**Attachment 19:** **The Right to Self Determination**

Introduction.

In considering the right to self-determination inside the borders of the Republic of South Africa, at a fundamental level, it distills down to simple truth, as always.   
The reality is that there is simply no basis in historical truth that justifies South Africa’s current configuration other than political convenience.   
This region was NEVER occupied by one homogeneous people. Its current make-up and borders were set in the cause of invasion and subjugation.   
Whereas that invasion and subjugation is rejected, on the one hand, the configuration and borders are accepted on the other. The configuration and acceptance of these borders is convenient hypocrisy in very fundamental form.  
The reason for the enforcement of the present borders is political expediency by those who were seeking the transfer of authority and power. One of the results hereof concerns the Khoi San - the original inhabitants of most of this geographical region – which is VERY INCONVENIENT indeed to the present government in South Africa indeed.

Our reference to Self Determination relates to the self-governance of nation-states, also classed as national sovereignty, as discussed in Footnote 1 – National Sovereignty verses Self-Governance.

The right to self-determination is the right for the people of a community to choose their identity. An identity pivots on your moral values, standard of living and social integration.

The right to self determination does not only involve an area in which a community with a common culture and develop and enjoy economic and other forms of independence, but also allows for freedom of association.

The right to self-determination existed in southern Africa until such time that the land was annexed by the Crown to form the Union of South Africa, and the right to self-determination was removed through the laws and regulations representatives of the Crown enforced onto the people living in southern Africa.

The necessity for the ability of the various nations in South Africa to be independent was realized before the Union was concluded. In a speech at a dinner given in his honour under the chairmanship of Lord Selborne at the Savoy Hotel on the 22nd of May 1917, Jan Smuts referred to the Appendix which Lord Selborne had insisted to be added to the Constitution of the Union of South Africa, wherein it was recognized that Black South Africans should have their own territories with self government. This speech is given in Footnote 1 of Attachment 27 - Humanitarian atrocities committed by the Crown against Southern Africans, from which we extract the following:

*We have realized that political ideas, which apply to our white civilization largely, do not apply to the administration of native affairs. To apply the same institutions on an equal basis to white and black alike does not lead to the best results, and so a practice has grown up in South Africa of creating parallel institutions, giving the natives their own separate institutions on parallel lines with institutions for whites. It may be that on those parallel lines we may yet be able to solve a problem, which may otherwise be insoluble.*

*More than twenty years ago, as many of you re­member, an experiment in native self-government was begun by Cecil Rhodes in the old Cape Colony which gave local institutions to the natives in Glen Grey reserve. That principle has been extended over a large part of the old Transkeian territories, and so successful has it been that when we came to framing the Act of Union an Appendix was added about the future administration of the Protectorates when they should become incorporated into the Union. This Appendix was largely the work of our chairman. Lord Selborne. He fought with extraordinary tenacity for that Appendix, and I am not sure, although I did not see the importance of the matter in those days, whether in the distant future the South Africa Act will not be remembered as much for its Appendix as for its principal contents. This Appendix lay down that the native territories in South Africa should be governed apart from the Parliamentary institutions of the Union and on different lines which would achieve the principle of native self-government.*

We refer to an article by Richard Dowden based on his research on South African history and politics titled ‘Apartheid: Made in Britain’ listed as Footnote 2, which refers to the manner by which non-Whites lost their right to self-determination in South Africa through the rules and regulations imposed on them by the Crown, to point out the following:

For nearly 100 years before the vote in South Africa was opened to all races in 1992, there was a non-racial franchise and the electoral role did not become exclusively white until 1956. The Colored Vote Bill in that year was the final blow to a non-racial democracy which had been whittled away over the decades. Like many apartheid laws passed by the National Party government in the Fifties, it was not a radical departure from the past. The legislation which created apartheid was based on existing laws and in many cases simply tightened or tidied them.

The Cape had had a non-racial franchise which allowed anyone, irrespective of race, with property worth pounds 25 or wages of pounds 50 a year to vote for representatives in an Assembly which made laws for the colony for more than 40 years before Cecil John Rhodes became governor in the Cape in 1890. Although Africans represented a minority of voters and did not vote as a block, Rhodes passed two laws simultaneously this caused large numbers of them to be struck off the electoral role. One, the Glen Grey Act, limited the amount of land Africans could hold; the other tripled the property qualification for the vote. Many Africans now had insufficient property to qualify, and would find it almost impossible to get back on the list because of the legal limit on the amount of land they could hold.

The next blow to democracy came after the Boer war when the Union of South Africa Act was passed in 1910. In debates that led up to the Act of Union, the words ‘racial conflict’ referred to the Anglo- Boer war. What later became known as the ‘racial problem’ in South Africa was then referred to as the ‘Native problem’. The British had fought the war partly, it was said, to protect the interests of the natives from the Boers.

During the war the British had encouraged Africans to work for British victory, which they did in large numbers. With victory, Britain might have been expected to extend the Cape non-racial franchise to the conquered territories of the Transvaal and the Orange River Colony so that blacks would be represented in the whole territory the way they had been in the British colony. But not only did they not do so, they also limited the ‘native’ vote to the Cape. Africans were to have no say in the election of a national parliament, although they retained their voting rights to the Cape parliament.

The new parliament in South Africa passed the Land Act, making it illegal for Africans to purchase land from Europeans anywhere outside the reserves.

In 1920, the first piece of legislation which separated white and black areas called ‘the Native (Urban Areas) Act’ laid down the principle of residential segregation in urban areas, keeping blacks away from white residential areas.

The Native Representation Act of 1936 took away the franchise from Africans in the Cape. Instead, Africans in the whole country were to be able to elect four white men to represent them on a council, with eight other appointed members. Although ‘colored’s remained on the Cape electoral role until 1956, the 1936 act was the final stage in a long retreat from democracy in South Africa.

When the National Party won the 1948 election on the platform of apartheid, it did not have radically to rewrite South Africa’s laws. The foundations of apartheid were already in place. Sex outside marriage between races was already banned, but it was carried to its logical conclusion in the 1949 Mixed Marriages Act and the Immorality Act of the following year which banned any sex between races.

The Native Laws Amendment Act, built on Smuts’ Native (Urban Areas) Act, redefined which Africans were allowed into urban areas. The laws affecting the various pass laws that were already in existence were amalgamated into the Abolition of Passes and Consolidation of Documents Act and forced all Africans to carry a single pass. It was made a criminal offence not to produce the pass book when required by the police.

Various laws relating to urban affairs which prescribed segregation were gathered into the Group Areas Act, which made separation absolute and gave the government powers to define an area as White, Black, Indian or Colored. The Industrial Conciliation Act built on the foundations of the Mines and Work Act to restrict further black rights at work.

On the crucial issue of land, the Prevention of Illegal Squatting Act gave the government power to move African tenants from privately or publicly owned land and tidy up the land into segregated areas. This was the completion of legislation which began with Cecil Rhodes’ Glen Grey Act, nearly 50 years before.

This remained in place until the 31st of May 1961, when Britain handed over the governance of South Africa to a South African political party which was infiltrated by representatives of the Crown, which carried forward the legislation which denied many tribes in South Africa the freedom of vote. This form of governance evolved into what became commonly known as the “Apartheid Government” under the National Party (NP).

**The repeal of the Pass Laws by the NP government gave them Black support**

The first pass laws in South Africa were introduced on 27 June 1797 by the Earl McCartney in an attempt to exclude all natives from the Cape Colony. Introduced in South Africa in 1923, they were designed to regulate movement of black Africans in white urban areas. Outside designated “homelands”, black South Africans had to carry passbooks at all times, documentation proving they were authorized to live or move in “White” South Africa. The laws also affected other non-white races. Indian people, for example, were barred from the Orange Free State. These discriminatory regulations fuelled a growing discontentment from the black population and the ANC began the Defiance Campaign to oppose the pass laws. The Natives (Abolition of Passes and Co-ordination of Documents) Act, 1952, commonly known as the Pass Laws Act, made it compulsory for all black South Africans over the age of 16 to carry a “pass book” at all times within white areas. The system of pass laws was not the work of the National Party, but something they inherited and could not merely overnight abolish and certainly not at the time, it would have led to a revolution that they would not have been able to contain. The system of pass laws was repealed by the National Party in South Africa in 1986, for which the National Party gained a lot of Black political support.

In 1992, freedom of vote was introduced by the National Party in South Africa, who then handed over the governance of South Africa to a political party of its choice, as had all previous governments in South Africa since 1910. Strangely the National Party chose the African National Congress (ANC), which had been outlawed as an “enemy of the State” in the 1950’s. In 1973, the ANC took up an “armed struggle” against the Apartheid government, and opened military training camps outside the borders of South Africa such as the Imbokodo Quatro Terror Camp where soldiers, known as the MK, were trained in the art of interrogation, torture and murder. White South African young men were conscripted to the South African Defence Force on a compulsory basis to protect the South African borders against the insurgence of terrorists, and the MK soldiers of the ANC, in particular. The ANC were unbanned in 1990 and were hailed as the “freedom fighters” of South Africa. The borders between South Africa and its neighbouring countries were also relaxed, and the MK were welcomed as the heroes of the day, and as such incorporated in the South African National Defence Force, where they became the new protectors of South Africa. The South Africans that had fought against the ANC were now seen as the enemy, and many of their leaders were imprisoned. The White South Africans had been fingered out as the enemy of the MK since the 1970’s, and attacks on their lives have occurred daily by these militant soldiers, and gangsters they incorporate, as discussed in Attachment 15 - The silent genocide of the Boer Nation in South Africa

**Calls for self determination by southern African nations go unheeded**

In South Africa, there have been calls for self determination by the Cape Colored community, the KhoiSan nation, the Indian community as well as the Boer nation. These calls are legal and valid, as the right for self determination in South Africa has been enshrined in the South African Constitution to which the governing body of South Africa subscribes since the formation of the Union of South Africa in 1910. Not only have these calls been unheeded by the present African National Congress government, but they have also gone unheeded by the previous National Party government.

On the 3rd of December 2005, the newspaper ‘Raport’ published an article entitled “Op 83 skryf doktor sy M-tesis met hand’ (at the age of 83 the doctor writes his M-thesis by hand) about Dr. Willie Bergins, a veteran politician who had been classed as Colored in South Africa, which we offer as Footnote 2. Dr Bergins devoted his life to promote self determination for the Colored Community. In 1974, he was leader of the Federal Freedom Party. By the end of 1979, it had become apparent to him that the Apartheid government was not serious about issues which involved the Colored community, and Dr Bergins told Prime Minister P.W. Botha to his face that he had reached his limit. It was clear to him that they were in a dead end, and nothing meaningful could be achieved.

During the reign of PW Botha as president, FW de Klerk gave a speech, as leader of the National Party on the 8th of February 1989, during which he assured the minority groups, including the Boers, that his government were working on restructuring South Africa to ensure that the rights of all minority groups would be protected, when he said the following words as translated:

“To the White voters I want to give the assurance today: the National Party will, in its creation of a new restructuring which offers complete rights to everyone, guard jealously over your security and interests, as well of that of other minority groups.”

(Aan die Blanke kiesers wil ek vandag hierdie versekering gee: Die Nasionale Party sal in sy bouwerk aan ‘n nuwe bedeling wat volwaardige regte aan almal bied, jaloers waak oor u en ander minderhede se sekuriteit en belange.) See full speech in Footnote 3 – Speech by PW De Klerk in 1989.

De Klerk added, as translated, that, “furthermore – as my predecessor, so I also bind myself to the undertaking that any material constitutional changes would be preceded through a vote or a referendum in which a mandate would be asked.”

(Verder - soos my voorganger, so verbind ek my ook tot die onderneming dat enige wesenlike grondwetlike wysigings voorafgegaan sal word deur ’n verkiesing of 'n referendum waarin ‘n mandaat aangevra word.)

Not only did the National party not call for any vote nor referendums on changes within the South African Constitution as their leader had promised, but the restructuring which the National Party promised, created an elitist Black government which offered no rights to minority groups. Not only have minority groups been refused the right to self determination and land on which to evolve their own government structure, but the rights of minority groups have been excluded from the governance in the existing structures of the Republic of South Africa, to such an extent that welfare organizations are penalized should they assist people who are in need if all these people are not exclusively Black. To point, in November 2012, the media released the information that charities in South Africa could face ruin over a government proposal that firms could lose black economic empowerment (BEE) points if they donate to charities that do not have 100 percent black beneficiaries. Some charities believe the proposal means that any firm that donates to a charity that helps a white, colored or Indian person may not be able to claim points for its BEE scorecard. It could also mean that if just one white child or person is among a group of black people the charity is helping, the firm that donates to it could lose it points. See full article in Footnote 4 – Charities only support Blacks.

On the 4th of July 1990, FW De Klerk, as President of South Africa, replied publically to Jaap Marais, leader of the Herstigte Nasionale Party (HNP) on the steps of the Union Buildings in Pretoria, that a homeland for White South Africans would be created as soon as possible, and a time frame of 7 months was given.1

We discuss some of the treachery by the Apartheid government which took place during the reign of President FW De Klerk before he handed control of the Union of South Africa to the African National Congress in Attachment 10 - South Africa is bound as a possession by the Crown, section(IV) The Crown held possession of South Africa throughout the PW De Klerk regime subsection b) FW De Klerk as President.

