Belgian constitution, and specifically the Brussels model, do not accommodate the complexity of language and cultural differences adequately. The Swiss canton system (see elsewhere in this document) is also discussed.

On the basis of these examples, a model for local government is suggested. The basic principles underlying the proposed model are that the internal structure of local government will make provision for general and own affairs. Own language, cultural identity and human rights should be protected in the system. Language is the most important criterion according to which representatives are elected on a proportional basis. In the Council there should be language chambers for the different language groups.

2.38 Paul Sissons from Britain

Mr Sissons briefly gave his impressions of discussions that he had had with leaders of different political parties and organisations in South Africa.

The Volkstaat Council can make a positive contribution in the search for a practicable solution for Afrikaner self-determination. These solutions should, however, be sought along constitutional lines.

The values and norms of minorities, such as the Afrikaner, will come under enormous strain during the next five years. The resistance that such groups present will largely determine whether their cultural values will survive or disappear.

2.39 Mokedsh Morar, Roman Catholic priest - *of Indian descent*

2.39.1 The problem

He is concerned about the constitutional position of non-Afrikaners in the volkstaat. The recognition of rights on constitutional grounds and on paper will, after the experience of the past, not boost confidence. The effect of the Group Areas Act on the coloureds, Indians and blacks were too negative to bear a possible repetition of dispossession of land, homes and places of employment in a possible volkstaat. Consequently, people of colour also distrust the Volkstaat Council.

2.39.2 Solution

The aspirations of the Afrikaner are justified and understandable. However the volkstaat demand will have to be a negotiated settlement. In order to receive international recognition, the volkstaat will have to be justifiable in terms of international law. The state will also have to be inclusive and to develop from a minority to a majority of Afrikaners.

Because of the above fears of people of a different colour, there is no possibility of a sovereign state in the present South Africa. Other solutions may possibly come to the fore through continuous discussions, which will make it possible for Afrikaners to live in one country with non-Afrikaners, while at the same time retaining their identity. This is the case with Indians the world over.

2.40 Land affairs study group for Northern Transvaal: *Assessment of the attainability of specific Northern Transvaal regions for inclusion in a Boere-Afrikaner volkstaat: First update*

2.40.1 The problem

On the surface it appears as if the population composition of Northern Transvaal is not positive towards the idea of establishing a volkstaat in the region.

2.40.2 Solution

The various population groups of Northern Transvaal are still concentrated in certain areas.

The Land Affairs Study Group of Northern Transvaal made a study of the areas in the former electoral districts of Waterberg, Potgietersrus, Pietersburg, Soutpansberg and Lydenburg. A demographic analysis of the area shows that certain regions in the relevant areas are offering pertinent possibilities with a view to volkstaat delimitation.

The favourable areas are depicted on a map and are divided into a Western and Eastern region. The Western region mainly encompasses the towns of Thabazimbi, Ellisras, Potgietersrus, Koedoesrand, Vaaiwater, Waterberg and Warmbaths, while the Eastern region includes the Pietersburg area, the Soutpansberg area and the northern Lowveld.

The Western region is particularly recommended by the Land Affairs Study Group Aspects forwarded in favour of the inclusion of this region are:

- 2.40.2.1 Afrikaners in the indicated region are strongly in favour of a volkstaat.
- 2.40.2.2 Although there presently seems to be a black majority, this black community mainly consists of guest workers who commute to the Afrikaner area from their traditional tribal areas, where they enjoy domicile.
- 2.40.2.3 The region is suitable and accessible for open infrastructure development.
- 2.40.2.4 At present, the mineral resources of the region are still relatively unexploited.

2.41 GLK Sinclair: *Volkstaat Afrikana*

A volkstaat is imperative to rescue the language of the Boere-Afrikaner. The volkstaat's flag should contain the Voortrekker Monument as symbol of the people's freedom and association with God. The volkstaat's anthem must be based on The Call (Die Stem) of South Africa. Afrikana is proposed as the name for the volkstaat. A volkstaat will only be procured by means of self-labour.

2.42 HH (Mias) Niouwoudt: *Executive general manager, Northern Transvaal Co-operation: Some thoughts on Afrikaner self-determination from an economic practical perspective based on observations made in Europe: 16 December 1994*

2.42.1 The problem

A visit was paid to Europe to investigate the attainability of Afrikaner self-determination - preferably in a sovereign volkstaat, negotiated and attained according to international norms, with resultant and essential international recognition.

2.42.2 Solution

During the tour it appeared that Europe showed tremendous appreciation for the democratic transitional process which took place in South Africa, as well as for the way in which it came about. Particular goodwill towards the Afrikaner was evident.

Internationally, ethnicity is being recognised. Ethnic minorities continue to survive, because they voluntarily occupy a relatively small area. However, the political development of Europe to its present form, was a lengthy process.

The Afrikaner can learn certain lessons from this, the most important being that self-determination - even a sovereign volkstaat - is possible, should the Afrikaner manage its circumstances meaningfully and with mature wisdom. This implies that patience must be shown in the development process. Providing that at progress is being made in the strategic planning, lesser successes should not be ignored. Before negotiations can take place, the volkstaat must be planned constitutionally. In the meantime, maximum natural occupation of a territory is imperative. The Afrikaner must also unite around Christian values. Furthermore, the economic empowerment of the Afrikaner is essential.

It is necessary that all Afrikaner strategies should focus on internationally acceptable minority rights. The art of persuasion should be carefully cultivated. This demands sensibility and political maturity. The Afrikaner must have economic and cultural representatives in mother countries, and must be sure to obtain support, or Afrikaner aspiration towards self-determination from mother countries. Strategies must focus on the cultural and economic reinforcement of the Afrikaner; the promotion of Afrikaner inclusivity; the strengthening of connections with mother countries; the establishment of a system of federalism; international support for actions; the promotion of ethnic grouping in South Africa; and the promotion and support of a strong, independent judiciary system.

2.43 Cot Jan du Toit: On behalf of the Association of Residents and Taxpayers of South Africa (VISSA): *Constitutional proposals for local authorities.*

2.43.1 The problem

The role and relevance of political parties is obsolete with regard to local authorities.

2.43.2 Solution

VIBSA offers an alternative to political parties in the coming local elections. It is the aim of the Association to enable local communities to elect the most suitable representatives on local councils. The Volkstaat Council is encouraged, as investigator into a new political dispensation, to make proposals which will arrange local government structures according to these principles.

2.44 Dr A Duvenhage: *The volkstaat concept: What, where, when and how?*

2.44.1 The problem

Academically speaking, the following will have to be taken into account with regard to the volkstaat concept:

2.44.1.1 What does the concept entail and in what direction should it go.

2.44.1.2 Where should the volkstaat be established?

2.44.1.3 When, if at all, should the volkstaat be established?

2.44.1.4 How should the volkstaat be established?

2.44.2 Solution

2.44.2.1 The volkstaat concept is historically legitimate.

- 2.44.2.2 Although aspirations are towards a sovereign, independent state, difficult practical circumstances make federalism, even as an end-purpose, a strong possibility.
- 2.44.2.3 Majority occupation and victory at the polling-booth (within the area in question) are basic prerequisites for the volkstaat.
- 2.44.2.4 It seems that now is the best opportunity to launch initiatives.
- 2.44.2.5 The establishment of a volkstaat appears not to be a foregone conclusion. A purposeful effort, accompanied by the necessary planning, the organisation and mobilisation of political support, and the favourable disposition of role players, offers a challenge to the political engineers of the twentieth century.

2.45 HH Toorien: Afrikaner self-determination

2.45.1 The problem

What kind of self-determination will the Afrikaner obtain?

2.45.2 Solution

Self-determination can emerge in a wide variety of forms, of which the geographical and corporate forms are the most important parts. In the South African context: it is difficult to envisage that, whatever form of self-determination the Afrikaner may acquire, elements of both will not be contained.

2.46 Mr AP Oosthuizen: On behalf of the Freedom Front of the Free State: Steps for the acquisition of a volkstaat

2.46.1 The problem

The acquisition of a volkstaat in the immediate future, does not seem possible.

2.46.2 Solution

For this reason, the Volkstaat Council should seriously consider working out a proposal according to which the volkstaat can be realised in four phases.

2.46.2.1 **Recognition:** The constitution must, in no uncertain or ambiguous terms, grant recognition to a volkstaat for the Afrikaner people in an exclusive territory.

2.46.2.2 **Delimitation:** After constitutional recognition has been obtained, the delimitation of the volkstaat can commence.

2.46.2.3 **Occupation and development:** This phase will only be possible once the other two are completed. Already people are anxious to know where the future volkstaat is going to be situated.

2.46.2.4 **Political application:** The third phase in the realisation of the Afrikaner's aspiration towards comprehensive freedom in a volkstaat, will probably take the longest time to complete. This phase cannot be implemented without structures which must be erected by the Afrikaner himself. However, this phase will come into operation only once the first three phases have been completed. Therefore, when Afrikaners constitute a majority within the borders of their own country and have determined their own political venture, they can proceed to the judicial establishment of an own volkstaat.

3. Summary of "grassroots" evidence

3.1 Feelings of Afrikaners about the present dispensation

The following ideas and perceptions emerged in this regard..

- 3.1.1 The Afrikaner has a need for contact with an own cultural home. Should there be no volkstaat which can serve as a cultural generator for all Afrikaners, the Afrikaner character will gradually change and disappear with a concomitant moral collapse. (Dr MN Herman - 27 September 1994.)
- 3.1.2 On 10 May 1994 the Afrikaner lost his self-determination for the second time. Self-determination can only be regained through the acquisition of an independent volkstaat. (WC Cronje - 20 July 1994.)
- 3.1.3 A volkstaat will never be established through negotiation, therefore the volkstaat must simply be claimed by the Afrikaners. (PJJS Potgieter 15 July 1994.)
- 3.1.4 The Afrikaner no longer has a country, and his language is being threatened. (Adv SH Rossouw - 28 July 1994.)
- 3.1.5 The Afrikaners who want to be free, have fallen apart like the shards of a broken cup. (FS Botha - 25 July 1994.)
- 3.1.6 The ANC's RDP is not a well-considered plan for reconstruction and development, but rather aimed at a socialist revolution. The existing order must therefore first be destroyed. The central government is the big interfering role player and pluralism in society is totally negated. At its deepest level the RDP bears testimony of unadorned black racism where the favouring of blacks is being rationalised. Because of the total lack of financial planning and realistic assessment of objectives, the whole programme is doomed to failure. (C Landman - 15 August 1994.)
- 3.1.7 A significant number of members of the Church regard the loss of an own geographical area - within which the Afrikaner can rule himself in a sovereign state - as a threat to the survival of their culture, language, aspiration for freedom, traditions and self-expression. (DRTJF Dreyer: Ned Hervormde Kerk van Afrika - 10 August 1994.)

- 3.1.8 From the evidence of various political parties and organisations it is clear that the values and norms of minority groups, such as the Afrikaner, will be subjected to great pressure within the next five years. (Paul Sissons 14 September 1994.)
- 3.1.9 The Afrikaner will not come into his own in the new South Africa. P Lausberg - 9 March 1995 - Potchefstroom.)
- 3.1.10 The Afrikaner, though indispensable to South Africa, has lost all political power. (Dirk du Toit - 9 March 1995 - Potchefstroom.)
- 3.1.11 Vryburg is now an ANC territory where the Afrikaner has no say or self-determination. Farmers are uncertain whether there will be any remuneration during a second expropriation. The land claims of black people create uncertainty amongst Afrikaner farmers. In terms of Article 160 problems must simply be discussed with the provincial government. The problem is, however, that the provincial government has no power. (Rev JD Maloney and Mr F Visser from Vryburg - 9 March 1995 - Potchefstroom.)
- 3.1.12 To day, many afrikaners show grave concern over the future of their volk, its language and culture. The volkstaat movement is going to gain momentum in proportion to the decline of the Afrikaner's political role in South Africa. (AH Pretorius - Despatch - 10 March 1995.)
- 3.1.13 Concern prevails over the future of model C schools, the lack of safety and security, the maintenance of Afrikaans (particularly on TV) and the inequality between whites and blacks, especially with regard to municipal services. (Mrs AS Koen - Pretoria - 9 March 1995.)
- 3.1.14 The volkstaat will have to serve as a solution to a number of vital questions. These include retrenchment and affirmative employment, safety, repeal of the death penalty, redistribution through unequal taxes, the well-being of our own people, radio and television and the attack on Afrikaans. (DS van der Merwe - Pretoria - 9 March 1995.)
- 3.1.15 The Afrikaner's loss of freedom is the central issue. (Dr JW van Niekerk - Machadodorp - 9 March 1995.)
- 3.1.16 Afrikaner values on which the RSA was based in the past, cannot be maintained anymore. (T Hattingh - Silverton - 9 March 1995.)
- 3.1.17 The circumstances as had been expected in the RSA, such as inflation, unemployment and general regression, make the volkstaat an essentiality for Afrikaners. However, it will have to be built on patriotism and willingness to make sacrifices. (F Berkhout - Arcadia - 9 March 1995.)
- 3.1.18 Whites, and particularly Afrikaners, are exposed to increasing pressure in the RSA and a volkstaat offer the only solution for this situation. (HJ van Rensburg - Pretoria North - 9 March 1995.)