Treachery by De Klerk is pertinent as it distanced South African communities further away from their right to self determination under governance of the African National Congress, as the African National Congress is aligned with the New World Order which does not allow for the self determination of independent communities.

The alliance of the African National Congress with the ideals of a New World Order system has been mentioned at various public meetings by the present President of South Africa, Mr. Zuma. To point, the political report of the president of the African National Congress Jacob Gedleyihlekisa Zuma to the National General Council Durban on the 21st of September 2010 states:

“We participate in the G20, World Trade Organization and other forums as part of promoting a New World Order.”2

The ideal of the New World Order is that all countries be seen as a single unit and be controlled by a single government using a single military, world currency and religion.

The ideal of a New World Order does not favour independent communities who determine their own rights and future.

Although President P.W. De Klerk was fully informed that the Republic of South Africa Constitution Act 110 of 1983 stated clearly that the Republic of South Africa would respect, further protect the self-determination of population groups and peoples, he bluntly ignored the public call by the Boers to provide them with any recourse for self determination.

De Klerk did not provide the Boer community with the Volkstaat he had promised them, which had been a valid request from the Boers according to the Constitution of South Africa at that time.

**(i) The Right of Self Determination for the various South African nations**

The right to associate with like minded people and develop a community which would be beneficial to the needs of a group of people who share a common culture existed in southern Africa before the land in the south of Africa was annexed and besieged by the Crown. At that stage, most communities were based on their hereditary clan structures, who shared the same history and family members.

Today, the society structure in southern Africa has various interrelated and overlapping communities. Family members from various clans share same living areas, and many South Africans are endeared to two areas, the one being the area they live and work in, the other being the area of their heritage. In the traditional custom of southern Africa, this right of free passage, association and development in all areas must be upheld and all restrictions enforced on southern Africans by the rules and regulations introduced to and enforced upon southern Africans should be untangled and removed from the southern African society as a whole. Furthermore, the right to associate with like minded people and develop a community which would be beneficial to the needs of such a group of like minded people, is the right people from southern Africa has been born to, and should be re-introduced and recognized internationally.

The right for self determination of nations has been recognized internationally where these nations occupied an area wherein they became the dominant society by numbers, which was the same manner by which the Jewish nation gained statehood in Palestine. In South Africa it is very difficult for a particular nation to become dominant in numbers within a specific area in South Africa due to the South African history, which created mass movement of nations into different areas as discussed in Attachment 6 - War against Southern Africans and mass extermination of indigenous tribes for the creation of the Union of South Africa.

To point, the San and the Khoi have been chased from one side of southern Africa to the other as discussed in Attachment 6a - San and Congo, with reference to the mining corporations and Fracking in the Karoo.

Historically, all the land of southern Africa belonged to the San, as they were the only nation who lived in southern Africa long before any other nation entered southern Africa. The leaders of the San should, by rights, have been addressed in all negotiations regarding land ownership in southern Africa, especially during the negotiations in which the establishment of a Union of the land under governance of the Crown was discussed. Any negotiations made without the attendance and agreement of the San leaders as to the ownership of the land in southern Africa are thus nil and void. Notwithstanding the fact that the San were ignored during negotiations regarding their land during the proceedings leading up to the Union of South Africa in 1910, the San have been ignored even after the Crown granted South Africa her independence in 1961. Even today, the present government in South Africa being the African National Congress who is in their position of control because of the fact that they represented equal rights to all in South Africa; the San are still ignored with regard to the issue of land ownership in southern Africa.

On the 12th of June 2012, IOL reported on an article3 of the Cape Argus regarding land claims which have been made by the Khoi and San tribes based on displacement of their communities going back before the Union of South Africa was established, as follows:

“The Western Cape ANC has launched a bid to have key areas of Cape property set aside for Khoi and San land claims dating back to the “genocide” by Dutch colonists in the 17th century.

Since land redistribution legislation was introduced, 1913 has always been the starting point.

But the Western Cape ANC, under provincial leader Marius Fransman, now wants this set aside, to enable Khoi and San descendants to claim for the Cape land they were dispossessed of after the arrival of the Dutch under Jan van Riebeeck in 1652.

The Western Cape ANC wants parcels of land identified in recent land audits by the Western Cape provincial government and the City of Cape Town set aside for land restitution for Khoi and San descendants.

And the party in the province also wants national government land, such as land held by the military.

“Colonization and land dispossession started long before 1913… it began with the genocide of the Khoi and San people,” Fransman said.

The basis for his call has been widely debated since 1994 and it is common cause that the “First People” of the Cape were either dispossessed of their land by force, or “rented” in crude trade agreements, essentially making them tenants on what had been their own land.

Despite this, the Commission on Restitution of Land Rights has two central “cut-off dates” – the starting date for land claims, June 19, 1913, when the Natives Land Act was passed, and December 31, 1998, by which date land claims had to be submitted. This ignores the potential for redress for ancestors of landowners prior to 1913.”

**A. All provinces, republics, kingdoms and states in South Africa gained their independence from the Crown in 1961**

The Union of South Africa was founded as a dominion of the British Empire. It was governed under a form of constitutional monarchy, with the British monarch represented by a governor-general.

On the 5th of October 1960, a referendum was called to find out if the majority southern Africans wished to become free from British rule with the option of South Africa becoming established as a Republic. Only Whites were allowed to vote during this referendum, and because the majority votes were in favour of a republic, the Union of South Africa became the Republic of South Africa on 31 May 1961, and left dominion of the British Empire, which had in the interim dissolved to become the Commonwealth of Nations. Subsequently the South African Parliament passed a Constitution that repealed the South African Act of 1910. Although the form by which South Africa was dominated by the Crown was dissolved by the fact that she gained the status of a republic, the features of the Union were carried over with very little change to the newly formed Republic. This had the effect that, although the Union of South Africa of 1910 had officially been dissolved, and therefore self governance had been restored to them, the rules and regulations - drawn up by the Kindergarten group and enforced by the Crown - held in the Act of South Africa of 1909 were carried over into what was called the Constitution of South Africa of 1961 - drawn up by the Kindergarten group and enforced by the Crown - which has ensnared the states of southern Africa as a so-called ‘Republic’ under the same government it had existed as a ‘Union’. By a technical default and sleight of hand, the people of southern Africa are thus illegally bound to a central government, on an illegal foundation laid by the Act of South Africa of 1909.

**i) Definition of a Republic**

A republic is a form of government in which the state is considered a "public matter" (Latin: res publica), not the private concern or property of the rulers, and where offices of states are subsequently directly or indirectly elected or appointed rather than inherited.4

**ii) The government of the Republic of South Africa has acted illegally since the Union of South Africa became a Republic**

The government which was established to govern South Africa after the devolution of the Union to the Republic of South Africa has engaged in secret negotiations which have enriched members of the government to the detriment of the nation. Should the nation have been informed of the true situation of the economical and political arena in which they had been ensnared, the government would not have had the support and consent of the nation to make the decisions and take the actions which they had. These secret negotiations have led to the bloodshed of hundreds of thousands of southern Africans, have displaced them and have also impoverished them, which we discuss further in Attachment 10 - South Africa is bound as a possession by the Crown.

Governance has been handed over by succession from one political party in South Africa to the other through secret negotiations made between them, without the consent and knowledge of the nation. This is discussed further in Attachment 18 - Impact of the Union of South Africa on the nation created a select elitist ruling society.

At present, the assets of South Africa are treated as theprivate concern or property of the rulers, and the positions within the offices of government are directly and indirectly inherited from the leaders of the ruling political party, rather than elected by the nation during the term that the political party remains in force, which we discuss further in Attachment 17 - The African National Congress in government.

The Union of South Africa was an illegal institution, enforced on the people of southern Africa through the military and legislative representatives of the Crown who breached the Laws of Warfare established at the Hague Convention of 1899 as discussed in Attachment 28 - South Africa carries an Illegal Constitution, Section A: The Constitution of South Africa is built on deceit, lies and war crimes.

The Republic of South Africa was formed on the basis of the Union of South Africa, and is, by default, illegal. Not only is the Constitution of South Africa illegal, but the governments which have controlled South Africa been illegal constitutions, both by default, and by their behaviour.

**iii) The South African Act of 1909**

The Union of South Africa was based on the South African Act of 1909. The Peace Treaty of Vereeniging in 1902 which halted the Second Anglo-Boer War was pivotal to the structures of the South African Act of 1909. Not only did the Peace Treaty of Vereeniging of 1902 not represent the leaders from all the various states, kingdoms and nations in southern Africa, but the Peace Treaty itself was illegal, faulty, and not adhered to by the British Imperial government.

**iv) The Peace Treaty of Vereeniging in 1902 was illegal**

The Boers were told that the Peace Treaty of Vereeniging of 1902 was signed inside a tent in Vereeniging while they were waiting outside the tent to find out if peace had been reached. However, this Treaty was only signed later in Melrose House in Pretoria. The Peace Treaty itself was drawn up and edited by highly educated men of the Law, including attorney Jan Smuts, therefore careless mistakes cannot be excused. The carvers of the Peace Treaty of Vereeniging of 1902 were very well aware of the importance of signatories. Yet, every page of this Peace Treaty was not signed, nor initialed, by every member of the Treaty as listed on the first and last page.

The carvers of the Peace Treaty of Vereeniging of 1902 were very well aware of the importance of the correct names being used for signatories on the Treaty. Yet, they listed a Mr. Reits as signatory of the Treaty, yet there exists no such name amongst the signatories. There does, however, exist the surname of Reitz under the signatures, which is not mentioned as a signatory.

The Peace Treaty of Vereeniging of 1902 made mention of certain “Acts contrary to the usage of War” which have been notified by the Commander in Chief to the Boer Generals. However, there were no “Acts contrary to the usage of War” of which any of the Boer Generals could have been found guilty. The Boers had not been signatories to the Geneva Conventions and were, therefore, not bound to any international constraints laid down in acts of wars. Furthermore, the Boer Generals was reputed to have carried themselves as gentlemen throughout the war, and only engaged in fighting soldiers of the enemy, and not any civilians. To add that the war was fought inside the Boer Republics and in the surrounding areas which was not recognized internationally as land which belonged to the Crown at that stage, the only rules of war which applied to the Boers in that area was the rules and laws of their own government. In fact, the British Military leaders should have been tried by the Boer governments for violations of Acts of War, and not the other way around.

At the time the Peace Treaty of Vereeniging of 1902 was signed, the British treasury was drained, and they had no means to pay the monies they offered to lend to the Boers for re-establishing themselves at 3% interest. The Crown pillaged the Boer Republic treasury, and lent such money back to the Boers at interest. This is in direct contravention of the ‘Acts contrary to the usage of War’ of the Geneva Convention of Den Hague of 1899 to which the Crown were signatories.

Here follows a typo of the Peace treaty of Vereeniging of 1902:



ARMY HEADQUARTERS, SOUTH AFRICA.

General Lord Kitchener of Khartoum

Commanding in Chief

AND

His Excellency Lord Milner

High Commissioner

On behalf of the BRITISH COVENANT

AND

Messrs S.W.Burger, F.N.Reits, Louie Botha, J.K.de la Rey,

L.J.Meyer and J.C.Krogh

Acting as the GOVERNMENT of the SOUTH AFRICAN REPUBLIC

AND

Messrs W.J.C.Brekner, C.H.de Wet, J.B.M.Hertzog

And C.H.Olivier

Acting as the GOVERNMENT of the ORANGE FREE STATE

On behalf of their respective BURGHERS

Desirous to terminate the present hostilities, agree on the

following Articles.

1. The BURGHER Forces in the Field will forthwith lay down

Their Arms, handing over all Guns, Rifles, and Munitions of War,

In their possession or under their control, and desist from any

Further resistance to the Authority of HIS MAJESTY KING EDWARD

VII whom they recognize as their lawful SOVEREIGN.

The manner and details of this Surrender will be arranged

Between Lord Kitchener and Commandant General Botha, Assistant

Commandant General De la Rey, and Chief Commandant De Wet.

2. Burghers in the field outside the limits of the TRANSVAAL

and ORANGE RIVER COLONY, and all Prisoners of War at present

outside South Africa, who are burghers, will, on duly declaring

their acceptance of the position of subjects of HIS MAJESTY

KING EDWARD VII, be gradually brought back to their homes as

Soon as transport can be provided and their means of subsistence

(page 2)

ensured.

3. The BURGHERS so surrendering or so returning will not

Be deprived of their personal liberty, or their property.

4. No Proceedings CIVIL or CRIMINAL will be taken against

any of the BURGHERS so surrendering or so returning for any

Acts in connection with the prosecution of the War. The

benefit of this Clause will not extend to certain Acts con-

trary to the usage of War which have been notified by the

Commander in Chief to the Boer Generals, and which shall

be tried by Court Martial immediately after the close of

hostilities.