- 3.1.19 The ordinary member of the Boerevolk is an immigrant in his own fatherland with residential rights, but taxable and without franchise. (To vote for the odd seats in a Government of National Unity is meaningless - a member of parliament can indeed not form an opposition.) (CF van Rooyen - Pietersburg - 10 March 1995.)

Commentary:

From the evidence it seems as if the present dispensation by no means allay the aspirations and fears of the Afrikaner.

Afrikaners are concerned about their future, especially with regard to their education, language, culture, strive towards freedom, traditions and political expression.

Land claims, "affirmative action", unemployment amongst Afrikaners and disparate taxation and service rates, contribute to the feeling of insecurity.

The Afrikaner is seeking a cultural home which can serve as a cultural reservoir and his perception is that this can only be accomplished in a volkstaat where he can manage his own affairs.

The following paragraphs set out the proposed ideas on self-determination, and possible solutions.

3.2 Self-determination

- 3.2.1 Self-determination is the divine right of every volk. (WE Muller - 1994)
- 3.2.2 In the Declaration of Christian Principles, according to the Acts of the General Synod of the Dutch Reformed Church (1990), the importance of religious self-determination is emphasised. A Christian philosophy embraces the recognition of the preciousness and value of God-given human life. This comes to expression when the quality of the lives of individuals and groups are promoted by a Christian attitude and disposition towards life. Item 2.2.1.4.9 refers to "the right in a multi-cultured community to freedom of movement and speech, free association, private ownership and a social life in which own religious, cultural and educational life can be expressed". (Dr WJ Botha: Dutch Reformed Church: Commission or Doctrine and Current Affairs - 15 August 1994.)
- 3.2.3 The Volkstaat Council can make a positive contribution to the quest for a practical solution for Afrikaner self-determination. It is important and imperative that the Volkstaat Council should seek such solutions in constitutional ways. (Paul Sissons - 14 September 1994.)
- 3.2.4 The Afrikaner who is divided can only be kept together by general self-determination. They will not be united in a single volkstaat. The economic input of the Afrikaner since 1652 must be quantified. The quantified capital expressed in number values, should form the basis of the Afrikaner's right to exist and his right to self-determination in South Africa. It is the duty of the Volkstaat Council to make

proposals which will bring to expression the quantified interest of the Afrikaner in a multifaceted self-determination. (DA Vomberg, Potchefstroom - 9 March 1994.)

- 3.2.5 In terms of Constitutional Principle 34, only a community with a common culture and language may obtain self-determination in a new dispensation in South Africa. Judged by this principle there is no doubt that the coloureds, the Afrikaners and also the English speaking whites jointly represent a significantly large community of Western orientated people which may well lay claim to self-determination. The Afrikaners, coloureds and English speaking whites form a community, as they share a Western system of values, Western languages and, to a large extent, a Western based religion. (JR Lambson - Sandton - 7 March 1995.)
- 3.2.6 Based on the history of self-determination and freedom, the Afrikaners claim to self-determination stands beyond all doubt. If the process is to develop peacefully, self-determination must soon be realised. (BF Kotzé - Pretoria - 9 March 1995.)
- 3.2.7 The claim to self-determination must be seen against the background of the paradoxical world tendency of cultural nationalism in the face of greater nationalism; the creation of more nation states to cope with diversity; the protection of minority rights; the untenability of majority domination, the divergent nature of existing states; the acceptability of ethnic self-determination; and the new possibilities offered by technology in the defining of states. (Prof JC Claassen - Pretoria - 9 March 1995.)
- 3.2.8 It is a monumental lie that self-determination cannot work. The masses are using democracy to dominate minorities. (PJ Potgieter - Randburg 1995.)
- 3.2.9 The UN Declaration on Minority Rights of 1 December 1992 must form the basis on which negotiations must be conducted. (Adv Mooiman Mentz Ermelo - 8 March 1995.)

3.3 Volkstaat

- 3.3.1 The idea of a volkstaat is a universal principle, applicable to all countries with a heterogeneous population. Also, it is a realistic approach towards our own problems. (C Botha - 5 September 1994.)
- 3.3.2 Every ethnic group in South Africa should have a symbolic, sovereign, ethnic volkstaat. (P Lausberg - 9 March 1995 - Potchefstroom.)
- 3.3.3 The Afrikaner has lost his identity. The volk must first be identified and purified in God's melting-pot as God's people before a struggle for land is embarked upon. (FC Myburgh - 9 March 1995 - Potchefstroom.)
- 3.3.4 It will be much easier and more meaningful to do your own thing in your own territory than to resist the present suppression in a gathering place within a larger cosmopolitan country. (A van der Wait - Grootbrakrivier - 7 March 1995.)

- 3.3.5 The volkstaat is imperative as it will be the only way in which self-determination for the Afrikaner can be reached. Should the treatment received in all spheres by the Afrikaner since the commencement of the Transitional Constitution be taken as a measure, the Afrikaner will find it increasingly difficult to maintain his language and culture in an undivided South Africa. Therefore, it is important that the Afrikaner should have a fatherland where he can establish his own television and radio services, his own university and other instruments of national expression. The establishment of a volkstaat is the only way in which lasting peace can be ensured. (AH Pretorius - Despatch - 10 March 1995.)
- 3.3.6 A volkstaat is necessary as a place of refuge when you are oppressed. (SW Griesel - Uitenhage - 9 March 1995.)
- 3.3.7 Own labour (the absence of foreign labour) is a prerequisite for sustained success. (LJ ten Gate - Pretoria - 9 March 1995.)
- 3.3.8 It must be a Christian volkstaat with freedom of religion. (BF Kotzé - Pretoria - 9 March 1995.)
- 3.3.9 In his quest for freedom, the Afrikaner unfortunately forgot that blacks have the same aspiration. This gave rise to conflict and a power struggle. The present government negates our striving towards freedom. The only alternative for conflict is a volkstaat. (M Jooste - Warmbaths - 9 March 1995.)
- 3.3.10 The Centre for Community and Democracy lays down five conditions for a volkstaat to succeed.
- 3.3.10.1 It must not be connected to right-wing sentiments. Up to now, right wingers have historically acted without compassion and have miserably failed in their attempt.
- 3.3.10.2 Likewise, it should not be connected to leftist sentiments. Because of their political naiveté, leftists estranged themselves from the political process and, similarly to the rightists, failed. It is necessary to develop a third stance.
- 3.3.10.3 It must not be connected to the totalitarian universalism which tries to reduce everything else to itself. Up to now only the leftist and rightist impatience with its differences and diversity, has prevailed.
- 3.3.10.4 Nevertheless, universality must be recognised. This implies that the constructive presence of the other, through which the self exists, must be recognised, for example in a federal relation.
- 3.3.10.5 Finally, the volkstaat must remove itself from the idea of the national state which experiences the division as a threat and tries to destroy and assimilate.

In this way the volkstaat can link up with democracy and smaller groups internationally, which are trying to escape the grip of national states, and be regarded as a word of liberation. (Dr DP Goosen from Rietondale on behalf of the Centre for Community and Democracy - 9 March 1995.)

- 3.3.11 A mixed police service such as the present SAPS will be incompetent to serve the volkstaat. An own police service with equipment and training must enjoy high priority. It must also be able, in certain circumstances, to fulfil the role of a defence force. (GPN du Plessis - Pretoria - 9 March 1995.)
- 3.3.12 The volk is not ready for a volkstaat, because of financial dependence and a lack of entrepreneurship. (AB Ebersohn -Waverley-9 March 1995)
- 3.3.13 In spite of historical demands, there is no volkstaat in existence which could simply be recognised. A volkstaat will have to be established through sacrifice. An artificially fabricated volkstaat, which will in the long run not be able to withstand pressure, must be avoided. A solid foundation must be laid for later development. (W Spies on behalf of "Studentewag - Pretoria - 9 March 1995.)
- 3.3.14 When the Boer people proceed with the full conviction of their faith to obtain their volks republic, they will do so from a position of power. This does not mean negotiation, but rather the expression of a minimum non-negotiable demand. (CF van Rooyen - Pietersburg - 1 0 March 1995.)
- 3.3.15 South Africa is an artificial state that has been joined by force. Since negotiations are proceeding too slowly and are causing division in our ranks, the Boer state must be announced now. (PV Otto - Edleen 1995.)
- 3.3.16 A volkstaat will only be acquired if the Afrikaner truly converts himself to God. (PM Gouws - Florida - 1995.)
- 3.3.17 Grant the Afrikaner the same opportunities as those which were enjoyed by the homelands. A volkstaat register must be compiled and a national assembly (volksraad) must be established for Afrikaners outside the volkstaat. A volkstaat cannot be established in only one area. Give us a home, a refuge. (PJ Potgieter - Randburg - 1995.)
- 3.3.18 A volkstaat can be obtained through humility. Furthermore, media coverage is essential and a strategy must be determined. (Mr and Mrs P Coetzer - Edenvale - 1995.)
- 3.3.19 A volkstaat is imperative. (CC Hartman - Weltevreden Park - 1995.)
- 3.3.20 For Afrikaner education the volkstaat is as important as political freedom. As a pilot project, Orania is developing a system of education. The volkstaat must also be the birth-place of tertiary education. Should civic councils be instituted, they must co-ordinate and not drift apart as far as education is concerned. (A van den Berg - Orania - 8 March 1995.)
- 3.3.21 The pilot project at Orania with regard to education, provides new answers to new challenges in a new time - not provided for by the stereotyped educational system. The pilot project is aimed at self-activity as point of departure. (E van den Berg - Orania - 8 March 1995.)

3.3.22 Medical services in South Africa are afflicted by strikes and unrest. Personnel are being dismissed in order to reflect the proportional occupation of the population and all hospitals in South Africa were opened to all people. Standards are failing as a result of various factors. Afrikaners prefer to be treated by their own people. Suitable amenities can only be provided in a volkstaat under the prescriptions of the Bill of Human Right, which prohibits discrimination and allows affirmative action. A pilot project in this regard has been launched in Orania. (Dr SJC Nel - Orania - 8 March 1995.)

3.3.23 The volk is not ready for a volkstaat. Break loose from political parties and denominations who try to think on behalf of the people and the people will become prepared for the idea of a volkstaat. (J Venter - Worcester - 8 March 1995.)

3.3.24 A volkstaat will not be acquired through negotiation, but through violence and power. (DC Kruger, JH du Plessis, L Harmse and H Kritzinger -Nelspruit - 8 March 1995.)

3.4 Volkstaat delimitation

3.4.1 Majority occupation

3.4.1.1 Positive

- (i) A volkstaat must be established where the Afrikaner constitutes the majority of the population. (Mr Gideon Malherbe - 30 June 1994.)
- (ii) Majority occupation of territories can lead to the attainment of the ideal of a volkstaat. (Dr MN Herman - 27 September 1994.)
- (iii) Majority occupation is a prerequisite for the acquisition of a volkstaat. (James - 25 June 1994.)
- (iv) Afrikaner majority occupation is presupposed, but coloureds must be recognised as Afrikaners. (LJ ten Gate - Pretoria - 9 March 1995.)
- (v) A fertile territory where majority occupation is in existence or obtainable, must be indicated. (Dr JW van Niekerk - Machadodorp - 9 March 1995.)
- (vi) Of the initial 800 000 votes, not more than 25% will initially settle in the volkstaat. The ideal remains to establish majority occupation and self-labour in the volkstaat as quickly as possible. (CF van Rooyen - Pietersburg 10 March 1995.)
- (vii) A stateless minority has no prospect of survival. (Adv Moolman Mentz Ermelo - 8 March 1995.)