5. The DUTCH language will be taught in Public Schools in

the TRANSVAAL and the ORANGE RIVER COLONY where the Parents

of the Children desire it, and will be allowed in COURTS of

LAW when necessary for the better and more effectual Adminis-

tration of Justice.

6. The Possession of Rifles will be allowed in the TRANS-

VAAL and ORANGE RIVER COLONY to persons requiring them for

their protection, on taking out a license according to Law.

7. MILITARY ADMINISTRATION in the TRANSVAAL and ORANGE

RIVER COLONY will at the earliest possible date be succeeded

by CIVIL GOVERNMENT and, as soon as circumstances permit,

Representative Institutions, leading up to self-Government,

will be introduced.

8. The question of granting the Franchise to Natives

will not be decided until after the introduction of Self-

Government.

9. No Special Tax wil be imposed on Landed Property in

(page 3)

the TRANSVAAL and ORANGE RIVER COLONY to defray the

Expenses of the War.

10. As soon as conditions permit, a Commission,

On which the local inhabitants will be represented,

Will be appointed in each District of the TRANSVAAL

and ORANGE RIVER COLONY, under the Presidency of a

Magistrate or other Official, for the purpose of

assisting the restoration of the people to their

homes and supplying those who, owing to war losses,

are unable to provide for themselves with food,

shelter, and the necessary amount of seed, stock,

implements etc, indispensable to the resumption of

their normal occupations.

His Majesty’s Government will place at the

disposal of those Commissions a sum of three million

pounds sterling for the above pruposes, and will

allow all notes, issued under Law No.1 of 1900 of

the Government of the SOUTH AFRICAN REPUBLIC, and all

receipts, given by the officers in the field of the

late Republics or under their orders, to be presented

to a JUDICIAL COMMISSION, which will be appointed by

the Government, and if such notes and receipts are

found by this Commission to have been duly issued in

return for valuable consideration they will be recei-

ved by the first named Commissions as evidence of

War losses suffered by the persons to whom they were

Originally given. In addition to the above named

Free grant of three million pounds, His Majesty’s

Government will be prepared to make advances as loans

for the same purpose free of interest for two years,

and afterwards repayable of a period of years with

(page 4)

3 per cent interest. No foreigner or rebel will be entitled

To the benefit of this Clause.

Signed at Pretoria this thity first day of May in the

Year of Our Lord One Thousand Nine Hundred and Two.

Signatories duly followed:

Kitchener of Khurtoum Burger

Reitz

Milner Botha

De la Rey

Meyer

Krogh

De Wet

Hertzog

Brekner

Olivier

**v) The South African Act of 1909 ignored the right to self determination of southern Africans**

The Union of South Africa was based on the South African Act of 1909, in which chapter 9 clearly indicates that the Crown ignored the right to self determination of South Africans within its opening statements, provided in Footnote 5 - The South African Act of 1909.

**a) Chapter 9 of the South African Act of 1909 was based on a fictitious resolution**

Chapter 9 of the South African Act of 1909 states that parliaments of the colonies in southern Africa agreed to terms laid down by the Crown in which the Union was based by resolution. We discuss land and colonies of southern Africa which were annexed by the Crown in Attachment 7 - Land annexed and the colonies established by the Crown to form the Union of South Africa.

There is no record which could justify the legality by International Law - as was agreed to by members of the Geneva Convention at the Hague Conferences in 1899 and in 1907 - of any parliaments referred to in chapter 9 which operated in areas which the Crown assumed as its colonies in southern Africa, neither of a legal resolution to which chapter 9 refers. In Attachment 8 - Final steps to complete the formation of the Union of South Africa for total annexation by the Crown, we refer to the actions taken in southern Africa by Mr. Brand as representative of the Crown during proceedings followed to establish legislature for the Union of South Africa, as follows:  
Mr. Brand, with his usual secrecy on all matters dealing with the Kindergarten, only reacted by making the following statement:

"A referendum was therefore taken contrary to general expectation, it revealed an overwhelming majority for union, a good testimony to the sound sense of the people of the colony." Brand, as secretary to the Transvaal delegation to the Convention, knew very well that a public referendum was never held.

The same secrecy was maintained in regard to the whole convention. No record of its proceedings was kept, but according to Worsfold, its resolutions were drafted by Brand and Duncan.

**b) Chapter 9 of the South African Act of 1909 was based on illegal parliaments**

The only legal governments which existed in southern Africa that carried international recognition between 1900 and the 30th of May 1910 were the government of Zululand, the government of the Zuid Afrikaanse Republiek and the government of the Orange Free State.

The Zuid Afrikaanse Republiek and the Orange Free State were not legally, or internationally, recognized as colonies of the Crown, nor of the British Empire; but the Zuid Afrikaanse Republiek and the Orange Free State were recognized internationally as independent Boer Republics, and this recognition and status has never been changed by request of the Boers.

**(i) The legal government in Zululand in 1909 was King DinuZulu**

In 1882, the Zulu King Cetshwayo sailed to England where he had audiences with Queen Victoria, and other famous personages. The Crown was very well aware of the authority which the Zulu king carried in his Zulu kingdom named Zululand. After the death, of King Cetshwayo, his son, DinuZulu, was formally inaugurated as King of Zululand. The Crown was well aware of the authority which King DinuZulu carried at the time they had him imprisoned for the year before the Union of South Africa was established, which is discussed in Attachment 6 - War against Southern Africans and mass extermination of indigenous tribes for the creation of the Union of South Africa.

King DinuZulu did not attend any meetings arranged by the Crown during which he was able to agree to any resolution with regard to the Union of South Africa with the governments of the other colonies in southern Africa.

**(ii) The legal government in the Zuid Afrikaanse Republiek in 1909 was the Boer nation itself**

The sovereignty of the Zuid Afrikaanse Republiek (ZAR) had been recognized by Britain at the Sand River Convention of 1852. The Boer nation have never officially surrendered their republic of the Zuid Afrikaanse Republiek to the Crown or to any other government, but still carry the cart and transport papers of ownership of their land.

The Zuid Afrikaanse Republiek was a republic, which means that it carried a form of government in which the state was considered a "public matter". The Zuid Afrikaanse Republiek was not a private concern, nor the property of the rulers the Boer nation elected as government. The last president the Boer nation elected to rule the Zuid Afrikaanse Republiek was Paul Kruger, who died in 1907. After the Zuid Afrikaanse Republiek was under siege by the Crown, the Boer nation was never given the opportunity to re-elect a government for the Zuid Afrikaanse Republiek, and by default the Boer nation itself - as the legal owners of the Zuid Afrikaanse Republiek – were the government of the Zuid Afrikaanse Republiek. There was no Boer parliament in the Zuid Afrikaanse Republiek between the period of 1902 until 1910 which was qualified to sign on a resolution on behalf of the Boers in the Zuid Afrikaanse Republiek, and all the Boers in the Zuid Afrikaanse Republiek did not attend the meetings held by the representatives of Crown held to establish the legislature to form the Union of South Africa, and therefore were not able to consider the signing of any resolutions to this effect.

**(iii) The legal government in the Orange Free State in 1909 was the Boer nation itself.**

The British governments recognized the sovereignty of the Orange Free State during the Orange River Convention of 1854. The Boer nation have never officially surrendered their republic of the Orange Free State to the Crown or to any other government, but still carry the cart and transport papers of ownership of their land.

The Orange Free State was a republic, which means that it carried a form of government in which the state was considered a "public matter". The Orange Free State was not a private concern, nor the property of the rulers the Boer nation elected as government. The last president the Boer nation elected to rule the Orange Free State was Gert Steyn, who objected to the signing of the Peace Treaty of Vereeniging in 1902 with the Crown, and along with other Boers, including prominent leaders including De Wet, Hertzog and De La Rey, refused to accept Anglophile influences in the governance of their land, and spoke passionately for the expulsion of 'foreign' influences, which we discuss in Attachment 9 Objections to the formation of the Union of South Africa, Sub-section b) Boers enter the political arena to object to the Union of South Africa.

The Peace Treaty of Vereeniging was drawn up in English and negotiated on behalf of the Boers by Jan Smuts. Most of these Boers were illiterate and could not speak English. Once the Treaty had been signed inside a tent, Smuts stepped outside to where the Boers were waiting to hear the outcome of the negotiations. Immediately after Smuts explained the terms of the Treaty to them, they accused him of being a traitor.

South Africa was besieged by British military at that stage. The Boers decided to continue their struggle for independence from the British Empire at the next best opportunity.

After the Orange Free State was under siege by the Crown, the Boer nation was never given the opportunity to re-elect a government for the Orange Free State, and by default the Boer nation itself - as the legal owners of the Orange Free State – were the government of the Orange Free State. There was no Boer parliament in the Orange Free State between the period of 1902 until 1910 which was qualified to sign on a resolution on behalf of the Boers in the Orange Free State, and all the Boers in the Orange Free State did not attend the meetings held by the representatives of Crown held to establish the legislature to form the Union of South Africa, and therefore were not able to consider the signing of any resolutions to this effect.

On the 31st of May 1910, the Union of South Africa was formed under British dominion. The Crown hereby successfully annexed the whole of the country in one foul swoop through deceit. The Boers who dared object to this, were called the “Bitter Einders” and were outlawed. Many Boer families left South Africa to get away from British dominion. In 1911, the last of the large trek groups departed for Kenya, when some 60 families from the Orange Free State boarded the SS Skramstad in Durban under leadership of C.J. Cloete. But migration dwindled, partly due to the British secretary of state's (then Lord Crewe) cash requirements for immigrants. A trickle of individual trekker families continued to migrate into the 1950’s.

In 1914, Boer leader De La Rey, co-signer of the Peace Treaty of Vereeniging in 1902 on behalf of the Boer nation, was one of the leaders who led the Boers in what became known as the Maritz Rebellion of 1914 in their fight for independence from the Crown. De La Rey. Along with various other Boer leaders, were shot to death during this Rebellion by representatives of the Crown.

**c) Chapter 9 of the South African Act of 1909 was based on illegal authority over unoccupied territory**

In 1909, there were vast areas in southern Africa which the Crown had not occupied, and were not in a position to assert themselves – requirements which had been stipulated by the international treaties negotiated at the Geneva Conventions of 1899 and 1907 on Military Authority over Hostile Territory, from which we quote Article 42:

“Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.”

Chapter 9 refers to the admission of territory in southern Africa which the Crown had not occupied, and which was not under its administration, to its jurisdiction under the Union of South Africa, when it states:

“And whereas it is expedient to provide for the eventual admission into the Union or transfer to the Union of such parts of South Africa as are not originally included therein:

Be it therefore enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same,”

**d) The Act of 1909 was unclear and carried double meanings**

An Act which involves the peoples of a foreign country should not carry ambiguous statements which can lead to deceit, but should be transparent for the international community to grasp and support. Should such an Act be found wanting, the international community should not fear the power of the creators of such an Act, but should be within their rights to question, and if necessary, reject such an Act.

**(i) The Act of 1909 does not qualify which king is referred to in particular throughout all their statements**

The Act of 1909 does not qualify which king is referred to in particular throughout all their statements. In southern Africa during the time period of 1900 up to the 30th of May 1910, there were kings, such as King DinuZulu. None of the kings in southern Africa proclaimed that any land in southern Africa form part of the colonies mentioned in the Act as the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony, nor did any of the kings in southern Africa proclaim that any land in southern Africa should form a Union of South Africa at any stage whatsoever, neither did the Privy Council advise any kings in southern Africa with regards to a Union of South Africa.

Part II in the Act of 1909 entitled ‘The Union’ refers to ‘the King’ but does not state clearly which king they are referring to, in their following statement:

“Proclamation of Union.

**4.** It shall be lawful for the King, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony, hereinafter called the Colonies, shall be united in a legislative union under one Government under the name of the Union of South Africa. On and after the day appointed by such proclamation the Government and Parliament of the Union shall have full power and authority within the limits of the Colonies, but the King may at any time after the proclamation appoint a Governor-General for the Union.”

**(ii) The Act of South Africa of 1909 made assumptions which are illegal**

The South African Act, 1909 states that this Act was passed through both Houses of the Imperial Parliament exactly as it was forwarded after the South African Convention was held. The Royal Proclamationof the 2nd December 1909 which declared the date of the establishment of Union to be the 31st May 1910 had no authority to do so. There was no house of Royalty in southern Africa which declared the date of the establishment of Union to be the 31st May 1910, and all the governance structures of the various states in southern Africa between the time period of 1900 and the 30th of May 1910 did not include Houses of the Imperial Parliament of England. All the various states in southern Africa were not recognized internationally to be colonies of the Imperial Britain.

The South African Act, 1909 states that this Act was assented to by King Edward VII on 20th September 1909; and a Royal Proclamation of the 2nd December 1909 declared the date of the establishment of Union to be the 31st May 1910. We refer to the Webster’s dictionary of 1913 for the definition of the word ‘assent’, which is given as follows:

“Usage: {Assent}, {Consent}. Assent is an act of the understanding, consent of the will or feelings. We assent to the views of others when our minds come to the same conclusion with theirs as to what is true, right, or admissible. We consent when there is such a concurrence of our will with their desires and wishes that we decide to comply with their requests.

The king of England gives his assent, not his consent, to acts of Parliament, because, in theory at least, he is not governed by personal feelings or choice, but by a deliberate, judgment as to the common good. We also use assent in cases where a proposal is made which involves but little interest or feeling. A lady may assent to a gentleman's opening the window; but if he offers himself in marriage, he must wait for her consent.”

The assent by King Edward VII on 20th September 1909 indicates that he understands the South African Act of 1909, but such assent does not necessarily include his consent to the South African Act of 1909.

The South African Act of 1909 carries the name ‘Edward VII’ underneath its title, as follows:

SOUTH AFRICA ACT, 1909.

EDWARD VII.

Most people in southern Africa between 1900 and the 30th of May 1910 did not know who Edward VII was. The title ‘SOUTH AFRICA ACT, 1909.’ was followed by a full stop, which indicates that the heading is complete. There was no indication given as to why the words Edward VII (also followed by a full stop) were given underneath the title of the Act. Writing of the name Edward VII underneath a title of a piece of work does not automatically mean that everything written inside the Act pertains to such a name, and could also have carried the following meanings:

* The Act was presented by someone by the name of Edward VII;
* The Act could have been written by someone by the name of Edward VII;
* The address of the Act could be Edward VII;
* The date of the Act could be set by referring to the time period of Edward VII.

The assumption that the international community should accept the interpretations of the Act of South Africa of 1909 as provided by the representatives of the Crown is an insult to the power of conduciveness of the international community, and the ambiguities offered within the Act of South Africa of 1909 deters from the legal rights such an Act could carry.

**e) The Act of South Africa of 1909 had no legal sovereign heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland**

The Preliminary of the South African Act of 1909 provides the following expletives of the Act:

Short title.

**1.** This Act may be cited as the South Africa Act, 1909.

Definitions.

**2**. In this Act, unless it is otherwise expressed or implied, the words “the Union” shall be taken to mean the Union of South Africa as constituted under this Act, and the words “Houses of Parliament,” “House of Parliament,” or “Parliament,” shall be taken to mean the Parliament of the Union.

Application of Act to King’s successors.

**3.** The provisions of this Act referring to the King shall extend to His Majesty’s heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland.

We point out that none of the kings from or in southern Africa had anyheirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland during the time period from 1900 until the 30th of May 1910.

**f) The Act of South Africa of 1909 reallocated governance powers without due authorization from the states of southern Africa.**

The Act of South Africa of 1909 reallocated governance powers in southern Africa without specifying where the authorization to make such changes came from, because such authorization did not exist for the international community to question. To point, we refer to number 7 in the Act of South Africa of 1909 as follows:

“Application of 58 & 59 Vict. c. 34, etc.

**7.** Upon any Colony entering the Union, the Colonial Boundaries Act, 1895, and every other Act applying to any of the Colonies as being self-governing Colonies or Colonies with responsible government, shall cease to apply to that Colony, but as from the date when this Act takes effect every such Act of Parliament shall apply to the Union.

There were various states in southern Africa who did not authorize the power of Acts given by any other government in their states, nor of the transferral of powers of governance of their states through Acts to any other government, which included the Union.

**g) The Act of South Africa of 1909 made laws which had not been made legal by the states of southern Africa**

The Act of South Africa of 1909 states what actions of the King would be legal, and also gives time limits to which the King would need to adhere to in order for his actions to be legal in the section called “Proclamation of Union” in their paragraph numbered 4, as follows:

**4.** It shall be lawful for the King, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony, hereinafter called the Colonies, shall be united in a legislative union under one Government under the name of the Union of South Africa. On and after the day appointed by such proclamation the Government and Parliament of the Union shall have full power and authority within the limits of the Colonies, but the King may at any time after the proclamation appoint a Governor-General for the Union.

To note, there were no laws passed by legislation of the states of southern Africa between 1900 and the 30th of May 1910 which made it legal for any King, with the advice of any Privy Council, to declare by proclamation that any Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony could be united in a legislative union under one Government under the name of the Union of South Africa. Furthermore, there were no laws passed by legislation of the states of southern Africa between 1900 and the 30th of May 1910 which gave a time limit to unite any Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony in a legislative union under one Government under the name of the Union of South Africa to be within one year of the passing of the Act of South Africa of 1909.

There were no laws passed by legislation of the states of southern Africa between 1900 and the 30th of May 1910 which allowed the Government and Parliament of the Union to carry full power and authority within the limits of any Colonies in southern Africa after a proclamation of a Union. Furthermore, there were no laws passed by legislation of the states of southern Africa between 1900 and the 30th of May 1910 which allowed for any king to appoint a Governor-General for the Union after any proclamation whatsoever.

**h) The Act of South Africa of 1909 interfered with the government structures of the states of southern Africa by calling for structures which did not exist**

The Act of South Africa of 1909 refers to an Executive Government structure in southern Africa which did not exist, and thereby interfered with the system of governance which existed within the states of southern Africa. The Act refers government powers which are vested in the king, but do not explain who the king is, or of which state the king hails. To point, we refer to number 8 and number 9 of the Section ‘Executive Government’ of the Act, as follows:

**8.** The Executive Government of the Union is vested in the King, and shall be administered by His Majesty in person or by a Governor-General as his representative.

**9.** The Governor-General shall be appointed by the King, and shall have and may exercise in the Union during the King’s pleasure, but subject to this Act, such powers and functions of the King as His Majesty may be pleased to assign to him.

**i) The Act of South Africa of 1909 divested money from the states of southern Africa**

The Act of South Africa of 1909 claimed that consolidated revenue should be taken from southern Africa to be paid to the King without stipulating who the King is. There was no such law in the states of southern Africa which called for revenue of the states of southern Africa to be consolidated, and there was no such law in the states of southern Africa which called for revenue of the states of southern Africa to be paid to any single person collectively known as the King, or any other single person. To point, we refer to number 10, as stipulated in the Act of South Africa of 1909 with regard to the section called ‘Salary of Governor-General’ as follows:

**10.** There shall be payable to the King out of the Consolidated Revenue Fund of the Union for the salary of the Governor-General an annual sum of ten thousand pounds. The salary of the Governor-General shall not be altered during his continuance in office.

**j) The Act of South Africa of 1909 limited authority in southern Africa**

The Act of South Africa of 1909 was not adequate to serve the various states of southern Africa, as it allowed for the appointment of officers not more than ten in number to administer the various communities in southern Africa. To consider, at present there are eleven different official languages recognized in South Africa, and each language hails from a different nation with its own peculiar customs, it was and still is impossible for ten people to serve the needs of the different states of southern Africa. To point, we refer to Section Appointment of ministers, in the Act of South Africa of 1909, number 14 as follows:

**14.** The Governor-General may appoint officers not exceeding ten in number to administer such departments of State of the Union as the Governor-General-in-Council may establish; such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Executive Council and shall be the King’s Ministers of State for the Union. After the first general election of members of the House of Assembly, as herein after provided, no minister shall hold office for a longer period than three months unless he is or becomes a member of either House of Parliament.

**k) The Act of South Africa of 1909 replaced the authority of indigenous leaders of southern Africa with foreigners**

The Act of South Africa of 1909 specified that a president for the Union of South Africa could only be chosen by senators, and from the senator pool. All senators had to be subjects of Britain and be of European descent, which means that all presidents of the Union of South Africa were not of South African descent, as noted in numbers 26 and 27 of the Act as follows:

Qualifications of senators.

**26.** The qualifications of a senator shall be as follows: ―

He must: ―

(*d*) Be a British subject of European descent;

Appointment and tenure of office of President.

**27.** The Senate shall, before proceeding to the dispatch of any other business, choose a senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President. The President shall cease to hold office if he ceases to be a senator.

**l) The Act of South Africa of 1909 created laws which were impossible for most of southern Africans to understand**

The Act of South Africa of 1909 made laws which were impossible for most southern Africans to understand as they did not read, speak nor understand either English and Dutch, as stated in the paragraph entitled ‘Equality of English and Dutch languages’ numbered 137 of the Act as follows:

**137.** Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges; all records, journals, and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

Between 1900 and 1910, most southern Africans spoke African languages, which were not catered for in any written forms to contain the laws, regulations and stipulations required for by the Act of South Africa of 1909. Therefore, it was impossible for most southern Africans to abide by, support or object to the laws laid down within the Act of South Africa of 1909.

**m) Laws set out in the Act of South Africa of 1909 were broken by the British Crown**

The Act of South Africa of 1909 clearly states within the paragraph titled ‘Pensions of existing officers’ numbered 143 that any officer of the public service of any of the Colonies at the establishment of the Union who is not retained in the service of the Union or assigned to that of a province shall be entitled to receive such pension, gratuity, or other compensation as he would have received in like circumstances if the Union had not been established. However, officers of the public service of the areas the Crown ascribed to be part of the Union of South Africa before this Union took place, were not given such pension, gratuity, or other compensation as he would have received in like circumstances if the Union had not been established, as they were entitled to. To point, before the Union of South Africa took place in 1910, Mgwaqo was one of the most senior Zulu chiefs who served the Zulu nation under King DinuZulu. Had the Union of South Africa not taken place, there can be no doubt that the traditional government which existed in Zululand would have continued as was the will of the Zulu nation, which was controlled by Zulu chiefs, including Mgwaqo. However, after DinuZulu was exiled from his Zulu kingdom by the British authorities, Mgwaqo was not permitted to rejoin DinuZulu in his service to the Royal kingdom, and lived with his family in poverty at eMahlongwa Mission Station, to which area he had been exiled by the British colonial state, as noted in the Ilanga Lase Natal newspaper on the 17th of May 1910. The case of Mgwaqo, as well as other similar cases of Zulu leaders, is discussed further in Attachment 6 - War against Southern Africans and mass extermination of indigenous tribes for the creation of the Union of South Africa, Section: The Bambadha Rebellion 1906–1907, Sub-Section: An outline of insumansumane and the Treason Trial of King Dinizulu, with reference to his life after his release in 1910; and the following sub-sections.

**vi) Although the states of southern Africa gained their independence as a Sovereign British colony by international recognition in 1961, the Crown of England carried over their control of South Africa by creating the Constitution of South Africa of 1961 to replace the Act of South Africa of 1909.**

The Union of South Africa was founded as a dominion of the Crown. It was governed under a form of constitutional monarchy, with the British monarch represented by a governor-general. The Union came to an end when the 1961 constitution was enacted. On 31 May 1961 the nation became a republic, under the name of the "Republic of South Africa".

**The Constitution of South Africa of 1961**

The Republic of South Africa Constitution Act, 1961 was South Africa’s constitution from 1961 to 1984. On 5 October 1960, the new constitution which put that decision into effect replaced the Union with a Republic, and the Queen and the Governor-General with a State President who was elected by Parliament, but otherwise retained essentially the same constitutional structure. See Footnote 6 for a copy of The Republic of South Africa Constitution Act, 1961.

This act was enacted on 25 April 1961 as No. 32 of 1961, and came into force on 31 May of the same year. It was amended over forty times before being repealed on 3 September 1984 by the [Republic of South Africa Constitution Act, 1983](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1983), although some provisions relating to provincial government were retained under the new name of the [Provincial Government Act, 1961](http://en.wikisource.org/wiki/Provincial_Government_Act,_1961)

**vii) The present government of South Africa has the legality to return governance to the various states of southern Africa as it had existed before the Union of South Africa was established.**

When the African National Congress took over governance in South Africa during 1994, they promised publically that they would uphold the rights of all South Africans under the Laws of South Africa.

Sections 82 and 124 of the latest Constitution of South Africa allows for the South African government to return possession of any and all land which does not rightfully belong to the government of the Republic of South Africa, to be returned to its rightful owners. To point, we refer to the section which lays out the safekeeping of Acts of Parliament, or provincial Acts as discussed in the Constitution of South Africa of 1996, paragraph 28. (1) which addresses ‘Registration of immovable property owned by the state’ as follows:

28. (1) On the production of a certificate by a competent authority that immovable property owned by the state is vested in a particular government in terms of section 239 of the previous Constitution, a registrar of deeds must make such entries or endorsements in or on any relevant register, title deed or other document to register that immovable property in the name of that government.

**viii) The present Constitution of South Africa provides the legality of self- determination for South African communities sharing a common cultural and language heritage, determined by national legislation**

The Constitution of South Africa of 1996 provides the highest legal standing in South Africa, and from which we refer to the general provisions stated in chapter 14, which we provide in Footnote 7 – Chapter 14, General provisions of the Constitution of South Africa, 1996.

The Constitution of South Africa grants communities the right of independence, and also carries legislation for independent communities. Therefore has not been impossible for the governments of South Africa to have provided communities the structures they required when they requested their right for self-determination.

**a) The Constitution of South Africa grants communities the right of independence**

The General provisions described in chapter 14 of the Constitution of South Africa of 1996, the Section titled ‘Other matters’ gives South African communities which share a common cultural and language heritage the right to self-determination, which entitles them to their own territory inside the borders of the Republic of South Africa, quoted as follows:

**235. Self-determination**

The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of the right of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation.