3.4.1.2 Negative

- (i) As it is the divine right of every volk to rule itself within predetermined geographical borders, the imperative of majority occupation is not applicable in the South African context. (WE Muller - 1994.)
- (ii) Should an inexorable demand exist that volkstaat proponents should, rig it from the start, form a majority in an area before it can become a volkstaat, then the death sentence has been passed for the Afrikaner people, and will it be to no avail to make proposals. (A Alberts - Groblersdal - 7 March 1995.)
- (iii) The question is not majority occupation, but majority ownership. Present squatter groups have no legal claims on the areas they occupy. (Dr J Uys Olifantshoek - 8 March 1995.)
- (iv) Move away from majority occupation and majority vote. Base the volkstaat on a political agreement with the government and international arbitration. The volkstaat can be negotiated as it will form an economic bulwark against decline. (AP Kriel - Neispruit - 8 March 1995.)

3.4.1.3 Reconciliation points of view

- (i) The necessity of reconciling the two trains of thought with regard to the delimitation of a volkstaat, must be emphasised. A compromise must be found. Even if a compromise would mean that the volkstaat will not be a single coherent area, it is imperative that unanimity must be reached. A volkstaat existing of two or more separate parts should not offer unassailable problems. For example, the USA does not seem to experience problems in governing Alaska as an integral part of its territory. (AH Pretorius - Despatch 10 March 1995.)
- (ii) The Volkstaat Council must determine the borders. The entire Afrikanervolk cannot, after all, determine the borders. Submit the results and forward reasons for the decisions and let the people decide for themselves. This will allay bitterness. Unemployed people will know where to go and investors will know where to invest. Ban political parties from the volkstaat, as they put party interest before the interest of the volk. (JP Steenkamp Lydenburg 8 March 1995.)

3.4.2 Proposed areas of majority population

3.4.2.1 Pretoria

Positive

- (i) The magisterial district of Pretoria will, essentially, play an important role in this regard. (Mr Gideon Malherbe - 30 June 1994.)
- (ii) Pretoria is being concentrated upon as volkstaat territory. (GPN du Plessis - Pretoria - 9 March 1995.)
- (iii) The main concentration of Afrikaners is situated in Pretoria. Negotiations on a volkstaat should commence with Pretoria as a point of growth to realise the concept of a

volkstaat. Pretoria must be partitioned. The northern part should be included in a volkstaat and the southern part in Gauteng. Pretoria must be incorporated into the Eastern Transvaal. Examples of international self-determination movements are quoted. (E Kelm - Krugersdorp 1994.)

- (iv) A mere city-state will not meet the expectations, therefore a rural area must be included with Pretoria, and provision must be made for border extension. Pretoria does not fit into Gauteng. The principle of asymmetry offers the opportunity for volkstaat development. The idea that Pretoria is going to be inundated if a volkstaat is announced, is disputed as Afrikaners will occupy Pretoria as a home. Even in cities, language groups settle themselves in certain areas or suburbs. Unemployed Afrikaners try, in the first instance, to find work close to home and hearth. Should it be proclaimed an Afrikaner territory, Afrikaners will increasingly occupy it, and not move away. (Adv M Mentz - Ermelo - 8 March 1995.)

Negative

- (i) If the state should come to the people, Pretoria will be the obvious choice. However, strategically, Pretoria is poorly situated. Pretoria has a majority of aliens with residential rights, and who will not be willing to be moved. (F G Murray on behalf of the Welkom Volkswag branch - 3 March 1995.)
- (ii) No area can be indicated in the northern part of the country, without either plucking the heart from the country's economy, or depending on the artificial separation of interactive communities. (CM Kriel Hercules - 9 March 1995.)

3.4.2.2 Other towns and cities and wards where Afrikaners form the majority (apart from Pretoria)

- (i) The more acceptable option is to grant the cities, towns and wards with all Afrikaner majority occupation the opportunity to decide, by means of a two thirds majority in a referendum, to form a volkstaat with the neighbouring areas which elect to do so. (Dr MN Herman - 27 September 1994.)
- (ii) Areas in Eastern Transvaal with cantons in the Lowveld. (Dr JW van Nieker - Machadodorp - 9 March 1995.)

3.4.3 Sparsely populated areas

3.4.3.1 Northern Cape

Positive

- (i) The ANC is not sincerely contemplating any allowances regarding a volkstaat. For this reason own initiative must be mustered to obtain a volkstaat through occupation of the Northern Cape. This must take place by making available even, small-holdings and farms. The kibbutz idea must also be exploited in this regard. (Mrs B Cronjé.)

- (ii) There is no area of significant size which has belonged exclusively to the Afrikaner for a reasonable term. Therefore it is necessary that 600 000 Afrikaners should occupy the North Western Cape step by step as soon as possible. The Pretoria area can serve as a satellite state of this volkstaat. Seeing that the volkstaat must have a port, parts of the West Coast must be included in the volkstaat. (PG Murray - 20 July 1994.)
- (iii) Six million hectare of sparsely populated and underutilised land consisting of a part of the North Western Cape, as well as a fifty kilometre wide strip of the Namib desert (west of Kakamas, up to Port Nolloth on the Atlantic Ocean) must formally and constitutionally be proclaimed - in principle - as a potential volkstaat. This "minimum volkstaat" must be so small and so poor that the request cannot be refused. Self-labour must be applied in this area. (A Alberts - Groblersdal - 7 March 1995.)
- (iv) The majority of Welkom's Volkswag members are supporters of Prof Carel Boshoff's proposed territory, but they also prefer that the southern districts of the Free State be included, in other words, that both banks of the Orange River be occupied by "volkstaters". The Volkswag branch of Welkom has already "lost" quite a few members who moved to Philippolis and Vanderkloof. Not all are essentially supporters of the Orange River area. Some members are more interested in an area on the West Coast.

The Volkstaat Council must identify more than one point of growth, for example Orania along the Orange River, Clanwilliam along the Olifants River and Saldanha or Lamberts Bay on the West Coast. (PG Murray on behalf of the Welkom Volkswag branch - 3 March 1995.)

- (v) An area such as Orania must be indicated in order to persuade approximately 400 000 Afrikaners to contribute R10 per month towards the development of kibbutzim, factories and a defence/work force, so that Afrikaners can be united in this area regardless of which party they belong to, or whether they can settle in the volkstaat or not. (M van Tonder - Ogies - 9 March 1995.)
- (vi) An area in the Northern Cape is proposed. Reasons for people to move, include recognition of the volkstaat territory, a completely Afrikaner environment, sound education, economic prosperity in the long term, and security. (Dr JC Viljoen - Doringkloof - 9 March 1995.)
- (vii) Preference is given to the Northern Cape and the West Coast with emphasis on a harbour. Occupation must be promoted through small enterprise, free association, a healthy work ethic, a pleasant Afrikaner cultural spirit and high quality education. Foreign influx must be prevented naturally, without regard to internationally accepted measures. Economic growth must be moderate, to prevent uncontrolled job creation, and preference must be given to Afrikaans as home language, official language and educational language. The volk staat must be a modern state without racial discrimination, aimed at Afrikaans speaking people and without over-regulating the lives of people. Also, as far as possible, the interests of Afrikaans speaking people outside the volkstaat must be cared for, especially as far as education is concerned. (JG Delport - Kempton Park - 9 March 1995.)

- (viii) The Northern Cape is accepted as the ultimate volkstaat territory. (AB Ebersohn - Waverley - 9 March 1995.)
- (ix) The Northern Cape is preferred. Should Afrikaners not see their way for the sacrifice demanded, then we do not deserve a volkstaat. (CM Kriel Hercules - 9 March 1995.)
- (x) The Northern Cape is the most suitable area for a volkstaat. (T Hattingh Silverton - 9 March 1995.)
- (xi) Because of the population distribution in the RSA, only the Northern and Western Cape offer viable possibilities for a volkstaat. This corresponds with the patterns of economic growth in the areas and the sentiments surrounding the awakening of Afrikaner and coloured nationalism. (W Spies - Pretoria - on behalf of Studentewag - 9 March 1995.)
- (xii) The resettlement of foreigners is not practical politics. Therefore, the only alternative for a volkstaat is a sparsely populated area, such as the Northern Cape, which must be occupied by Afrikaners. The Northern Cape has the potential required for growth. (Dr Ben de Klerk - Pietersburg - 10 March 1995.)
- (xiii) Northern Cape is definitely suitable for an Afrikaner Boerevolkstaat. (LE van Deventer - Kuruman - 6 March 1995.)
- (xiv) Upington must be included in the Northern Cape volkstaat option. Population growth and labour self-sufficiency, are prerequisites for the claim to these rights. The Northern Cape has sufficient unexploited economic possibilities. (D Lategan - Kimberley - 8 March 1995.)
- (xv) The Northern Cape has the prospect of a consolidated area with the ultimate aim of international recognition and sovereignty. Development projects must be launched from Afrikaner concentration areas such as Pretoria. Upington has an airport and negotiations must be entered into regarding Saldanaha Bay. (J and L Goosen - Lynnwood Ridge - 8 March 1995.)
- (xvi) The indication of points of growth in the Northern Cape is imperative. The most effective method of occupation will be new towns which found the labour policy on the volkstaat idea. (JJ Joubert - Orania - 8 March 1995)
- (xvii) Ignorance of and interest in Orania as pilot project for the volkstaat principles, must be addressed. Volkstaat information and introduction of volkstaat projects must be distributed throughout the country. (D van Rensburg - 8 March 1995.)
- (xviii) Give the hard facts about the pilot project at Orania as volkstaat town. The subdivisions of background, economic development, urban development, tourism, hospital and retirement resort, the town as cultural centre, selflabour, educational institutions and Orania within North Western Cape context are discussed. Orania already has more white residents than is neighbouring towns. However, majority occupation must be attained in the volkstaat. The volkstaat on a small scale, is already in existence in Orania, I. (J Peiser, Mayor Orania - 8 March 1995.)

- (xix) A government by the people implies that all work must be performed by people of the volk. From a small start with a ripple effect, eventual proof can be delivered of the viability of majority occupation. Orania is a volkstaat, the only volkstaat which really meets all requirements of majority occupation. (A Putter - Orania - 8 March 1995.)
- (xx) The Afrikaner does not have his own land, and thus cannot realise his national character as understood from the word of God. The proposed area in the Northern Cape does not comply with all requirements, but no other area is more suitable. (Rev GFJ van Rensburg - Vanderkloof - 8 March 1995.)
- (xxi) In support of the AVSTIG proposals, AVSTIG Cape also made a presentation to support the Northern Cape as volkstaat territory. In the long term Afrikaners will be able to constitute the majority in this territory. A volkstaat for Afrikaners in the Northern Cape, will only be established through negotiation and the establishment of own institutions in a relatively small area. (AVSTIG Cape - March 1995.)

Negative

- (i) With a relatively small influx of Afrikaners, sparsely populated areas such as the Northern Cape may attain majority occupation. However, it is more desirable that areas which presently show an Afrikaner majority make their own decision to form a volkstaat. (Dr MN Herman - 27 September 1994.)
- (ii) The "Wesland" option is not attainable and can only ignite further division amongst Afrikaners, thereby discrediting the volkstaat as an attainable option. (James - 25 June 1994.)
- (iii) The Northern Cape option as volkstaat is not attainable. (R van Tonder -1 August 1994.)
- (iv) The volkstaat must be situated in the north of the country and inhabitants of the Cape Colony who wish to live in a volkstaat, will have to move to the Transvaal. (BD Ludwick - 15 August 1994.)
- (v) Arid and remote areas in the west must be discarded. (JJ Erasmus -Witbank - 9 March 1995.)

3.4.4 Other ideas with regard to the delimitation of a volkstaat

- 3.4.4.1 Borders for a volkstaat must be determined according to historical and present factors. (WE Muller - 1994.)
- 3.4.4.2 The largest possible parts of Transvaal and the Free State, as well as the Groot and Klein Karoo, the Kalahari and the coast as an undivided area, must be demanded as volkstaat republic. (Adv SH Rossouw - 28 July 1994.)
- 3.4.4.3 Out of gratitude towards the Boers, the Zulu king, Dinizulu, gave the Boers the territory around Vryheid. The Afrikaner has a historical right to this territory. This

territory must be negotiated with the Zulu leaders as volkstaat for the Afrikaner. (FS Botha - 25 July 1994.)