**b) The Constitution of South Africa carries legislation for independent ommunities.**

The Constitution of South Africa of 1996 is clear on the legislation it provides for independent states, including homelands, in Schedule 6 as amended in 2001, as noted in Footnote 8 -Schedule 6 of the Constitution of South Africa regarding

|  |
| --- |
| Transitional arrangements. From this Schedule 6, we discuss extraction Bi) and Bii) |
| Which points that there was provision for independent territories within the legal system of the Republic of South Africa. |

**Bi) Extraction from Schedule 6**:

Volkstaat

[Schedule 6 amended by s. 3 of Act No. 35 of 1997, by s. 5 of Act No. 65 of 1998 and by s. 20 of Act No. 34 of 2001.]

Definitions

1. In this Schedule, unless inconsistent with the context ­

"homeland" means a part of the Republic which, before the previous Constitution took effect, was dealt with in South African legislation as an independent or a self-governing territory;

**Explanation of legal terms used in Schedule 6 of the South African Constitution as amended in 2001**

"**New Constitution**" means the Constitution of the Republic of South Africa, 1996;

"**Old order legislation**" means legislation enacted before the previous Constitution took effect;

"**Previous Constitution**" means the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993).

**Continuation of existing law means:**

2. (1) All law that was in force when the new Constitution took effect, continues in force, subject to ­

1. any amendment or repeal; and
2. consistency with the new Constitution.

(2) Old order legislation that continues in force in terms of sub-item

1. does not have a wider application, territorially or otherwise, than it had before the previous Constitution took effect unless subsequently amended to have a wider application; and
2. continues to be administered by the authorities that administered it when the new Constitution took effect, subject to the new Constitution.

**Interpretation of existing legislation:**

3. (1) Unless inconsistent with the context or clearly inappropriate, a reference in any legislation that existed when the new Constitution took effect ­

1. to the Republic of South Africa or a homeland (except when it refers to a territorial area), must be construed as a reference to the Republic of South Africa under the new Constitution;
2. to Parliament, the National Assembly or the Senate, must be construed as a reference to Parliament, the National Assembly or the National Council of Provinces under the new Constitution;
3. to the President, an Executive Deputy President, a Minister, a Deputy Minister or the Cabinet, must be construed as a reference to the President, the Deputy President, a Minister, a Deputy Minister or the Cabinet under the new Constitution, subject to item 9 of this Schedule;
4. to the President of the Senate, must be construed as a reference to the Chairperson of the National Council of Provinces;
5. to a provincial legislature, Premier, Executive Council or member of an Executive Council of a province, must be construed as a reference to a provincial legislature, Premier, Executive Council or member of an Executive Council under the new Constitution, subject to item 12 of this Schedule; or
6. to an official language or languages, must be construed as a reference to any of the official languages under the new Constitution.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any remaining old order legislation ­

1. to a Parliament, a House of a Parliament or a legislative assembly or body of the Republic or of a homeland, must be construed as a reference to ­
   1. Parliament under the new Constitution, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to the national executive; or
   2. the provincial legislature of a province, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to a provincial executive; or
2. to a State President, Chief Minister, Administrator or other chief executive, Cabinet, Ministers' Council or executive council of the Republic or of a homeland, must be construed as a reference to ­
   1. the President under the new Constitution, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to the national executive; or
   2. the Premier of a province under the new Constitution, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to a provincial executive.

**ix) The international recognition of the Boer republics, which includes the independent country of Die Nieuwe Republic, has never been withdrawn.**

Die Nieuwe Republiek is an independent country within South Africa which received international recognition. The sovereignty of the Nieuwe Republiek, as well as the sovereignty of the two Boer Republics namely the Zuid Afrikaanse Republiek and the Orange Free State, has never been withdrawn officially by the international community.

**a) The Boer nation received international recognition.**

The Boers have been recognized as an independent nation through international conventions at least 5 times, noted in sequence as follows:

The Sand River Convention of 1852 - which lead to the independence of the Boer Republics within the Transvaal region / the Orange River Convention of 1854 - which lead to the independence of the Orange Free State within the Transorangia region / the London Convention of 1881 - which lead to the re-established independence of the Zuid Afrikaanse Republiek in the Transvaal region / the London Convention of 1884 - which lead to the full independence of the Zuid Afrikaanse Republiek in the Transvaal region / the Vereeniging Treaty of 1902 which concluded the second Anglo-Boer War.

**b) Die Nieuwe Republiek**

After the Anglo-Zulu war in 1879, Britain incarcerated the Zulu king, Cetshwayo, and divided Zululand into 13 separate districts. They assigned a chief in each area who would rule by taking orders from a British citizen. Mr. John Robert Dunn was the British citizen who controlled the jurisdiction of the South.

This division did not take into consideration the influence and power of each head man, nor the chronological differences of their ranks, which caused infighting to such an extent that fleeing Zulus crossed the borders into the Zuid Afrikaanse Republiek (ZAR) and asked for help from the border Boers. As the ZAR was not allowed to interfere in matters outside their borders due to the British rules in southern Africa, the government of the ZAR asked the government of Britain to intervene. The ZAR received instruction from the Crown to only protect their borders. The Boers also demanded that the deposed King Cetshwayo be released to restore peace to his nation. Before the Crown agreed to this, they re-divided the Zulu kingdom of King Cetshwayo into three sections in 1883.

Zibhebhu, a Zulu man, was given authority by the British to rule the northern territory of Zululand, King Cetshwayo and his Usutu group (those who follow the Zulu king) were given control of the central area around Ulundi, and the British maintained control over the Southern “Reserve” side of Zululand.

Zibhebhu refused to recognize the position of Cetshwayo, which created factions fights between the ‘King of England loyal’ and the ‘King of Zululand loyal’ people in southern Africa. Zibhebhu raided the ‘kraal’ (palace) of Cetshwayo in June 1883, which forced Cetshwayo to flee to Nkandlabos in the Reserve, where he died in February 1884.

Peace could not be restored in Zululand. Dinizulu, the 16 year old son of Cetshwayo, who had taken kingship in succession of his father, asked the Boers who lived along the Zululand border, to help him sort out matters with Zibhebhu.

300 Boer volunteers crossed the Bivane River early in May 1884. After Zibhebhu agreed to submit to authority and end aggression in Zululand, the management committee of the Boer volunteers crowned Dinizulu officially as the Zulu king. Dinizulu promised to reward the volunteers with land, of which the size was not mentioned.

Zibhebu, however, reneged on his word, and prepared for war against the Usutu. In June 1884, his onslaught against the Usutu was severely thwarted by the Boer volunteers, who by now had swelled to 800 men. As a reward for their help, Dinizulu issued a proclamation on the 16th of August, 1884, in which he awarded the Boers 1 355 000 morg (about 1 168 000 ha) of the Zululand area which bordered the Boer Volkstaat ZAR, for the purpose of establishing an independent government. In this proclamation, the Boers were made protectorate of Zululand and were obliged to ensure peace in the area. On the same day, Commander Lucas Johannes Meyer, officially proclaimed the area the “Nieuwe Republiek”. In September 1884, the name ‘Vryheid” was given as the official capital of the Nieuwe Republiek. Neither the ZAR nor the British Empire showed any signs of displeasure with this arrangement. However, when it became clear that the Boers now had route to the sea through the seaport at Saint Lucia, the Crown annexed Saint Lucia in December 1884.

On the 26th of October 1885, the borders of Die Nieuwe Republiek were proclaimed. The Phongolo River formed the border to the north, and the Mkuze River to the east. The Reserve formed the border in the south and the south-west. The borders of the existing ZAR town of Utrecht formed the western border.

The Crown was not satisfied with the size of the land bestowed upon the Boers, and after much negotiation, the independence of the Nieuwe Republiek was officially recognized in October 1886, on the condition that the protectorate order had to be abolished.

In May 1887, Zululand was annexed by the Crown under pretext of Britain being a protectorate of Zululand. This resulted in the Nieuwe Republiek having to relinquish a large portion of its land - along the border of the Reserve, and the sea - in the Saint Lucia area. The relinquished area was known as “Proviso B”, and the Boers who wished to remain in that area would have to pay cartage to the British government.

Annexation of Zululand and the large portion of land of the Nieuwe Republiek by the Crown crippled the Nieuwe Republiek financially, and strategically as its route to the sea were cut off. On the 14th of September 1887, the Nieuwe Republiek joined the ZAR as the “Vryheid District”, and formed the eastern border of the Boer Republics known as the ZAR. This amalgamation was formerly concluded on the 22nd of July 1888.

Britain had annexed 13 510km² of the Zululand area, and 4 560km² became known as the Vryheid district.

In 1902, after the Anglo Boer war, the district of Vryheid, Utrecht and a portion of Wakkerstroom was incorporated into Natal.

References for this discussion of Die Nieuwe Republic are provided in Footnote 9 - References for the discussion of Die Nieuwe Republic.

**c) Borders of the Boer Republics**

The borders of the Boer republics were mostly defined by rivers, of which we include the following information:

Mpande had a third son, Umtonga  who was older than Cetshwayo who Cetshwayo also began to see him as a threat and, in 1861, chased him into Utrecht, land that Mpande had ceded in 1854 to the Boers. Cetshwayo’s army camped on the border of the Boer Republic and promised the Boers a strip of land on the border if they handed his brother over. The Boers were prepared to meet his request if he spared Umtonga’s life and Mpande signed a deed giving the Boers the additional land. The extra territory extended from Rorke’s Drift on the Buffalo River to a point on the Pongola River. Utrecht expanded and this new border was officially marked in 1864.

The Pedi leader Sekwati signed a peace treaty with Andries Potgieter on the 5th of July 1845, which gave permission for Voortrekkers to farm in the Andries-Origstad area. This document was lost, but when the Swazis gained final control of the area, the Origstadse Volksraad bought this area from the Swazis on 25 July 1846 for 100 cattle. The area was described as the land between the Olifants River in the north, the Crocodile River, Elandspruit (Elandsriver) and 26° suiderbreedte in the south and the Portuguese area in the west.

According to the book ‘Gebieds Sprake en Afbakening’, section titled ‘Die Voortrekkers se omskrywing van hul aanspraak Noord van die Vaalrivier’, boundaries of the Boer Republics were determined as follows:

On the 16th of October 1840, a joint gathering of the Natal Volksraad (government) and Boer leader Potgieter and his supporters at Mooi River lay their borders north of the Vaal River as follows:

In the east their state would border on Renosterpoort (Trigaardtspoort, north-east of Bronkhorstspruit) from where it would run to Buffelskop (which is in the Buffelshoek mountains east of Potgietersrus).

From Buffelskop the border would take a north-west direction up to the Kalahari desert (which is in the direction of the Shoshong hills), and from there it would move southwards up to the Molopo River, and further south up to the saltpan which lay at the Vaal River (the saltpan between Bloemhof and Christiana).

Hereby the land area from Renosterpoort up to the Soutpansberg, as well as the land which Potgieter received from Kapteins, would be held in trust as state land for the Boer nation.

The Potchefstroom-Winburg burghers (citizens) created their own Burgher-raad (Committee) and established the famous Constitution of 33 Articles, which was officially signed on the 9th of April 1844.

The Burgher-raad established their borders southwards up to the Orange River. Eastwards they were restricted by the British determination of the Drakensburg as the western border of Natal. (Britain annexed natal in 1843).

**d) The Boer Republics received international recognition**.

The two major Boer Republics: the Transvaal Republic & the Orange Free State which fought against Britain during the Anglo-Boer War were recognized around the world as independent sovereign states prior to the outbreak of the First Anglo-Boer War.

The independence of the Boers north of the Orange River was recognized internationally first with the Sand River Convention which granted independence to the Boers north of the Vaal River up to the Limpopo River in 1852 within their Volkstaat named die Zuid Afrikaanse Republiek, and thereafter during the Orange River Convention of 1854, the independence of the Boers north of the Orange River which extended up to the Vaal River, was recognized within their Volkstaat named The Orange Free State. These Republics were each in possession of a Convention, which from the nature of its provisions seemed to promise a future of self-determination for the Boer nation. In addition to Great Britain, the rights of the Boer Republics were recognized in Holland, France, Germany, Belgium, and in the United States of America. The American Secretary of State at Washington, writing to President Pretorius on the 19th of November 1870, said: "That his Government, while heartily acknowledging the Sovereignty of the Transvaal Republic, would be ready to take any steps which might be deemed necessary for that purpose."5

**(x) The Long Struggle of the Boers For Self-Determination.**

The Boers have had a long struggle to acquire self determination. A struggle which dates back to 1795 on the eastern Cape frontier when the first Boer Republics at Swellendam & Graaff-Reinet were established in rebellion to Dutch rule. The Boers would later achieve a high level of self determination after the Great Trek when numerous other Boer Republics were founded north of the Orange River. The main republics were the Transvaal Republic also known as the ZAR / the Vryheid Republic and the Orange Free State Republic. When the two major republics of the ZAR and the Orange Free State were besieged by the British after the Second Anglo-Boer War, the struggle for self determination resumed first during the Maritz Rebellion in 1914 - which was triggered when the South African government sided with the

British less than 15 years after the devastation of the British concentration camps, which killed close to 50 % of the Boer child population. The Rebellion leaders were jailed and prevented from participating in politics.