3.4.4.4 Spiral points

The overwhelming majority of volkstaat proponents are presently living sparsely distributed in 20 cities and 650 towns all over the country. Should they be brought together, they will fully populate 4 or 5 cities and approximately 140 towns. About five new points of growth must be created where Afrikaner victims of "affirmative action" can settle. Rather concentrate on a few nucleus states than on the outline of one volkstaat. When specific points of growth for such new cities are indicated, there can justifiably be referred to spiral points. (CA Moller- 15 August 1994.)

3.4.4.5 The symbolic volkstaat of the Afrikaner should include parts of the Northern Cape, the Western Cape, western parts of the Free State and a part of the Eastern Cape. (P Lausberg - 9 March 1995 - Potchefstroom.)

3.4.4.6 The territory will, as a matter of fact, include as few other people or racial groups who are not Afrikaner culture orientated, as possible. The following areas may possibly comply with these requirements:

- (i) Southern Cape, large parts of the Karoo and Northern Cape.
- (ii) Areas in Southern, Western and North Western Free State.
- (iii) Areas in Western Transvaal, which may possibly include Pretoria Krugersdorp and Rustenburg.
- (iv) North Western Transvaal and certain parts of the Eastern Transvaal with the lowest population of black people.

These areas must include harbours, gold mines, coal mines and iron mines in order to sustain a viable economy. (EW Visser - Alberton 12 March 1995.)

3.4.4.7 A volkstaat must have a coast-line and must include a harbour. Such an area can reach from Mossel Bay to the Free State and Transvaal. Leeuwner - Port Elizabeth - 9 March 1995.)

3.4.4.8 As borders for a constituent state, requests are made for a region which for example, will reach from the Fish River to the Gouritz River. There is no synergism between the PE/Uitenhage metropolis and the East London region, neither with the Transkei/Ciskei region. There is no mutual understanding in the various sub-regions. The proposed territory) is an area with an almost homogeneous cultural aspiration. It is also a region where mutual support may stimulate the economy to great heights - such as the agricultural input of the present Eastern Cape hinterland and the George/Mossel Bay region on the one hand and the industrial infrastructure of the Port Elizabeth/Uitenhage region on the other. (Prof WP van Niekerk - retired Professor in Business Economics - Port Elizabeth - 10 March 1995.)

- 3.4.4.9 Perhaps fellow-Afrikaans speaking people may aspire towards a volkstaat in the Western South Cape. (A van der Walt - Grootbrakrivier -7 March 1995.)
- 3.4.4.10 Despatch must become a volkstaat. "We are looking for a small volkstaat. We can start out small and expand later." (P Slabbert -Despatch - 9 March 1995.)
- 3.4.4.11 Uitenhage/Despatch/Tsitsikama are ideally suited for a canton system. It must be borne in mind that under the old dispensation, Uitenhage was a Conservative Party seat. (SW Griesel - Uitenhage - 9 March 1995,)
- 3.4.4.12 The only geographical area where the Western orientated community consisting of the Afrikaners, coloureds and English speaking whites can form the majority, is the Western Cape. The voluntary resettlement of this community in the Western Cape will not take place overnight, but a start should now be made. Should the leaders of this community fail to reach an agreement to obtain extensive rights of self-determination in the Western Cape, we might as well surrender and accept a unitary constitution without a whimper. (JR Lambson - Sandton - 8 March 1995.)
- 3.4.4.13 The area which is proposed is a central region stretching from the Verwoerd Dam southwards to Mossel Bay. The area has a harbour and is relatively sparsely populated. However, the Afrikaner is in the minority. Yet the Afrikaner can possibly assimilate with the coloureds. White, are presently migrating to this area. The main disadvantage of the area is the fact that the concept of a volkstaat is not supported by the present occupants. But the strongest support for this concept in the Cape came from this area. (B Laubscher - Heilbron - 4 March 1995.)
- 3.4.4.14 The south eastern districts of the Northern Cape, together with districts of the Western and Eastern Cape up to Mossel Bay and Humansdorp on the coast, and certain northern districts of the Free State, together with certain southern districts of Gauteng and Eastern Transvaal. (LJ ten Gate - Pretoria - 9 March 1995.)
- 3.4.4.15 Historically the Boer Republics and Northern Natal are viewed as rightfully belonging to the Afrikaner. However, this claim is being placed under pressure by demographic realities and can be reduced around Pretoria. The North Western Cape is an obvious canton, but can only be considered as an alternative against compensation. (BF Kotze Pretoria - 9 March 1995.)
- 3.4.4.16 Paul Kruger's land must be regained. (JJ Erasmus - Witbank 9 March 1995.)
- 3.4.4.17 The agricultural areas of the RSA, namely Western Transvaal, Eastern Transvaal, the Free State, including Pretoria and Bloemfontein, are proposed as volkstaat territory. Per definition this creates an economic basis and supplies food to the cities, while it particularly involves volkstaat supporters. (JL Dohne - Frankfort - unofficially on behalf of the Frankfort District Agricultural Union - 9 March 1995.)
- 3.4.4.18 The Boer people have an historic claim to the Boer Republics as their volkstaat. The Orde Boerevolk is committed to the reinstatement of the Boer Republics. The fact that this aspiration has temporarily been slumbering, does not affect the

validity of the claim. An important distinction is made between the Afrikaner volk and the Boere volk. The latter is the people of the Boer Republics who emerged from the Great Trek and the Wars of Independence, while the Afrikaner volk is the product of English domination in the Union after 1910. The Orde Boerevolk undertakes to follow the peaceful way to freedom up to October 1999. Should this not succeed, they will, after a century of slavery, rise against it. (P Rudolph from De Wildt, on behalf of the Boerevolk - 9 March 1995.)

- 3.4.4.19 Vryheidsaksie Boererepublieke is committed to the reinstatement of the Boer Republics with the original symbols and Afrikaans as exclusive language. They do not recognise any government which does not subscribe this ideal and urged the Volkstaat Council to distance itself from the present foreign government, to discard the "Afrikaner" aspirations and to support the clear aim of reinstating the Boer Republics. (R Grobler from De Wildt, on behalf of Vryheidsaksie Boererepublieke 9 March 1995.)
- 3.4.4.20 Aksie Eie Land is an institution which campaigns for the reinstatement of the Boer Republics from the Western Cape. This is being done in the name of the descendants and supporters of the Cape Rebels during the War of Independence, who are not prepared to accept anything less than the aim mentioned above. (S Jacobson from Fish Hoek - on behalf of Aksie Eie Land - 9 March 1995.)
- 3.4.4.21 A volkstaat may be united or fragmented, as long as it includes a harbour. (PJ Greyvenstejn - Kwaggasrand- 9 March 1995.)
- 3.4.4.22 The volkstaat should not be a very large area, neither should it be a very rich area. It must be an area where historically the black man did not live, or where he is presently only a small minority. The presence of brown people in the area will be more acceptable, as the possibility of conflict due to cultural and religious differences will be smaller than with the black people of Northern or Eastern Transvaal. (CF van Rooyen Pietersburg - 10 March 1995.)
- 3.4.4.23 The Town Council of Bloemhof urgently requests the Volkstaat Council to include Bloemhof in its proposals. This community repeatedly expressed itself publicly in favour of being part of the Afrikaner volkstaat. Bloemhof is strategically situated at Bloemhof Dam, which can promote the economic development of the volk. (Clr CJ Visser - Mayor - and Cir PJ Winnertz - Chairman of the Management Committee, on behalf of Bloemhof Town Council - 8 March 1995.)
- 3.4.4.24 A volkstaat must have a harbour to facilitate trade with the rest of the world. For the creation of a volkstaat attention should in the first instance be given to the Northern Cape and Western Cape provinces. (P MacLean - Northmead - 25 August 1994.)
- 3.4.4.25 Kibbutzim must be created on the West Coast for unemployed Afrikaners. For a harbour, North Eastern Natal must form part of the volkstaat, and a silicon valley must be established in North Western Cape. (H van der Stokker - Jukskei Park - 1995.)

- 3.4.4.26 No volkstaat can be negotiated for Afrikaners; only for Boers. The Boere territories must be given back to the Boerevolk. A holocaust has been committed against the Boers. The Boer War is once more underwent the peace treaty of Vereeniging was violated. The appalling injustice against the Boers will be punished by God. (S Jacobs, Melville and Roodt, Theunissen - 1995.)
- 3.4.4.27 A delimitation in the Southern Cape must be investigated. Dr J Uys Olifantshoek - 8 March 1995.)
- 3.4.4.28 A Boerestaat, not a volkstaat, must be created. The Boers must regain the former Boer Republics, ZAR, OFS and Vryheid. A Boerestaat is historically, politically and economically viable. (N Lang and S Woods Cape Town - 8 March 1995.)
- 3.4.4.29 Land needed in the RSA for compensation, can be exchanged for a volkstaat. In order to obtain development capital, co-operation a parent country must be found. The state will become the joint venture of the two peoples to offer a livelihood for the job seekers from both migration requirements must be applied stringently. (Dr JPC Katz Bloubergstrand - 8 March 1995.)
- 3.4.4.30 The volkstaat is where I am. The whole country is volkstaat. To seek a volkstaat is to recede. Fight in every possible way against the alienation of land. The right of ownership and title conditions must be guaranteed by the constitution. (CT Robertson - Camps Bay - 8 March 1995.)
- 3.4.4.31 Every province must be divided into three or four constituencies. Should Afrikaners in the south of Northern Cape vote for a volkstaat, they must get it. If the Zulu in Zululand vote for a volkstaat, they must get it. (AD Keet - Belville - 8 March 1995.)
- 3.4.4.32 Eastern Transvaal excluding Kwandebele with Pretoria, Cullinan, Bronkhorstspuit, Brits, Rustenburg, Newcastle, Vryheid and Utrecht. (AP Kriel - Nelspruit - 8 March 1995.)
- 3.4.4.33 We request inclusion of the Eastern Transvaal Highveld in a volkstaat. With reversed affirmative action the Afrikaners/Boere will become a majority in the area within 5 years. (C Weber and D Scholtz on behalf of Nelspruit Verkenners - 8 March 1995.)

3.5 The franchise and citizenship

- 3.5.1 Apart from the franchise within the volkstaat, Afrikaners outside the volkstaat must be afforded the opportunity to register as afrikaners in order to obtain the franchise within the volkstaat. (Dr MN Herman -27 September 1994.)
- 3.5.2 Because of the principle of general franchise now in force in South Africa, the solution of a sovereign volkstaat is possibly not attainable at present. Votes brought out in South Africa during elections must have a relative value in line with the tax paid by the voter. (PC Calitz - 26 August 1994.,)

- 3.5.3 Afrikaners living outside the borders of the symbolic Afrikaner volkstaat within the RSA, must be afforded the opportunity to participate in the government structures of that land as well as the symbolic volkstaat. (P Lausberg - 9 March 1995 - Potchefstroom.)
- 3.5.4 Should there be coloured or black people who identify themselves with the Afrikaner's ideals and who are not hostile towards it, they must be free to become part of the volkstaat. This will contribute towards refuting any allegations of racism and to demonstrate that the volkstaat is revolving around ethnicity and nothing else. (EW Visser, Alberton 12 March 1995.)
- 3.5.5 In order to withstand the test of reason, sobriety and viability, no form (if discrimination can be tolerated in the volkstaat. All inhabitants of the volkstaat will have to enjoy full civil rights and no rights may be taken from minority groups. Furthermore, attention must be given to the possibility of extending the franchise in the volkstaat to all Afrikaners with property in the volkstaat, even if they are living outside the volkstaat. (AH Pretorius -Despatch - 10 March 1995.)
- 3.5.6 Apartheid will not be applied, and everyone will enjoy equal opportunities in the volkstaat. (P MacLean - Northmead - 25 August 1994.)
- 3.5.7 All permanent residents must qualify for citizenship, as discrimination and fraud will not stand the test of the conscience. (CM Kriel - Hercules March 1995.)
- 3.5.8 A volkstaat must comprise a fixed territorial area, populated by Afrikaners and invested with sovereignty. (T Hattingh - Silverton - 9 March 1995.)
- 3.5.9 Guest workers can be welcomed, but may, like elsewhere in the world, not demand political rights. (F Berkhout - Arcadia - 9 March 1995.)
- 3.5.10 Coloureds must also form part of the volkstaat citizenry. (GJ Coetzee Helderkruijn and EE Randail, Vanderbijipark.)
- 3.5.11 Even if an Afrikaner does not live in the volkstaat, he must still be able to acquire citizenship of the volkstaat. (JG Higgo - Worcester - 8 March 1995.)
- 3.5.12 All residents, not only Afrikaners, must be afforded the opportunity to vote for or against a volkstaat. (AD Keet - Belville - 8 March 1995.)
- 3.5.13 We will not get away with discrimination. Three levels of citizenship are foreseen: RSA citizenship; volkstaat citizenship and Afrikaner citizenship The franchise can be restricted to outsiders for a period of not more than 10 years. (Adv M Mentz, Ermelo - 8 March 1995.)

3.6 Constituent State/Province/Autonomous Regions

3.6.1 Constituent state

- 3.6.1.1 First, a constituent state must be negotiated. Through immigration from Eastern Europe and a process of assimilation, majority occupation in identified territory can be realised within ten years. (James - 25 J 1994.)
- 3.6.1.2 The five different population groups in South Africa must be divided in five states, each in its own territory. One government must rule, but the states should all be as sovereign as possible. (P Lausberg - sever presentations.)
- 3.6.1.3 South Africa's diversity of problems can only be solved at local and regional level.

The only successful constitutional dispensation for South Africa must be built on the proven principles of:

- (i) Self-determination for the Afrikanervolk in an own state.
- (ii) Maximum self-determination for all people who demand it.
- (iii) Democracy within each group of people and federal and/or confederal co-operation with the rest of South Africa.
- (iv) Own regional governments for some multinational urban areas.

Thus, there is no singular solution for South Africa's problems, but planning should start at regional level. (AJ van Schalkwyk-Oudtshoorn - 3 March 1995.)

- 3.6.1.4 The volkstaat must be regarded as an autonomous province, such as Quebec in the Canadian political context. (E Kelm - Krugersdorp 1994.)
- 3.6.1.5 A volkstaat must be a constituent state of South Africa and must include the West Rand and Western Transvaal. (GJ Coetzee, Helderkruin, and EE Randail, Vanderbijlpark.)
- 3.6.1.6 A volkstaat must form part of a commonwealth, which must have limited powers. The volkstaat must have a veto right over its own affairs. A person must be able to determine the destination of his tax. (CC Hartman - Weltevrededepark - 1995.)
- 3.6.1.7 Commence with a constituent state in order to establish the area and government structures, tax base, income and public service. The constituent state must have such powers that it will not close the road to independence. (Adv Mooiman Mentz - Ermelo - 8 March 1995.)

3.6.2 A Tenth Province

- 3.6.2.1 Census analysis leads to the conclusion that a tenth province should be established around Pretoria. This province ought to enjoy a veto vote in parliament. (R van Tonder - 1 August 1994.)
- 3.6.2.2 In view of the time restriction with regard to the drafting of the new constitution, it is advisable to negotiate for a tenth province. However, such a province cannot

realise the striving towards full self-determination. It can only serve as a functional starting point towards a fully independent volkstaat. (AH Pretorius - Despatch - 1 0 March 1995.)

- 3.6.2.3 En route to an independent country, a tenth province with original powers - which are ceded upwards to the central government according to agreement - must in the meantime be instituted. It must consist of a single geographical area and not of loose "cantons". As powers are ceded upwards, the province can unilaterally decide when to become autonomous and protect itself against centralisation. (Dr JC Viljoen Doringkloof - 9 March 1995.)
- 3.6.2.4 As a negotiated settlement and international recognition are prerequisites for a successful volkstaat, a tenth province is proposed. However, independence should not be postponed indefinitely. (CM Kriel - Hercules - 9 March 1995.)

3.7 Sovereignty and Confederalism

- 3.7.1 The volkstaat must be sovereign, but may remain connected with the greater South Africa in a confederal dispensation. (WE Muller - 1994.)
- 3.7.2 The volkstaat republic may be loosely connected with other states in South Africa. (Adv SH Rossouw - 28 July 1994.)
- 3.7.3 A volkstaat which is not connected to the Government of National Unity, must be negotiated. (BD Ludwick - 15 August 1994.)
- 3.7.4 A free, independent volkstaat with its own defence and police force to protect itself, is the ideal and nothing less. (EW Visser, Alberton - 12 March 1995.)
- 3.7.5 In my plea for a minimum volkstaat, a sovereign state is requested. (A Alberts - Groblersdal - 7 March 1995.)
- 3.7.6 At this stage it is advisable to, negotiate for a tenth province. It must however, be emphasised that the establishment of a tenth province must only be an interim phase and that the end purpose maybe nothing less than a fully independent Afrikaner state. (AH Pretorius-Despatch - 10 March 1995.)
- 3.7.7 A transitional period of twelve years is proposed for a volkstaat, after which the population of the area may decide on their own future. (LJ ten Gate Pretoria - 9 March 1995.)
- 3.7.8 The development of a volkstaat can begin with the recognition of our right to self-determination within a federal political system, and can then move towards independence. (BF Kotzé - Pretoria - 9 March 1995.)
- 3.7.9 The final purpose is a politically independent country, with full control over all its internal and external affairs, which voluntarily co-operates with Southern Africa on

economic and other terrains and which lives in peace with others. (Dr JC Viljoen - Doringkloof - 9 March 1995.)

- 3.7.10 A volkstaat as part of South Africa is unacceptable. While the volkstaat must have exclusive powers regarding education, culture, finance, administration of justice, security, radio and television, health, immigration and property ownership, agreements may be entered into regarding defence, trade, health, customs, nature conservation and the extradition of criminals. (PJ Greyvensteyn - Kwaggasrand - 9 March 1995.)
- 3.7.11 A sovereign state with Afrikaans as only language; possibly only one Christian Afrikaner church which is Christian in its method of government; which administers education of a high standard and which punishes crime, is needed. (Dr JPC Katzke - Bloubergstrand - 8 March 1995.)
- 3.7.12 The Afrikanervolk lays claim to a sovereign and independent volkstaat. Denial of this in the near future will lead to confrontation. (C Weber and D Scholtz on behalf of Nelspruit Verkenners - 8 March 1995.)
- 3.7.13 There is a difference between internal and external sovereignty. A start can be made with only internal sovereignty in a federation, to serve as a "hatching-chamber" for a volkstaat. (W Spies on behalf of Studentewag Pretoria - 9 March 1995.)

3.8 Local Authority/Cantons/Enclaves and Corporate Self-determination

- 3.8.1 Every small central government is sufficient. Provincial governments must be scrapped. Government must largely be devolved down to cantons. Cantons must be established according to the borders of former white city councils. Indians and coloureds must be included in these. In their turn, black urban areas must get their own black cantons. An overhead council handles the hard services shared by the two cantons. (Dirk du Toit 9 March 1995 - Potchefstroom.)
- 3.8.2 At local level the City Council must have a chairman, as well as a mayor for black people and a mayor for whites, Indians and coloureds. (P Lausberg - 9 March 1995 - Potchefstroom.)
- 3.8.3 The different population groups are still traditionally living in various separate geographical areas. Possible friction can be eliminated by giving control to the specific traditional residents of the areas, over their own territories. At the local government level a canton model can be created in accordance with the example of Jerusalem. As different problems are experienced from area to area, a singular solution is not possible. Regional substructures for Afrikaners must be created within the borders of provinces to attend to local problems. (Rev JD Maloney and Mr F Visser from Vryburg - 9 March 1995 - Potchefstroom.)
- 3.8.4 Mechanisms must be created to empower Afrikaners politically outside the volkstaat, especially with regard to affairs such as education and language and cultural affairs. Ways must also be found to connect the mechanisms thus created with the volkstaat. (AH Pretorius - Despatch - 10 March 1995.)

- 3.8.5 Government structures for the Afrikaner are imperative, even if they should initially only function at third tier. (Dr JW van Niekerk - Machadodorp 9 March 1995.)
- 3.8.6 A model of associated city-states is envisaged, consisting of former white municipalities serving as enclaves within the RSA. High levels of local autonomy with a small central government and computer communication makes possible a state which is economically viable; occupied and cultivated by Afrikaners; and poses no threat for the RSA. (Prof JC Claassen - Pretoria - 9 March 1995.)
- 3.8.7 Kotzé's evidence serves as support for Prof Claassen's proposal. He emphasised that towns can, as in the past, render services to surrounding communities. "in fact, the status quo will only be maintained." (W de V Kotzé - Pretoria - 9 March 1995.)
- 3.8.8 A group or ethnic confederation is proposed for South Africa. The Afrikaner part of this confederation, consists of white parts of towns and cities. Neighbouring black parts are managed by the RSA and services can be purchased, while the mutual affairs of all Afrikaner nucleus areas are managed by an Afrikaner Council. (CF Meyer - Waterkloof Ridge 9 March 1995.)
- 3.8.9 Afrikaner Councils at provincial and national level, comparable with the Houses of Traditional Leaders, must be instituted. The powers of such Councils must include a veto vote on legislation which may affect their functions. This should, however, not exclude the continuous striving towards a volkstaat.
- 3.8.10 Cultural councils must be created for Afrikaners every where to keep the cultural consciousness alive, and the proposed civic councils may possibly perform such a role. (Dr J Uys - Olifantshoek - 8 March 1995.)
- 3.8.11 Looking for cultural self-determination. The mistakes of the past were that no blacks were allowed in white schools and no white capital in black areas. (JPS Geldenhuys - Lydenburg - 8 March 1995.)
- 3.8.12 Everybody will not be accommodated in a volkstaat. Therefore, Afrikaner Christian group rights are demanded for those outside the volkstaat. Group rights are requested in the religious sphere, education, language, culture, living space and community life, inter alia: hygiene, health services, law and order and the right of disassociation. A parallel structure must be established at third tier level with allocated competencies and powers from the support of provincial authorities in order to realise self-determination. The structures are established on membership by enrolment. Membership of the Afrikaner structure can, under determined conditions, lead to citizenship of the volkstaat. (C Weber and D Scholtz on behalf of Nelspruit Verkeners - 8 March 1995.)

3.9 Economic affairs

- 3.9.1 An insurance company must be established to channel funds for the volk. (W van Staden - 19 July 1994.)

- 3.9.2 Although economic independence is not a prerequisite, the volkstaat must possess the necessary economic potential. The economic vitality of the fatherland must not be hampered by the volkstaat. (AH Pretorius Despatch - 10 March 1995.)
- 3.9.3 A volkstaat must be economically independent and it must have sufficient water. (V Leeuwner - Port Elizabeth - 9 March 1995.)
- 3.9.4 A volkstaat may be interdependent with the rest of South Africa. (SW Griesel - Uitenhage - 9 March 1995.)
- 3.9.5 The only economically viable area where the Western orientated community (consisting of coloureds, Afrikaners and English speaking whites) can settle itself, is the Western Cape. (JR Lambson - Sandton - 8 March 1995.)
- 3.9.6 The economy must be established on stability, added value and own labour. (BF Kotzé - Pretoria - 9 March 1995.)
- 3.9.7 With a view to the financial liberation of Afrikaners, specific strategies are proposed, especially with regard to their debts and savings. (AB Ebersohn - Waverley - 9 March 1995.)
- 3.9.8 A volkstaat must be developed economically by a volkstaat government with state funds and state land and with a view to the present surplus of highly trained Afrikaners. (T Hattingh - Silverton - 9 March 1995.)
- 3.9.9 Afrikaners must voluntarily, and with acknowledgement by the government, take up volkstaat citizenship. It must then be registered by Internal Revenue so that an agreed percentage of volkstaat citizens' tax can be paid over to the Volkstaat Trust to be established, of which the Volkstaat Council must act as trustee. Funds can then be used for the development of infrastructure. (Dr AG Burger - Sinoville - 9 March 1995.)
- 3.9.10 Geographical size is neither a factor nor a requirement for the economic success of a volkstaat. As many as 20% of the world's states are very small and amongst them are some of the most affluent economies. In the past decentralisation has been a resounding success in the RSA, but it has been sabotaged for political reasons. It could be re-employed in a volkstaat. (F Berkhout - Arcadia - 9 March 1995.)
- 3.9.11 The engineering profession in a volkstaat is discussed. This profession offers export potential of engineering services for a volkstaat. We possess the technical capability to establish an infrastructure. A development bank must be launched and initial steps must be taken for the establishment of an own university, technikon etc. (PG van Tonder [Pr Eng] and PS Bc ha [Pr Eng] - Pietersburg - 10 March 1995.)
- 3.9.12 In order to have an economy where we could not be immobilised or threatened by trade unions, own labour or self-activity must form the basis of that economy. For this reason the labour culture of Germany and Switzerland must be studied where the basis of the economy is formed by family concerns. (Dr Ben de Klerk - Pietersburg - 10 March 1995.)