The movement to restore the Boer Republics resumed again during the 1940’s, but was crushed by the Afrikaner establishment and leadership in government positions. In 1961, Robert van Tonder left the National Party to pursue the restoration of the Boer Republics full time. His movement for independence of the Boer Republics grew during the 1970’s, but was undermined by government agents as discussed in

Attachment 10 - South Africa is bound as a possession by the Crown.

The movement to restore the Boer Republics or to acquire some form of Boer self-determination continues but is still facing strong obstacles from the government of South Africa.

**(xi) Self-determination is a matter of life and death to the Boer nation**

Physical attacks of extreme violence and cruelty on the lives of South Africans are proportionately much higher on the Boer nation than on any other nation in the country. These attacks are discussed in Attachment 15 - The silent genocide of the Boer Nation in South Africa. Various calls for their self-determination have been made repeatedly since 1902.

On Thursday 5 June 1998, Mohammed Valli Moosa (then minister of constitutional development in the ANC government) stated during a parliamentary budget debate that "the ideal of some Afrikaners to develop the North Western Cape as a home for the Afrikaner culture and language within the framework of the Constitution and the charter of human rights is viewed by the government as a legitimate ideal". The murder and crime of South Africa in 1998 are discussed in an article “From Boer War to “Democratic” Terrorism”, wherein Tony Norton details the financiers and supporters of the Anglo-Boer Wars, the wars themselves, and draws comparisons to wars fought inside America before he updates his article to 2004, from which we take the following excerpt:

“In 1998, a survey conducted by the British Department of Home Affairs, which included a 24 page report on South Africa, it was found that of the 29 countries examined by the survey, the murder rate in South Africa far outstripped its nearest rival, Russia. In South Africa 57.52 murders were committed per 100,000 people, whereas Russia had 20.2 per 100,000. The rate for the USA was 6.26 per 100,000. In Britain the figure was lower than 3%.

In 1998 the average crime increase of the 29 countries was 4.7% on the previous year, but South Africa's increase was 37%. From 1994, when the communist ANC took power, to 1998, crime in South Africa rose by 40%.

Tim Butcher Telegraph's representative in South Africa, wrote in its weekly issue 568 that, "The scale of South Africa's crime epidemic does not register with the outsider until they experience it. Only then is it possible to see how crime is rotting the soul of South Africa, driving good people away and threatening every corner of society."

Jani Allan, a popular correspondent for a Johannesburg Sunday newspaper, who experienced a reluctant "brief encounter" with the one-time fire-eating leader of the AWB (Afrikaner Resistance Movement) Eugene Terre Blanche, who at the time, was filling halls and stadia with his searing but empty bluster, returned to South Africa in 1996, after an absence of 8 years, and reported her experiences for the International Express on July 17, 1996. Jani says she was met at the airport by her friend Kate who was wearing a T-shirt that read, "1 serious crime is committed every 17 seconds; 1 murder every 219 minutes 12 seconds; 1 violent assault every 3 minutes 328 seconds; 1 car hijacked every 5 minutes 39 seconds, Living in hell and loving it!"

She went on to say, “In this country of 42 million (of whom five million are Whites) there are only four million tax payers. These are the most highly taxed in the world ... in Britain the inflation rate is 2.2%; in South Africa it is 16%.

"Kate is 36 and, like most of her peer group, has impeccable liberal credentials. She ardently supported the ANC during its years in exile but like most of her peer group feels the honeymoon is over. "I'm tired of the ANC making me feel guilty for being White, heterosexual and a smoker. This, “we are poor because you are rich” is something only an intellectual is stupid enough to believe. I'm tired of having to give to a different beggar at every traffic light."...My dinner companions decided that corruption is the only discernible growth industry, and that 50% of the population is unemployed."

Kate, like so many disillusioned liberals, including the irascible Dame Helen Suzman, who lately declared that the 'apartheid' government was better than the present set up, have either bolted to a safer haven or live behind burglar bars.

Anybody who still has a modicum of civilization left in them must agree with Helen Suzman. When they read the clippings I have on my desk.

"Baby raped: six arrested" reads this headline. Another baby of 9 months was tested for Aids after being raped and sodomized, a victim of the myth, that "sex with a virgin will protect a man against Aids." An Argus editorial on 3 December 2001 sounded shocked when a 5 month old baby was also raped and sodomized.

"Since democracy came to South African 1994,” runs another Argus report, “Cape Town has become a second home to ... a band of international drug barons." In February of 1996 the Argus reported that there were 278 organized crime syndicates in South Africa, who dealt mainly in drugs, diamond and vehicle theft. And listen to this, from Tony Leon, leader of the Democratic Party: "South Africa has lost three times more lives through murder in the past 10 years than the United States has lost in the whole of the Vietnam War." No wonder the streets of our big cities are regarded as more dangerous than a war zone.

Here's a little snippet to make your day. One Patrick Mbus Msani (26) told the police that he had eaten five (5) people including his neighbor. He confessed, with some regret, that he would have eaten two more, but they escaped. (Report from News 24 7/5/2001.) And just in case you were unsure, Anglican Bishop of Pretoria Joe Seoka told a conference on racism at the University of Pretoria, that "Racism is a White sin. It is impossible for a black to be racist." And so it goes in the New South Africa on and on.

Perhaps I should add some African culture to this article. Who better than the late, lamented leader of the SA Communist Party, Chris Hani, for whose demise Clive Derby-Lewis is under sentence of death in a South African jail. The following is from his poem, "Uhuru Day". "I will rape their daughters, I will kill the living, I will murder the unborn. And curse the Whites dead. For it is they who raped mother Africa. For it is they who oppress my Black people. I will hang them on trees, I will burn ... ,I shall kill with all the strength I have. Kill! Fragment! and eliminate all that is White! For I will be paving a way for Uhuru day. The time to free ourselves has come, Blood will ooze! Blood will flow. And blood will flood the rivers of Africa. And the Black man will have his freedom."

See full article quoted in Footnote 10 – From Boer War to “Democratic” Terrorism.

Not only are there attacks on the physical lives of the Boer nation, but also on their fundamental right to call themselves Boers. Losing their identity removes their right to existence in South Africa. To point, we quote an article written by Adriana Stuijt called ‘Ethnic Identity of the Boer’ to show the dire situation Boers find themselves in presently, as follows:  
This family history is being repeated by every Boer family in South Africa right now - people are again losing their ethnic identity and confused about what to call themselves - Boers, Afrikaners or whites, which are you?  
  
They are losing their ethnic identity - and it's not the first time this tragedy is occurring.  
  
So who are these people - first called the Grensboere, then the Voortrekkers, then Boers, then Afrikaners - and who again being degraded to "whites" - people in other words, who have no right to live on the African continent.  
  
Many people in the news media still ridicule me whenever I write about "Boers" or "Voortrekker-descendants" on the website <http://groups.msn.com/censorbugbear>. But has anybody ever figured out why so many people have stopped referring to themselves as Boers since 1902 even though they know they were directly descended from Boers?   
And does anybody know today why there are so many Afrikaners still refusing to admit that the Boer history even existed?  
  
There are still some South Africans who are still referring to themselves as "Afrikaners" such as Dan Roodt of the Pro-Afrikaans Action Group (PRAAG) but this number is dwindling rapidly as their identity is being taken away from them by the current regime. But refer to this group as Boers and they get angry.  
And increasingly one finds this besieged minority referring to themselves in the same racist terms used by the ANC, namely "whites". so what is going on here? Many people not familiar with South African history are confused - and with right, because the history has become very muddled-up over the years.  
And now, these people are again at risk of losing their ethnic identity even further - and thus also losing their rights to remain in Southern Africa as a unique, ethnically different nation.  
Even those still daring to call themselves "Afrikaners" are falling victim to this identity crisis, which is being created by the ANC-regime.  
  
How did this tragedy -- the loss of one's ethnic identity and the loss if the history of your people -- actually come about?  
As soon as all these people start referring to themselves as "whites" they will have lost all rights to remain in South Africa. We know why their identity is being taken away.  
But we don't know how these so-called Afrikaners have also actively participated in the steady removal of the Boer nation's identity before these current events. And that's what makes a lot of people confused about their own identity.  
  
It's a little-known part of history which started shortly after the end of the Anglo-Boer war in 1902, when the Boers were a defeated, poverty-stricken people who had been chased off their farms and whose towns had been destroyed by the British. They were dirt-poor and plunged into an unprecedented famine. Many had to flee to the cities to survive - places which were totally alien to them, places were only English was being spoken, places where their churches were being run by people who referred to themselves as Afrikaners.  
Up to that point, the Boers had had a rich history and people still find old history books referring to this nation.  
  
Recently a kind lady from Louisiana mailed me a copy of the "History of the Boers in South Africa," written in 1887 by a Canadian missionary with no political axe to grind: namely George McCall Theal.  
It contains a map showing the territories which were being farmed by the Boers: from the Olifants/Limpopo rivers in the north to below the Orange River in the South (Colesburg).  
It shows the names of the towns they had started which carried names such as Lydenburg, ( Place of Suffering) Vryheid, ( Place of Freedom) Pietermaritzburg, (named after the famous Voortrekker leader) Pilippolis and Bethulie, (named after their beloved Bible) and Potchefstroom, Rustenburg, Winburg and Bloemfontein... as they Trekked, the Boers named the map of South Africa, and many of its vegetation and wildlife as well.   
All these Boer names are now being wiped off the map of South Africa in one fell swoop by the ANC-regime -- even though the Boers' official history had ended in 1902, long before the elitist-Afrikaners who ran the secret Afrikaner Broederbond cabal had started apartheid in 1948.  
Yet this is not the first time that the Boers are facing such an ethnic cleansing campaign by a nation which is hell-bent to remove their very rights to exist in South Africa - this is actually already the third time in Boer history.  
The first time the British tried to eradicate them from the map of South Africa with their vicious war and their even more vicious concentration camps where many tens of thousands of Boer women, children and elderly starved to death within just a few months.  
After this first genocide to target the Boer nation, their descendants still managed to cling to their identity for at least another generation - until the secret cabal of wealthy Afrikaners called the Afrikaner Broederbond gained hegemony -- and then took away their identity from about 1933 onwards.  
  
When the Afrikaner Broederbond 's National Party won the elections, and took over the governance of South Africa from 1948 and launched the system of apartheid, the first thing they did was to completely rewrite the Boers' history.  
Suddenly, all the accomplishments of the Boers became 'Afrikaner' accomplishments.   
The Boer Women's Monument in Bloemfontein, erected in memory of the murdered Boer women and children who died in the British concentration camps written about so eloquently by British pro-Boer campaigner Emily Hobhouse, even became the Afrikaner Women's Monument - a truly vile insult to their memory. The Voortrekker Monument is described in terms which honour the memory of Afrikaners -- not the Boers who had actually undertaken the Great Trek.  
Paul Kruger, their last president who was so sadly exiled to the shores of a lake in Switzerland, became an "Afrikaner" president in the history book -- when he himself never referred to himself in any of his correspondence as anything except a Boer.  
  
Thus all the history books were rewritten and Boers with too-long memories such as Robert van Tonder of the Boerestaat Party and Eugene TerreBlanche (of the incorrectly-named) Afrikaner Weerstandbeweging were persecuted publicly by the regime, aided and abetted by the Afrikaans-language news media. Eugene's heart is in the right place: he bears the flag of the old Boer Republic and he refers to himself as a Boer. But his organization’s name bears witness to his ethnic confusion, caused by the Afrikaner Broederbond's rewriting of his own history.  
  
And now the ANC is completing this vile task which was started by the Afrikaner Broederbond, and has even changed the names of their towns - and even of the historically--important "Voortrekker" streets which indicate the routes which the old Voortrekker Leaders such as Bezuidenhout had taken while battling their way to the north to get away from British hegemony in the Cape.  
The old Voortrekker Streets all over South Africa are now being renamed to Chris Hani and Nelson Mandela streets and other names of people who, unlike the old Voortrekkers, actually have contributed absolutely nothing to the development of those streets whatsoever.  
Thus the ANC is proving itself to be just as fascist in its nature as the old Afrikaner Broederbond they had replaced.   
  
Both organizations are still hell-bent to wipe out all evidence of the Boer history.   
They even continue to persecute and jail anyone who wants to rekindle Boer history such as Eugene TerreBlanche and the Boeremag-15, undergoing their hyped-up, trumped-up treason trial in Pretoria High Court.  
  
It's no coincidence that the public prosecutor of the Boeremag-21 just happens to be a well-known former Afrikaner Broederbonder, Paul Fick, who even admitted to being a Broederbonder when I interviewed him for the Sunday Times during the apartheid-era, when his organization had launched plans for a new flag and wanted to test public opinion...And if Robert van Tonder, riddled with cancer and suffering terribly, hadn't committed suicide a few years ago, they would have also had him in jail by now under trumped-up charges.  
He and other Boers still proudly spoke the Taal, the language of their forebears - the language which now is being wiped off the map of South Africa.  
  
Today, people no longer know who these Boers were - nobody knows about those dirt-poor Boer women who founded the garment workers' union, those famished women who had left their beloved farms and had gone to the cities to try and survive after their defeat in 1902.  
  