3.9.13 The economic requirement for a volkstaat lies in the fact that the economy must concentrate on processing and manufacturing. It will make major demands on technological know-how which presupposes the application of technology. (CH Schoeman - Dept Economy - RAU - 1995.)

3.1 0 Affirmative action

3.10.1 Just as there is affirmative action for black people, there must be affirmative action for other minorities in the country. (P Lausberg -- 9 March 1995 - Potchefstroom.)

3.10.2 Affirmative action is deteriorating into reversed racial discrimination. (A van der Walt - Grootbrakrivier - 7 March 1995.)

3.10.3 The retrenchments in the civil service are resulting in Afrikaner unemployment. (Mrs AS Koen - Pretoria - 9 March 1995.)

3.10.4 Knowledgeable people are becoming unemployed and there are not sufficient means to tackle new ventures. (M van Tonder- Ogies - 9 March 1995.)

3.10.5 Affirmative action will convince many Afrikaners to seek a new home in the volkstaat. (E Kelm - Krugersdorp - 1994.)

3.10.6 Affirmative action is creating a very dangerous trend in the public and private sector. Management and the worker regard it as an inequitable system. In view of the threats from black trade unions, the enforcement by legislation, the realisation of ANC promises and the delivery thereof, as well as the fact that no alternative job creation is taking place, this system must be investigated. Affirmative action and RDP must go side by side with the creation of a volkstaat. (Mineworkers' Union, Natal.)

3.10.7 A volkstaat must create jobs for those who are unemployed as a result of affirmative action. (GJ Coetzee, Helderkruin, and EE Random, Vanderbijlpark - 1995.)

3.10.8 Reversed affirmative action, similar to RDP and with government support, must be applied within the volkstaat. (D Weber and D Scholtz on behalf of Nelspruit Verkenners - 8 March 1995.)

4. Summary of evidence

It was to be expected that people with strong convictions regarding a volkstaat would submit evidence to the Volkstaat Council. People non-supportive of a volkstaat, were apparently slow to do so. Consequently, the evidence received by the Council is overwhelmingly in favour of the idea of a volkstaat. For the sake of objectivity the Council requested a number of people, known to be non-supportive of a volkstaat, to give evidence. The following is a summary of that evidence received up to date:

4.1 Evidence given by non-supporters of a volkstaat

- 4.1.1 Some witnesses were totally against the concept of self-determination and regarded Constitutional Principle XXXIV as a "vicious joke". When it was suggested that the Council should rather exert itself on behalf of a genuine federal constitution, it became evident that even these witnesses desired the broadening of democracy.
- 4.1.2 Witnesses who were on-supporters also alleged that the principle of self-determination has already been entrenched in the Interim Constitution, and that self-determination and a volkstaat can already be negotiated.
- 4.1.3 Non-supporters of a volkstaat were on the whole sceptical about the viability of a volkstaat under present circumstances. Objections raised in this regard were:
 - 4.1.3.1 that no geographical area could be exclusively associated with ethnic Afrikaners;
 - 4.1.3.2 that the existing constitution does not make provision for secession or partition;
 - 4.1.3.3 that the perception of the international community was that the Afrikaners now find themselves in a democratic state.
- 4.1.4 Irrespective of the scepticism, the majority of these witnesses who were non-supportive of a volkstaat, remained in favour of the maintenance of the democratic principle of self-determination for minorities, peoples and other cultural communities as entrenched in the present constitution.
- 4.1.5 In their view fundamental rights, such as freedom of association, movement, speech, religion, language and cultural expression, must be protected against arbitrary execution of power by any dominant group. The legal requirements of groups with regard to their aspirations and fears, must be addressed in a fair and reasonable way. The feeling was that forced integration was just as wrong as forced segregation.

4.2 Evidence given by supporters of a volkstaat

- 4.2.1 From the evidence submitted to the Council it became very clear that many Afrikaners are not satisfied with their present position in South Africa. The main reasons for their dissatisfaction are:
 - 4.2.1.1 Expectations are that economically all will not be well. Experts have testified that even an economic collapse could not be ruled out, and that the RDP will fail due to poor financial planning and unrealistic expectations.
 - 4.2.1.2 Large-scale unemployment among Afrikaners is expected, due to the extent of "affirmative action". The current number of Afrikaner workers may be reduced by half to reflect the population balance in the workplace. Furthermore, it seems unlikely that the planned economic growth will succeed in ensuring an equitable population distribution in the labour market. It is not possible to get rid of the "Afrikaner surplus" by means of normal retirements. The Afrikaner youth can hardly be accommodated in the labour market and this position will worsen if "affirmative action" is successful.

- 4.2.1.3 Afrikaner farmers feel insecure about their future.
- 4.2.1.4 In addition, Afrikaners are concerned about the future of their language and culture in a unitary state. The language policy of the authorities, although it may look like language plurality at first glance, in practice boils down to a policy of language assimilation. Evidence was given that, the Afrikaner character would gradually change and eventually disappear, with accompanying moral collapse, should a volkstaat, which could serve as a cultural reservoir, not be established.
- 4.2.1.5 Evidence was given on behalf of the churches to the effect that a significant number of church members regard the loss of an exclusive geographical area, where Afrikaners can rule themselves in a sovereign state, as a threat to the survival of their culture and language, and their right to freedom, tradition and living space.
- 4.2.1.6 The central government is regarded as the big disrupter who interferes, without considering the realities of pluralism in South-Africa.
- 4.2.1.7 Virtually all evidence received from Afrikaners, identify self-determination as the only possible option for the future.
- 4.2.2 However, there is no unanimity amongst Afrikaners as to what exactly self-determination" means. The following ideas emanated from the evidence with regard to the perception of "self-determination":

4.2.2.1 Self-determination in terms of the need for a volkstaat:

Experts testified that Afrikaners could possibly respond negatively to the consequences of the new order with regard to political behaviour, the nature of spatial arrangement, the economic and fiscal practice, the nature and content of education, communication and social interaction at street level. Under such circumstances, powers of Afrikaner nationalism could prosper.

Evidence was also heard to the effect that the maintenance of democracy in South Africa is not guaranteed. The tendency towards violent separation will increase should Afrikaners be maltreated or oppressed by the state. Violence may even occur at an earlier stage should the state refuse to enter into negotiations on a volkstaat. Taking into account the growing perception of cultural estrangement and threat experienced by Afrikaners, negotiations on peaceful partition should have been underway by now.

Many witnesses demanded the immediate establishment of a sovereign volkstaat, contrary to others who realise that it should be a gradual process. Some witnesses even admitted that a volkstaat could not be easily reached. The aspiration towards a volkstaat may even now be internationally acceptable, should it comply with the modern requirements of human rights, democracy and the protection of fundamental rights. It should also be indicated that the economy of the rest of South Africa will not be impaired by the volkstaat. Negotiated partition should be

pursued since this solution will make a contribution to the alleviation of conflict and violence.

4.2.2.2 Self-determination in terms of local autonomy

The concept of local autonomy enjoyed extensive attention in evidence given before the Volkstaat Council. Some witnesses pointed out that different population groups are geographically settled in traditional residential areas. Friction can be excluded by giving control to the inhabitants of the various territories.

Regional sub-structures are proposed for Afrikaners within the boundaries of the present provinces. Cantons, which should include the residential areas of all the different-population groups, were also suggested.

Government structures for Afrikaners at third tier government level are imperative, as well as the establishment of such enclaves which could function within the RSA.

4.2.2.3 Self-determination in terms of corporate self-determination

Not all Afrikaners insist on a territorial form of self-determination. Some declared that the Afrikaners, as part of a minority composition of the population, presently has the most advantageous internal as well as external climate to negotiate for the recognition of the principle of self-determination within a democratic state.

According to them, Constitutional Principles XII and XXXIV ensure that no cultural, language or religious suppression may occur. The state has the commission to protect languages, religions and cultures. Consequently, this presents the opportunity for creative action in mobilising civic community in a cultural context, so as to realise a specific non-territorial form of self-determination. It has also been testified that the outside world would prefer any form of minority rights, or even regional autonomy, to secession or fragmentation.

Evidence submitted in this regard at grassroots level, was on the who supportive of a volkstaat. As all witnesses realise that not all Afrikaners will in future live in such a volkstaat, the establishment of civic council to function on local, provincial and national government level within the RSA, are proposed.

The majority of Afrikaners expected that a volkstaat would address the problem of self-determination satisfactorily. However, some will even be satisfied with only a form of local provision for self-determination; evidence suggests that corporate self-determination would suffice to fulfil their needs.

4.2.2.4 Self-determination in terms of the location of a volkstaat

Regarding the location of a volkstaat, divergent opinions were expressed.

Some witnesses prefer the establishment of the volkstaat in an area where Afrikaners presently constitute the majority of the population. The largest concentration of Afrikaners is in the Pretoria area. An area around Pretoria should therefore be demarcated as a volkstaat.

Besides Pretoria, other geographical areas where the Afrikaners are presently in the majority, along with their adjacent areas, are proposed as volkstaats.

Others believe the volkstaat should be created in the sparsely populated areas of the Northern Cape. However, even among those who agree on this concept, there are a variety of ideas about the possible delimitation of such a volkstaat.

Others propose the reinstatement of the historical borders of the old Boer Republics as the boundaries of a volkstaat.

A number of other suggestions about the possible delimitation of a volkstaat appeared in the submissions. A small number of witnesses want to claim the whole South Africa. Others are of the opinion that attention should be directed towards the outlines of a few rather than to concentrate on one volkstaat. Others suggested different areas all over South Africa.

Appendix A

Accord on Afrikaner self-determination between the Freedom Front, the African National Congress and the South African Government/National Party" 23 April 1994

Taking note

of the Constitution of the Republic of South Africa, Act 200 of 1993 as amended;

and

taking note

of the unsigned Memorandum of Agreement between the African National Congress (ANC) and the Afrikaner Volksfront (AVF), dated December 21, 1993;

and

taking note

of Constitutional Principle XXXIV, dealing with the issue of self-determination;

and

subsequent

to the discussions between the delegations of the ANC, the AVF, the South African Government and eventually the Freedom Front (FF) -

The parties represented by these delegations record the following agreement:

- 1 The parties agree to address, through a process of negotiations, the idea of self-determination, including the concept of a Volkstaat.
2. The parties further agree that in the consideration of these matters, they shall not exclude the possibility of local and/or regional and other forms of expression of such self-determination.
3. They agree that their negotiations shall be guided by the need to be consistent with and shall be governed by the requirement to pay due consideration to Constitutional Principle XXXIV, other provisions of the Constitution of the Republic of South Africa, Act 200 of 1993 as amended, and that the parties take note of the Memorandum of Agreement, as referred to above.

[The Appendix to this Accord contains copies of these documents perused by the delegations.]

3.1 Such consideration shall therefore include matters such as:

3.1.1 substantial proven support for the idea of self-determination including the concept of a Volkstaat;

3.1.2 the principles of democracy, non-racialism and fundamental rights; and

3.1.3 the promotion of peace and national reconciliation.

4. The parties further agree that in pursuit of 3.1.1 above, the support for the idea of self-determination in a Volkstaat will be indicated by the electoral support which parties with a specific mandate to pursue the realisation of a Volkstaat, will gain in the forthcoming election.

4.1 The parties also agree that, to facilitate the consideration of the idea of a Volkstaat after the elections, such electoral support should be measured not only nationally, but also by counting the provincial votes at the level of:

4.1.1 the electoral district, and

4.1.2 wherever practical the polling stations as indicated by the parties to, and agreed to, by the Independent Electoral Commission.

5. The parties agree that the task of the Volkstaatraad shall be to investigate and report to the Constitutional Assembly and the Commission on the Provincial Government on measures which can give effect to the idea of Afrikaner selfdetermination, including the concept of the Volkstaat.

6. The parties further agree that the Volkstaatraad shall form such advisory bodies as it may determine.

7. In addition to the issue of self-determination, the parties also undertake to discuss among themselves and reach agreement on matters relating to matters affecting stability in the agricultural sector and the impact of the process of transition on this sector, and also matters of stability including the issue of indemnity inasmuch as the matter has not been resolved.

8. The parties further agree that they will address all matters of concern to them through negotiations and that this shall not exclude the possibility of international mediation to help resolve such matters as may be in dispute and/or difficult to conclude.

8.1 The parties also agree that paragraph 8.0 shall not be read to mean that any Of the deliberations of the Constitutional Assembly are subject to international mediation, unless the Constitutional Assembly duly amends the Constitution to enable this to happen.

8.2 The parties also affirm that, where this Accord refers to the South African Government, it refers to the South African Government which will rule South Africa until the April 1994 elections.

Signed by:

Gen Constand Viljoen

Leader: Freedom Front

Mr Thabo Mbeki

National Chairman: African National Congress

Mr Roelf Meyer

Minister of Constitutional Development and of Communication on behalf of the Government and the National Party

Witnessed by: Prof Abraham Viljoen

Mr Jurgen KbgI

April 23, 1994

Appendix B

Principle XXXIV of the Interim Constitution, Act no 200 of 1993 (extract from the Government Gazette, 3 March 1994):

XXXIV

1. This Schedule and the recognition therein of the right of the South African people as a whole to self-determination, shall not be construed as precluding, within the framework of the said right, constitutional provision for a notion of the right to self-determination by any community sharing a common cultural and language heritage, whether in a territorial entity within the Republic or in any other *recognised way*.
2. The Constitution may give expression to any particular form of self-determination provided there is substantial proven support within the community concerned for such a form of self-determination.
3. If a territorial entity referred to in paragraph 1 is established in terms of this Constitution before the new constitutional text is adopted, the new Constitution shall entrench the continuation of such territorial entity, including its structures, powers and functions.

[Principle XXXIV inserted by sec 13(b) of Act 2 of 1994]

Appendix C

Article 184 (A) and (B) of the Interim Constitution, Act 200 of 1993

(extract from the Government Gazette, 3 March 1994):

CHAPTER IIA

Volkstaat Council

Provision for establishment of Volkstaat Council

- 184A. (1) The establishment of a Volkstaat Council is hereby authorised.
- (2) The Council shall consist of 20 members elected by members of Parliament who support the establishment of a Volkstaat for those who want it.
- (3) The Council shall conduct its affairs according to rules made by the Council.

Functions of Council

- 184B. (1) The Council shall serve as a constitutional mechanism to enable proponents of the idea of a Volkstaat to constitutionally pursue the establishment of such a Volkstaat, and shall for this purpose be competent -
- (a) to gather, process and make available information with regard to possible boundaries, powers and functions and legislative, executive and other structures of such a Volkstaat, its suggested constitutional relationship with government at national and provincial level, and any other matter directly relevant to the establishment of such a Volkstaat;
- (b) to make feasibility and other relevant studies with regard to the matters referred to in paragraph (a);
- (c) to submit representations and recommendations to the Constitutional Assembly and the Commission on Provincial Government with regard to the possible establishment of a Volkstaat and any matter in connection therewith; and
- (d) to perform such other functions as may be prescribed by an Act of Parliament.
- (2) The procedures to be followed by the Council in the performance of its functions under subsection (1), shall be prescribed by an Act of Parliament.
- (3) The procedures provided for in this Constitution with regard to the finalisation of provincial boundaries, shall not be construed as precluding the establishment of such a Volkstaat, and in the event of the acceptance of the concept of a Volkstaat, alternative provision shall be made by an Act of Parliament for the finalisation of the boundaries of any affected province or provinces."

APPENDIX D

Act on the Volkstaat Council, Act no 30 of 1994

(extract from the Government Gazette, 2 December 1994)

ACT

To establish the Volkstaat Council contemplated in section 184A of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993); and to provide for matters connected therewith.

WHEREAS the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), provides for the establishment of a Volkstaat Council;

AND WHEREAS Parliament is empowered to prescribe additional functions for the Volkstaat Council and the procedures to be followed by the Volkstaat Council in the performance of its functions;

AND WHEREAS provision is to be made for matters incidental to the establishment and functioning of the Volkstaat Council;

(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)

NOW THEREFORE BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Establishment of Volkstaat Council

1. The Volkstaat Council contemplated in section 184A of the Constitution (and hereinafter referred to as the Council), is hereby established.

Qualification for membership of Council

- 2 (1) No person shall become or remain a member of the Council if he or she -
 - (a) is not a South African citizen;
 - 10 (b) is not qualified in terms of section 6 of the Constitution to vote in an election of members of the National Assembly;
 - (c) has been convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and sentenced to imprisonment
 - 15 without the option of a fine, unless he or she has received a pardon;
 - (d) is an unrehabilitated insolvent; or
 - (e) is of unsound mind and has been so declared by a competent court.
- (2) For the purposes of subsection (1)(c) no person shall be deemed to have been convicted of an offence until the result of any appeal against the conviction or sentence has been determined or if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.

Vacation of office and filling of vacancies in Council

3. (1) A member of the Council shall vacate his or her office if he or she-
 - (a) resigns;
 - 25 (b) loses the confidence of the members of Parliament contemplated in section 184A(2) of the Constitution;
 - (c) is removed from office by the members of Parliament contemplated in section 184A(2) of the Constitution at the request of the Council on the grounds of misbehaviour, incapacity or incompetence; or
 - 30 (d) ceases to be eligible to be a member of the Council in terms of section 2(1).

- (2) If a member of the Council vacates his or her office in terms of subsection (1) or dies, the vacancy thus arising shall be filled by a person elected in, the manner contemplated in section 184A(2) of the Constitution.

Remuneration and allowances of members of Council

4. (1) There shall be paid from monies appropriated by Parliament for this purpose to members of the Council such remuneration and allowances as the Minister for Provincial Affairs and Constitutional Development in consultation with the Minister of Finance may determine.
- (2) The President shall, after consultation with the Council, determine which members shall be full-time members.

10 Persons and bodies to assist Council

5. (1) (a) The Council may, with the approval of the Director-General of the Department of Constitutional Development and subject to the terms and conditions determined in consultation with the Minister for the Public Service and Administration and the Public Service Commission, appoint a secretary and such other staff as may be necessary for the efficient performance of its functions.
 - (b) Persons appointed under paragraph (a) shall be remunerated from and as a charge against the National Revenue Fund from monies appropriated by Parliament for that purpose.
- 20 (2) The Council may with the approval of the Director-General of the Department of Constitutional Development in consultation with the Minister of Finance, on a temporary basis or for a particular matter employ any person with special knowledge, or obtain the co-operation of any body, and fix the remuneration, including reimbursement for travelling, subsistence and other expenses, of such person or body.

Procedures and additional functions of Council

6. (1) The Council shall, in the performance of its functions referred to in section 184B(I)(a) and (b) of the Constitution and before making any submission as contemplated in section 184B(1)(c) of the Constitution, as far as possible consult with all interested persons, parties, bodies or institutions, and shall, in its submissions as contemplated in the said section 184B(1)(C) of the Constitution, mention any objections raised or advices given during the said process of consultation, and set out the Council's comments thereon.
- (2) The Council shall be competent to establish such committees as it deems expedient for the purpose of liaising or co-ordinating with any other body, institution or person.

Duration of Act

7. (1) This Act shall lapse on a date fixed by the President, after consultation with the Council, by proclamation in the *Gazette*.
- (2) The Council shall be dissolved on the date referred to in subsection (1).

8. This Act shall be called the Volkstaat Council Act, 1994, and shall be deemed to have come into operation on 26 May 1994.

Appendix E

Relations between the Volkstaat Council and the Constitutional Assembly
Judicial opinion of the Department of Justice

(Dated) 1995-02-08

The relationship between the Volkstaat Council and the Constitutional Assembly:

1. The Department of Constitutional Development (hereinafter referred to as "the Department") has received an opinion from two members of the Volkstaat Council (hereinafter referred to as 'the Council'), in which the following statements are made:
 - (a) The Council makes its submissions directly to the Constitutional Assembly established under section 68(1) of the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993, hereinafter referred to as "the Transitional Constitution").
 - (b) Committees, commissions and other advisory bodies established by and for the Constitutional Assembly in terms of section 72(1) of the Transitional Constitution, are not original creatures of the Transitional Constitution, but subordinate bodies with delegated functions and powers acting as agents for the Assembly. Consequently none of the bodies operate on the same "legal plane" as the Council or the Assembly.
 - (c) In the final instance, the Constitutional Assembly itself must consider the submissions originally made by the Council, and take a decision thereon.
 - (d) The said "subordinate" bodies are not competent to take decisions in respect of the Council's representations or recommendations or to change them in any way, and, consequently, may only forward their own recommendations to the Constitutional Assembly together with the submissions of the Council.
 - (e) The Constitutional Assembly is under a duty to inform the Council of any fact or decision which affects the decisions of the Council or the interests of those represented by it.

Pursuant to the aforementioned legal opinion the Department requires our views essentially as regards the following questions:

- (a) May the bodies referred to in paragraph 1(b) supra take decisions on the recommendations or proposals of the Council submitted in accordance with section 184B(1)(c) of the Transitional Constitution, or does only the Constitutional

Assembly have a final decision-making competence regarding the Council's representations and recommendations?

- (b) May the Constitutional Assembly dispose of its business before all proposals of the Council have been considered?
 - (c) May the Constitutional Assembly in law be compelled to defer some of its business in anticipation of recommendations yet to be made by the Council?
3. Although the submission does not comply with paragraph (1)(d)(iv) of Treasury Instruction X 12 (the Department neglected to provide us with its views on this matter and to present us with a fact related statement of case in which event, strictly speaking, we are not obliged to tender advice) we are prepared, in view of the complex issues which have arisen, as a gesture of goodwill and in as far as may be reasonably possible to do so, to assist the Department with regard to the above mentioned three legal questions. However, we need to point out that in the absence of any specific factual statement of case, we can merely offer our comments on the relevant issues in general terms. It is not inconceivable that our remarks thereunder may have to be qualified should a practical situation or instance present itself. Accordingly, the remarks hereunder should be judged against this background and should not be regarded as embodying a final or authoritative opinion of this Office on all specific similar issues.
4. The Council is a statutory institution, i.e. a (constitutional) "mechanism" established by virtue of section 184A of the Transitional Constitution and by section 1 of the Volkstaat Council Act, 1994 (Act No. 30 of 1994). Being a statutory institution, it is vested with original powers by section 184B(1) of the Transitional Constitution, which powers it exercises in its own right and in independent fashion, subject to our remarks in paragraph 9.2 *infra*. The Council's powers under section 184B(1)(c) of the Transitional Constitution *inter alia* include the right to make representations and recommendations to the Constitutional Assembly on the possible establishment of a so-called "Volkstaat" and any matter in connection therewith.
5. Under section 68(2) of the Transitional Constitution, the Constitutional Assembly is charged with the task of drafting and passing a new constitutional text (i.e. a new constitution) for the Republic. Inevitably this task chiefly entails that the Constitutional Assembly is required to decide on the nature and content of a new constitutional text (i.e. to take decisions as to the contents thereof) for which purpose it is competent to consider any proposals, recommendations and representations in connection with the content of a new constitution and to decide on the merits or otherwise thereof, i.e. also as regards any recommendations and representations made or addressed to it by the Council in accordance with section 184B(1)(c) of the Transitional Constitution in connection with the establishment of a so-called "Volkstaat" by a new constitution. As a matter of fact, inasmuch as the Transitional Constitution itself, namely in section 184B(1)(c), authorises the Council to make such recommendations and representations to the Constitutional Assembly, it necessarily follows, in our opinion, that the said section 184B(1)(c), conversely (but subject to our remarks in paragraph 9.1 *infra*), places a corresponding obligation on the Constitutional Assembly duly to consider such recommendations and representations and to take a decision on the accommodation (or otherwise) of a so-called "Volkstaat" in a new constitution.

- 6 In considering the first question put to us (see paragraph 2(a) supra), regard should be had, in limine, to section 72(1) of the Transitional Constitution, which provides as follows:

'The Constitutional Assembly shall, in addition to appointing committees of its members, be competent to appoint any commissions, technical committees and other advisory bodies to assist it in the performance of its functions.'