Women like Johanna and Hester Cornelius of Thabazimbi, who even wrote their own plays, describing the Boers' history in the cities, those many thousands of women and girls who had marched behind the Red Flag of the communist party in the cities of South Africa; and the Boer men who founded the Mineworkers union (now named Solidarity), and who had fought so valiantly against the mine magnates during the mineworkers' uprisings at the Witwatersrand and of whom thousands had been shot dead by their own compatriot soldiers from the countryside, who had been told by the government of Jan Smuts that these men were the enemies, the "communists". They were shooting their own Boer kindred and didn't know it...  
  
Nobody knows the history of these Boer people today because the Afrikaner Broederbond has deliberately written these facts from their history books.  
  
History researcher Elsabe Brink wrote brilliantly about these defeated Boers in the cities of South Africa who put up such a valiant fight for their own identity - and whose ethnic identity is now again being discarded today in the latest ethnic cleansing facing them.  
The elitist Afrikaners of the Cape, who had been ashamed of the Boers to the north who had fought against the British, were equally ashamed of these poor, defeated Boers who were trying to survive in the cities -- forced to work in mines and factories "like black girls in the factories" as they referred to them.  
Hand-labour was as abhorrent to these elitist Afrikaners as it is to this day. That's why Orania is so newsworthy: because these Afrikaners are actually doing all their own labour...  
The old Boer mineworkers were equally despised - they and their families were referred to as the "new poor-white problem" in a Red Cross report published about the devastating poverty among the descendants of the Boers in 1923.  
  
But these weren't "whites" -- these were all Boers. I recorded many of the names of the mineworkers in the Witwatersrand towns like Springs and Vrededorp who had been shot in the Cottlesloe uprising by Jan Smuts' troops - and they were carrying Boer names.  
I also have a record of all the Boer children of Langlaagte and other Afrikaner-run orphanages that were adopted by wealthier English-speakers over those years -- and thus were lost to the Boer nation forever.  
These adoptions went on until well into the early 1970s and I know many people today with English surnames who were raised as Englishmen yet do not know that they are descended from Boer families.  
  
And again we find these Boers back today - again growing increasingly poor and again fighting for their survival and their ethnic identities in internal refugee camps, and again giving up their children for adoption to wealthier elites.  
These internal refugee camps for Boers are now run by organizations such as "Afrikaner Charity."  
Yet this is also the very same group who still refers to themselves as Boers to this day. Just go and talk to them and ask them about their history.  
They know who they are descended from.  
So please don't refer to these dirt-poor working-class people, who refuse to be defeated and who refuse to forget their own history, merely as "whites.'  
It's an insult to their proud history.”

**(xii) The attitude of the present South African government on independent states in South Africa**

The present South African government is controlled by the African National Congress. At the time they took over governance from the National Party, agreements were made as to the investigation of an independent state ‘Volkstaat’ for the Boer nation within the borders of South Africa.

Such investigation was to be made by a ‘Volkstaat Council’. However, this council did not achieve in the establishment of a Volkstaat for the Boer nation. History has proven that the African National Congress are not in favour of any land being separated from the Republic of South Africa, as this is not in the interest of the National Democratic Revolution movement to which the African National Congress subscribes, whereby all land should become state owned, and the Republic of South Africa, become a colony of Russia, as discussed in Attachment 9 - Objections to the formation of the Union of South Africa, Section D: International Objections to the Union of South Africa, Sub-Section c) The African National Congress is continuing with the Soviet National Democratic Revolution to alter the Union of South Africa to a Soviet colony of Russia.

**a) Volkstaat Council**

The Volkstaat Council was an organization of 20 people, created by the African National Congress, according to the Volkstaat Council Act in 1994. This was in accordance with sections 184A and 184B of the 1993 South African Constitution, which state: "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…"

The council's funding was terminated in 1999, without the council being formally disbanded. The council produced a final report, making three key recommendations:

* That areas with an Afrikaner majority should enjoy "territorial self-determination". Areas identified included the region around Pretoria, and a region of the Northern Cape Province;
* That the government establish an "Afrikaner Council", as an advisory board to the government. "Representation in parliament, where numerical power is all that mattered, was not seen as a democratic system for minorities";
* That the government create legislation enacting the other two points. Draft legislation for the Afrikaner Council was provided.

The provisions in the constitution allowing for formation of the council were removed in 2001, by the Repeal of Volkstaat Council Provisions Act, in accordance with the original act.

Johann Wingard, chair of the council, expressed the view in 2005 that he doubted if any government official ever opened any of the reports to read them. Additionally, he stated that only a "civil war" would ever enable Afrikaners to gain independence in any part of South Africa. The opposite is suggested, however, by the fact that then deputy president, Thabo Mbeki, and then Minister of Home Affairs, Dr Mangosuthu Buthelezi, quoted figures from Volkstaat Council reports in a report to parliament in 1999. Nelson Mandela, the president at the time, specially requested that the delivery of the report be delayed until he could attend its presentation personally.

The African National Congress government formalized their stance on the issue in 1998-1999, when they declared that they would not support a Volkstaat, but would do everything they could to ensure the protection of the Afrikaner language and culture, along with the other minority cultures in the country.

Subsequent to the disbanding of the Volkstaat Council, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities was established in 2003. This committee is charged with the protection of the rights to cultural identity of all self-identifying groups in South Africa, including Afrikaners. The committee includes an Afrikaner, JCH Landman, who is also a member of the Afrikaner Alliance. The reports from the Volkstaat Council were to be handed over to this committee.

**b) A call to the Institute for Security Studies went unheeded**

Presently, the same propaganda spread by the Institute of Security Studies pre 2003 is still being repeated between people in South Africa. The death toll of the Boer nation has not declined and the Boer nation has still not received any recognition on their call for self-determination. Dr Tobius Louw remarked on the huge funding the Institute of Security Studies had received, when he wrote an open letter on behalf of the Cultural Justice Foundation to the Institute for Security Studies c/o Dr Jakkie Cilliers on the 16th of September 2003, in which the following points were noted with regard to the Boer nation:

* Published views of the Institute for Security Studies inferred that the Boers should not be allowed to strive to realize their fundamental group rights, as several United Nations charters stipulate;
* The Boers are also not allowed in any event to take a critical view of the South African unitary state they have been forced into without having been asked for their opinion;
* The Institute for Security Studies member Mr Boshoff fanned flames of ethnic hatred with inflammatory rhetoric, and seemed to think that the Boers as a people not qualify for respect, dignity and fundamental rights;
* The Institute for Security Studies use degrading terms in their "scientific" reports, which are apparently meant to demonize and polarize the Boers by the use of such inflammatory rhetoric. In so doing, they display the inability to distinguish between a fact and a value, or more precisely, a prejudice;
* The Institute for Security Studies is creating images of hatred, racism and Boer-bashing, thereby discrediting itself as biased and thus untrustworthy.
* The Institute for Security Studies consider all Boers as terrorists", "extremists" and "right-wingers" and added the Boeremag to their list of terrorist organizations;
* The correct term is "Boer nationalists" and not "right-wingers", as the Institute for Security Studies labels them. Boers are not an (extremist) element on the spectrum of the South African professional party-political comedy. Boers do not wish to be part of this "rainbow spectrum", nor do they consider themselves bound in conscience by a constitution, laws, rules and statutes made on their behalf without any form of consultation with them or consent by them. If and when they do obey these oppressive laws, they do it out of a higher conscience, and out of respect for the semblance of the order of things. The Boers have a right to resist an oppressive constitution and oppressive laws, as they believe that actions borne from coercion can never be interpreted as the giving of consent;
* Rural terrorism is not committed by the Boers, but by members of the Azanian, or non-Boer culture groups of the New South Africa;
* . Boers - men, women and their children - are tortured, slaughtered, burned, terrorised and attacked at a rate that is equal to none other in the entire world by the New South African crime terrorists;
* Annually about a quarter of the prison population is let loose on the streets from their overcrowded prisons - The prisons of the New South Africa are crowded to the rafters with Azanian criminals, many of whom are drug pedlars, many of whom gang-rape their fellow inmates; 150 000 criminals, nearly all Black convicts, have been released into our society since 1994; 9 000 criminals – including Black murderers – have been prematurely released in July 2003 as part of the celebrations of Nelson Mandela's 85th birthday. Interpol released the figure of 50 000 murders per year committed in the New South Africa;
* The Boers are not the ones raping babies of only three of four months old because they have the primitive believe that it will cure their AIDS
* The Boers are not the ones slicing off bits of their victim's anatomy for 'muti medicine';
* The Boers are not the ones falsifying school or university certificates and calling themselves 'doctor' without having actually studied for this degree;
* The Institute for Security Studies is embarking on the same treacherous rhetoric and dishonest dealings as what the British Empire did to the Boer nation;
* Many people throughout the world are openly admitting that they were gravely mislead in helping to manipulate the unsophisticated Third World in taking over this once First World country which flourished under the management of the Boers;
* Prince Charles expressed his shock and dismay in a letter at the brutality of these terrorist acts;
* Genocide Watch , an international institute, is doing a good job to inform the world of what is really happening in South Africa;
* the United Nations called South Africa one of the four major drug and crime areas in the entire world;
* The Institute for Security Studies try to shift the focus, from the disaster that the New South Africa has become, to demonizing the Boers;
* The Institute for Security Studies deny the Boers their God-given right, which is ironically also internationally accepted, to govern and develop themselves politically, economically, judicially, educationally, and as a society;
* The Institute for Security Studies was challenged to organize a special symposium on (a) minority rights in South Africa, and (b) self-determination for any of the ethnic groups who wishes for it;
* The Boers base their fundamental rights for self determination on Article 235 of the South African Constitution;
* The Boers have the right to full self-determination. This right was adopted as a matter of the greatest importance as relating to the Political and Civil (and Economic) Rights of Peoples (Volkere), by the United Nations on the 16th of December 1966. Again, the right to constitutional and economic self-determination in a territorium of their own is seen as the most fundamental freedom of a people;
* The Boers never desired to have a unitary state of a one-nation South Africa;
* It is sheer nonsense to allege that the so-called Boeremag wants to return to pre-1994 South Africa. Not one Boer supports the single nation-state created by the British empire after they cowardly killed nearly 27 000 Boer women and children during the Boers’ Freedom War of 1899-1902, and in this evil manner forced the small, brave Boer army made up of farmers, fighting in their Sunday three-piece suits, to relinquish their two Republics to prevent all of their women and children to be murdered; 60 000 of their farms were completely destroyed in the criminal "scorched earth" policy of the British and left the Boers deeply destitute after they were thus forced to sign the peace agreement of Vereeniging;
* The Griqua people also rejected the territorial integrity of the unitary South Africa;
* The Rehoboth Basters also rejected the territorial integrity of the unitary Namibia;
* The Boers have a culture of their own which includes a common religious world-view; common language and common ethnic heritage which are criteria recognised internationally as sufficient to stake a claim for self-determination as a people;
* For the Boers, it is not a matter of race. However, their language, culture, ethnicity and religious world-view do play a key role. Most Boers would prefer to suffer under Mandela's yoke rather than under De Klerk's lies as they are deeply disgusted by those who callously signed away the last remnants of their self-determination without even bothering to consult them about the effects on them;
* Boers are not "Afrikaners". All Boers are aware of the systematic subterfuge and distortion of "identity" that has been the result of the makings of the Broederbond and the National Party, based upon the then image of the British imperialist gentleman. This artificial identity was meant to wean away the Boers from their strong identify, from their history, from their nationalism, and thus weaken them
* As a specific people, the Boers have the right to the dignity, equality and liberty of which also the Constitution of the New South Africa speaks. Not because this constitution says so, but because international convention say so;
* The Boers call for all of the "freedoms and rights" mentioned in the said UN declarations and covenants;
* The Boers petition for the right of self-control over the vital areas of their lives;
* The Boers claim the rights to "life, liberty and security of person";
* The Boers never wanted a singular state with a single government ruling all the peoples of the sub-continent;
* The Boer Republics were taken from them with violent force;
* The terms of the peace treaty of Vereeniging in 1902 stated unambiguously to see to the restoration of Boer independence as a people before any political rights be bestowed upon the African peoples;
* The Boers are not colonialists or imperialists; they never engaged in any "Christianizing" mission work to convert the heathens as did the American, Scottish and German missionaries. Their forebears wisely thought it best not to interfere with those values and views that other people cherish and hold sacred;
* The Boers made no bones about the fact that they were not great supporters of the capitalist system, as it was seen to be nothing else than another form of Imperialism;
* The Boers never sought to "civilize" and "develop" other racial and cultural groups from a position of cultural superiority. The Afrikaners tried it for many years, and failed dismally in more than one way;
* The Boers are republicans and definitely not "democrats" in the perverse sense of the term. It was noted that a republic only becomes feasible when the basic judicial attributes of citizenship can become a living reality;
* The Boers have a proven record of the necessary experience and expertise to successfully run a First World country;
* The Boers are a well-educated, friendly, warm and peaceful ethnic group well-liked in the developed countries; they are well-known as hard workers in every field, with brilliant scientists and innovating entrepreneurs in many fields, and are eagerly sought after employees in the advanced countries of the world;
* The Boer nation heritage is of pioneering farmers when their beloved country was wild, empty and young;
* The Boer nation is proud of their small and young nation that has become well-travelled and highly educated; proud of their many professional people; proud of their people's honesty and famous ‘hartlikheid’, or warm-heartedness. They have all experience many times how good African people have exclaimed that they prefer to deal with the Boers as they know exactly where they stand with them, while, when dealing with some other Europeans or Islanders they feel there is falsehood;
* The Boers are a patient people with a respect for the differing views of others, a people whose members have spent great parts of their lives and their personal resources in helping to educate, feed, house and develop persons of all races in South Africa;
* The Boers today have good reason to be immensely frustrated and angered; they have lost all forms of the partial self-determination they previously enjoyed through the treacherous dealings of Afrikaner politicians and have lost virtually all rights to make a decent living and bringing up their children with good values and good learning.  All indications are that the marginalizing of the Boer will only get worse under the present regime, which is regarded by us as illegitimate;
* Even Afrikaners hostile to the Boer aspirations, like the well-known historian Prof. H. Gilliomee, has stated that De Klerk shamelessly broke his promises and public commitment to counsel with his people about changes to be introduced into South Africa and it is openly admitted that during the vote of 1994 the count of the vote was stopped midway and the ANC declared the winner, and that De Klerk's National Party was given extra percentage of the vote for allowing the ANC to be declared the winner;
* During the only referendum held for the white electorate in 1992, about half of all Afrikaners rejected even the principle of negotiations for a "new constitution", which was reflected in an Institute for Security Studies report;
* It is common knowledge that the array of acts currently passed through national parliament are primarily based upon race as criterion, made possible by the Constitution of the Republic of South Africa that actually actively promotes racial discrimination - even though the fact is that the race classification act was dropped long ago – based on historical-materialist dialectics: "black empowerment" as basic thesis has "white disempowerment" as basic antithesis; the synthesis will be a Cuban-influenced *fanagalo* of rainbow tongues where everyone will be equally destitute;
* The Afrikaners/Boers were lied to with regards to the referendum they were given to vote on. They were not informed that the mandate for the referendum was for a process that will lead to a two-thirds domination no security of meaningful minority/group rights, for there would never have been a "Yes" vote to go ahead with such negotiations.  Nobody, especially not one Boer, accepted under any circumstance, a "mandate" that would most certainly end up in giving up our freedom in *toto*, and handing over all forms of power on all levels of existence to a group or groups that are in principle and in practice harbour nothing but ill intentions with respect to our ideals;
* The Boers enjoyed a number of constitutional Republics of their own making. Torn down by the Dutch or English, they rebuilt it over and over again. This predates the time that Western books became more known among migrants from central Africa;
* The Boers have no confidence in the unitary Azanian State's ability or willingness to protect them; and they have no confidence in a regime that puts a racial tag on them in typical Orwellian newspeak, as members of the "Non-Designated Group";
* The flames of Boer freedom are flaring up in a natural move of resistance, as the Boers hate oppression and we love freedom;
* The Boers wish to be free of the low moral standards and racial hatred exhibited daily by the rulers of the New South Africa by ignoring the atrocities committed by the people of their own culture;
* In addition to the crime terrorists for which the Boer nation have to watch out, they also have to watch out for the regime's forces arriving at night on their doorsteps armed to the teeth;
* The Boers are striving for liberty and justice for themselves.