- 6.1 The usage in this provision of the words "and other advisory bodies" in conjunction with the preceding words "any commissions" and "technical committees", in our opinion is an unequivocal indication that when such a commission, technical committee or "other" (advisory) body is appointed "to assist" (ie to aid) the Constitutional Assembly in the performance of its activities, the functions of the relevant body may at most be said to culminate in the rendering of advice to the Constitutional Assembly for its consideration. The capacity and status of any such body as an advisory body surely excludes the competence to take a final conclusive and binding decision on behalf of (in the place of) the Constitutional Assembly on any matter relating to subject matter in respect of which the decision-making competence vests in the Constitutional Assembly by virtue of the Transitional Constitution (eg the decision-making competence mentioned in paragraph 5 supra).
- 6.2 It could possibly be assumed that the words "and other advisory bodies" in the said section 72(1) are not used in conjunction with and as a qualification of the words "committees of its members" (ie committees consisting of members of the Constitutional Assembly). However, this does not per se signify that the Constitutional Assembly is entitled to appoint or authorise a committee of its members to perform the decision-making functions of that Assembly pertaining to drafting of the constitutional text (eg the acceptance or rejection of proposals, recommendations and representations on (say) the establishment of a so-called "Volkstaat" or any other matter connected with the contents of a new constitution). It is trite law that a power or function specifically conferred on or entrusted by law to a particular person or body may be exercised or performed only by that person or body and, consequently, may not be assigned to anyone else (delegate delegatus non potest - see Steyn, "Die Uitleg van Wette", Fifth Edition on pp 222 and 223). The only exception to this rule is where the law either expressly or by necessary implication authorises delegation (see Attorney General, O.F.S. v Cyril Anderson Investments (Pty) Ltd, 1965(4) S.A. 628(A) on p 639 C-D). Applied to the present case, the Constitutional Assembly will accordingly not be able to delegate its competence to take (final, enforceable) decisions concerning the content of a new constitutional text and, consequently, concerning the acceptance or accommodation, or otherwise, of recommendations, proposals or representations in connection with the content of the text, to a committee consisting of members of that Assembly, unless the Transitional Constitution authorises such a delegation either expressly or by necessary implication. In this regard it may be recorded that the Transitional Constitution contains no express provision whereby delegation is authorised. Neither do we find in it any unambiguous indications or imperative surrounding circumstances from which it may be inferred with certainty (ie which necessarily imply) that the Constitutional Assembly necessarily ought to be in a position to delegate its decision-making function in respect of the content of a new constitutional

text to any of the committees of its members. Indeed, section 73(2) of the Transitional Constitution excludes delegation of the Constitutional Assembly's decision-making function in respect of the passing of the new constitutional text in so far as "a majority of ... two thirds of all the members of the Constitutional Assembly ... [is] required" for such passing.

- 6.3 However, if it were nevertheless presumed that section 72(1) of the Transitional Constitution, in so far as its purport is to allow of such a committee of members to be appointed (ie may be granted a mandate) to assist the Constitutional Assembly in regard to its functions, amounts to the constitutional Assembly being authorised generally by this section to delegate some of its functions to such a committee (we do not, however, express any opinion in this regard), we submit that the decision-making function of the constitutional Assembly will still not be included thereunder. In this regard references made to the following dicta from the judgment in *Citimakers (Pty) Ltd v Sandton Town Council*, 1977(4) SA 959(T) on p 962A:

'An opinion-making function, much in the nature of a judicial discretion?, conferred on a named body, cannot usually be delegated in the absence of specific legislative authorisation and a general grant usually lacks the required degree of specificity.'

In the present case, there can hardly be any doubt that the evaluation by the Constitutional Assembly of the merits of the recommendations, proposals and representations submitted to it by the Council in terms of section 184B(1)(c) of the Transitional Constitution (see paragraph 5 supra), is such an opinion-making function. Aside from the fact that specific authorisation (ie either express or by necessary implication) for delegation of the function is obviously lacking (see paragraph 6.2 supra), delegation of the said decision-making function may in addition, as in the *Citimakers* judgment supra (see p 962 H), be considered offensive to the concept of the determination of a contentious issue [the content of a future constitution] by a representative and well-informed body [ie the Constitutional Assembly]" - our emphasis.

6.4 To summarise, we are of the view that -

- (a) only the Constitutional Assembly is competent to evaluate the merits of constitutional recommendations, proposals and representations of the Council, ie to adopt a binding decision in relation thereto; and
- (b) consequently, the Constitutional Assembly is not authorised by virtue of section 72(1) of the Transitional Constitution to delegate or assign the at competence to any of its "members' committees", commissions, technical committees or "other advisory bodies."

7.1 In passing, the following should be noted:

- (a) In terms of section 72(1) of the Transitional Constitution (which is obviously aimed at reducing the work load of the Constitutional Assembly through the agency of the bodies mentioned therein), it would indeed be permissible for the Constitutional Assembly to refer the recommendations, proposals and representations emanating from the Council in terms of section 184B(1)(c) of the Transitional Constitution, to such a body for investigation and the framing of a recommendation or report thereon.

- (b) The fact that such a body has been appointed by the Constitutional Assembly to investigate and to report to the Assembly on any recommendations, proposals and representations which may be made by the Council, in our view does not have the result that the Council may in law be required to submit its recommendations, proposals and representations directly to the said bodies. In view of the fact that the said section 184B(1)(c) specifically requires such to be submitted to the Constitutional Assembly, an obligation to submit the said recommendations, proposals and representations to such a body could only be said to exist if such a body possessed the competence to decide on the submitted recommendations, proposals, and representations on behalf of the constitutional Assembly and to bind that Assembly by its decisions (which indeed, is not the case - see paragraph 6.4 supra).

The direct submission to or receipt by such a body of such recommendations and representations, therefore cannot constitute receipt by the Constitutional Assembly. In our view, that Assembly is under an obligation to record any recommendations or representations which it receives from the Council as an official document of that Assembly and to place it at the disposal of all its members. By so doing, also those members of the Constitutional Assembly who do not serve on such a body are enabled to apprise themselves of and to give an interpretation to those recommendations and representations in the original, isolated context thereof and to prepare themselves in relation thereto.

- 7.2 In any event, we submit that there are also practical considerations (relating to fairness) which could possibly be advanced (in our view, with a reasonable prospect of success) in favour of the proposition that the recommendations and representations of the Council should be received by the Constitutional Assembly in the first instance. For example, it may be submitted that the direct submission of the said recommendations and representations only to one more such bodies may have the effect that the contents of such recommendations and representations, in the normal course of events would only upon the submission of the report of the said body to the Constitutional Assembly come to the attention of the members of the latter who did not serve on such a body (ie the overwhelming majority of the Assembly's members). Moreover, it could possibly be contended that this modus operandi could in turn lead to the result that perceptions which the said majority of members may form of the Council's recommendations and representations, may from the outset be coloured or influenced by the context of the report, irrespective whether such recommendations and representations are conveyed summarised in such report itself or are attached to it in a separate schedule or addendum.
8. Regarding the second question (see paragraph 2(b) supra), it should be that the Council derives an indisputable right from section 184B(1)(c) of the Transitional Constitution to make recommendations and representation the Constitutional Assembly. This right is discretionary and, in narrower sense, of unlimited nature, and may be exercised at the Council's discretion as often as it deems fit (subject to our remarks in paragraph 9 below). For example, the Council may make recommendations or representations Constitutional Assembly with reference to any report or advice submitted Constitutional Assembly by bodies referred to in the said section 72 relation to any previous recommendations or representations by the which have been referred by that Assembly to any such body. Neither does the Council, generally speaking, require the approval of the Constitutional Assembly to make a submission to the Assembly.

Subject to our remarks in Paragraph 9 below

- (a) the Constitutional Assembly would, moreover, not be entitled to refuse to receive a submission from the Council but is, in fact, obliged to receive and consider any such submission (see paragraph 5 supra).
- (b) it would not be permissible generally to restrict the right of the internal rules and orders of the Constitutional Assembly adopted Section 70(1) of the Transitional Constitution.

It falls within the prerogative of the Council not to make any recommendations or representations to the Constitutional Assembly, should it so elect, and that Assembly cannot compel the Council to do so. However, the Constitutional Assembly must on a continuous basis afford the Council a reasonable opportunity should it elect to exercise its right to make recommendations and representations, to do so.

9-1 However, it should be borne in mind that section 73(1) of the Transitional Constitution imposes an obligation on the Constitutional Assembly to draft and pass the new constitutional text, "within two years as from the date of the first sitting of the National Assembly." Since the first sitting of the National Assembly took place on 9 May 1994 (see Hansard 9 May 1994, column 1), a new constitutional text, by virtue of section 73(1) of the Transitional Constitution, will have to be passed by the Constitutional Assembly before or on 8 May 1996. Owing to this constitutional provision, the Council is also bound to exercise its competence and rights in terms of sections 184B(1)(a), (b) and (c) of the Transitional Constitution timeously in order to enable the Constitutional Assembly to meet its obligations in terms of Chapter 5 of the Transitional Constitution. This necessarily implies that the Council which, if it so chooses, has a role to fulfil in the constitution-writing Process, should exercise its powers in terms of section 184B of the Transitional Constitution within reasonable timeframes in order for the Constitutional Assembly to discharge its duties in terms of the said Chapter 5 timeously. Sections 24(a) and (b) of the Transitional Constitution are likewise applicable to the Council, with the result that the Council must exercise its right to submit representations and recommendations to the Constitutional Assembly within the norms of reasonableness and fairness. As much as an obligation rests on the Constitutional Assembly to receive recommendations and representations from the Council as and when the latter submits such to it, does there rest an obligation on the Council to exercise its rights in terms of said section 184B(1)(c) with due regard to the prescribed timeframe and the rules and orders of the Constitutional Assembly which are reasonably aimed at enabling that Assembly to complete its task within the prescribed timeframe as well as those which are reasonably necessary to ensure that the latter performs its functions duly and in an orderly manner. In exercising its rights and powers in terms of section 184B(1)(c) of the Transitional Constitution, the Council, for example, will have to bear in mind that the Constitutional Assembly has to devote its attention to a wide variety of subjects (of which the desirability of a so-called "Volkstaat" is merely one) and also that it may in specific instances possibly deem itself duty-bound to react to the reports and advice which may have been submitted to the Constitutional Assembly by any of the bodies referred to in section 72(1) of the Transitional Constitution in relation to the Council's original recommendations and representations. Stated briefly, the Council is required to exercise its rights and powers in terms of the said section 184B(1)(c) with due regard to the provisions of Chapter 5 of the Transitional Constitution, and in a reasonable manner.

- 9.2 The fact that the Council has been established by virtue of the Transitional Constitution as a mechanism for the pursuit of the establishment of a so-called "Volkstaat" by the new constitution which is to be drafted and passed by the Constitutional Assembly, appears to have far-reaching consequences. In our view it follows logically, inter alia where a matter which relates to the institution or concept of a so-called "Volkstaat" or which affects it or makes an issue thereof, is to be evaluated or considered and decided upon in the Constitutional Assembly, such evaluation or consideration or decisionmaking may only take place if that assembly has afforded the Council, being the principal interested party in the matter, a reasonable opportunity to submit its own proposals, recommendations and representations to the Assembly in that regard. It goes without saying that where the Council has availed itself of the aforementioned opportunity and has submitted recommendations, proposals and representations, the Constitutional Assembly is obliged to give them due consideration. (See our concluding remarks in paragraph 5 supra). Should the Council neglect to thus avail itself of this opportunity, or should it submit its recommendations and representations after (reasonable) opportunity for doing so has expired, the Constitutional Assembly would probably be entitled to summarily dispose of such matter (eg should it appear that the drafting of the new constitutional text within the prescribed timeframe will not be viable if there were to be a further delay or that the default of the Council was making it impossible for the Assembly to perform its task in a proper and orderly manner). (See in this regard also our other remarks in paragraph 9.1 supra.)
- 10 As regards the third question, ie whether the Constitutional Assembly could be obliged to defer (to delay) certain of its functions pending receipt of recommendations or representations from the Council, we have not been placed in the position to express an opinion (ie not even one in general terms), in view of the extreme generality and wide scope of that question and the non-availability of any details as to the functions of the Constitutional Assembly in issue.