(For the full version of the letter, see Footnote 11 - OPEN LETTER TO THE Institute for Security Studies)

**c) The only way Boers will get Human Rights in South Africa is within their own Republics, homelands or states**

Whites in South Africa, and in particular, Boers – often confused as ‘Afrikaners’ by the African National Congress government, are denied basic human rights, and the only way they will be afforded these, is within their own states, republic or homeland.

Sonia Hruska points out in her media article in *Wordpress* titled “No human or civil rights for the white minority or Afrikaner in South Africa” that the White community in South Africa are denied their basic human rights, as follows:

“The right to identity has secured a prominent place in the discourse of human rights and certain privileges, like inherent right to life, that safeguard minorities against gross human rights violations are basic human rights for any member of the human race, but ironically, it excludes the Afrikaner. Thus Afrikaners cannot make claim to minority or human rights or the right to self determination.  Neither can we claim protection via International law because we are automatically excluded as we “might”, reflect a desire to go back to apartheid.

In her book, Minority protection in post-apartheid South Africa: Human Rights, Minority Rights and Self-determination, Kristin Henrard, expert on minorities and human rights and professor at Erasmus University Rotterdam, explicitly states that Article 27 ICCPR (http://www2.ohchr.org/english/law/ccpr.htm), the international law provision on minority rights par excellence, is generally referred to when the right to identity is directly related to minority protection.”

Article 27 states:  “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.” She further continues to state:  “the right to identity has secured a prominent place in the discourse of human rights” but then furthermore states that, ‘but at the same time confines the scope of such special measures. Minority protection cannot be used to support claims for measures that would institute certain privileges for (members of) minority groups that cannot be justified by the demands of substantive equality. In this regard, one can think of some of the demands of a section of the Afrikaner minority in post-apartheid South Africa as they (might) reflect a desire to go back to apartheid times or preserve affluence and advantages obtained during apartheid.”

To summarize an expert, who is informing human rights and minority rights policy for the UN:  The white Afrikaans speakers will not be afforded the rights as set out in the ICCPR and is denied the right to an identity.  They cannot claim human, civil, minority rights or the right to self determination.

Furthermore, during the African Human Rights Day conference in Parktown, held on Oct 21 2009 it was obvious how this denial of human rights to white Afrikaans speakers gives the government unlimited right to intimidate and dehumanize these whites with approval from the Human Rights Commission. According to the Human Rights Commission chairman: “as a Sotho whose ancestral lands were taken away before 1930 he, as a member of the black majority, was not prepared to make any kind of concessions to the civil rights of the Afrikaner minority.”  Thus confirming that the Afrikaner are excluded from enjoying civil rights in South Africa and in direct violation of: Article 3, of the ICCPR: The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.  At the same conference, the IEC president, Pansy Tlakula said:  “South Africa does not need a special dispensation to cater for indigenous groups and minorities as its Constitution protects and guarantees the cultural, linguistic and religious rights of all her people,” which again shows that they are denying their true intentions, the collective punishment strategy of the white minority under the constitutional veil.

It should then rather read:  The States Parties to the present Covenant undertake to ensure the equal right of men and women, excluding the white Afrikaans speakers in South Africa, to the enjoyment of all civil and political rights set forth in the present Covenant.

The above then clearly explains how warnings by Dr Gregory Stanton are ignored although they would have been accepted as early warning mechanisms to draw the attention of Member States to situations where racial discrimination has reached alarming levels if it was any other minority group. It also explains why whites are being raped, tortured and murdered under the blanket excuse that it is just crime, but it does not explain the hours of torture they have to endure and where often nothing is stolen.

It will also explain why white Afrikaans speaking students are denied their right to education and why whites are being denied access to work and the economic sector through affirmative action and black Economic Empowerment.

ICCPR which Ms Henrard refers to is the “International Covenant on Civil and Political Rights” as adopted by the United Nations Human Rights Council and the preamble should then read as follows:

<http://www2.ohchr.org/english/law/ccpr.htm>

“The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family (except white Afrikaans speakers) is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person (except white Afrikaans speakers),

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings (except white Afrikaans speakers) enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms (except white Afrikaans speakers),

Realizing that the individual (except white Afrikaans speakers), having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,”

Even more ironically, Article 1 should then also read:

“1. All peoples (except white Afrikaans speakers) have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples (except white Afrikaans speakers)  may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence (except white Afrikaans speakers) .

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations (except white Afrikaans speakers). “

Thuli Madonsela, Public Protector quoted the preamble of the constitution of South Africa at the 2011 Annual Human Rights Law Lecture, on Friday,  30 September 2011.  What she meant to say was: We the people of South Africa…to:  
• Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; except for Afrikaners/whites  
• lay the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; except for Afrikaners/whites they cannot exercise their rights because they may use it to revert to apartheid  
• Improve the quality of life of all citizens and free the potential of each person; ….” except for Afrikaners/whites they cannot exercise their rights because they may use it to revert to apartheid

“What does this promise of democracy, human rights and freedom mean for the ordinary person that I often refer to as Gogo Dlamini. How does this play out in an ordinary person’s daily life and interface with the state and those that exercise public power.”

Dunno Thuli, you are supposed to be my protector, you tell me how then am I suppose to protect myself if not through international law and under protection of the Human Rights Commission?

The double standards practiced by the UN are legendary, now the question remains if the global community will remain silent against the backdrop of the Genocide of the white minority.

The white minority and Afrikaners/Boers will have to challenge this gross violation of their human and civil rights collectively on international level.

Time to set aside our differences and tackle one of the most demanding challenges that we have faced as a nation as it determines our future and the future of our children.  We know where we are heading if we continue on our current course, let us then build bridges to change it… Nobody is going to do it for us, the ball is now in our court….

An initiative is underway to establish a secretariat to act as platform to restore our human rights and allow recourse through International law….

What she meant to say was: We the people of South Africa…to:  
• Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; except for Afrikaners/whites  
• lay the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; except for Afrikaners/whites they cannot exercise their rights because they may use it to revert to apartheid  
• Improve the quality of life of all citizens and free the potential of each person; ….” except for Afrikaners/whites they cannot exercise their rights because they may use it to revert to apartheid

“What does this promise of democracy, human rights and freedom mean for the ordinary person that I often refer to as Gogo Dlamini. How does this play out in an ordinary person’s daily life and interface with the state and those that exercise public power.”

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The white minority and Afrikaners/Boers will have to challenge this gross violation of their human and civil rights collectively on international level.”

**d) The rights of ‘Bantu states’ are ignored by the African National Congress**

The attitude which the African National Congress carries with regards to Bantu states (African homelands) has been consistent both before, and after they took governance of South Africa in 1994.

The International Court of Justice described Bantu states as follows:

“The ultimate objective of Apartheid is to implement ‘separate and parallel’ Bantu states, for complete self-government, after a period of transition. It will be a dual commonwealth in which the Bantustans will be constituent units. Self government is to be developed on the basis of tribal traditions, the objective being full democracy, but in the form most readily assimilated by the African…’ – Clarence B. Randall, advisor to President Kennedy, Counter-Memorial filed by Gov. of the Rep. of S. Africa (Books I-IV), p.494; International Court of Justice ([www.icj-cij.org](http://www.icj-cij.org/))

In 1992, the media reported on Grenade attacks by the African National Congress on the Ciskei Bantu Stan as follows:

“THE HOMELANDS

ANC Accused of Ciskei Grenade Attacks

BISHO Aug 9 Sapa

Ciskei has accused the ANC and its alliance partners, the SA Communist Party and Cosatu, of carrying out three separate hand grenade attacks on Quzini village near King William's Town in the past week, in which a young woman and a boy were

seriously injured.

Members of Ciskei's security forces have since been deployed at Quzini to "normalize" the situation, the nominally-independent territory's Council of State said in a statement on Sunday.

The Council said two hand grenades were thrown through the window of a Ciskei Defense Force non-commissioned officer's house in Quzini on Saturday night.

One of the grenades exploded on a bed on which a young woman was sleeping, shattering both her legs. She had been admitted to hospital in a critical condition and both legs may have to be amputated.

The second grenade struck the CDF officer and his younger brother who were both in the same room. Shrapnel seriously injured the officer in the leg and his brother in the head and eyes.

The council said in another incident the house of a CDF officer in the village was attacked with hand grenades at 10pm last Thursday. The officer was seriously injured and extensive damage was caused to the property.

The Council statement did not name any of the victims.

Nobody was injured in a third attack on the house of a civilian in Quzini (time not stated).

It said Ciskei police arrested two alleged trained Umkhonto we Sizwe members shortly after the attack on Saturday night.

The suspects, who were driving a University of Fort Hare vehicle in the village, were allegedly found in possession of a Soviet-make pistol and 22 rounds of ammunition.

A third person, claimed by police to be a member of the ANC interim committee in the village, was in the vehicle and was also arrested.

Reacting to the attacks, Ciskei military leader and council chairman Brigadier Oupa Gqozo said on Sunday:

"Violence is no alternative to negotiations. The communist ANC alliance must abandon its violent and undemocratic mass action and commit itself to peaceful negotiations.

"This can only be achieved if its stops killing innocent people in Ciskei, because that will take it nowhere and at the end of the day it will come out the loser.

"People are fed-up ... of being intimidated by the ANC," Brig Gqozo said.

"The ANC's actions are definitely bedeviling any realization of a climate conducive to the return to negotiations."6

In 2008 during a public speech, leadership of the African National Congress confirm that they never abandoned the armed struggle against southern Africans, as noted by journalist Deon de Lange in an article titled “More ANC war-talk” as follows:

“June 28 2008 at 08:42am

A parliamentary session dedicated to the 90th birthday celebrations of former president Nelson Mandela on Friday was marred by yet another top ANC member's threats of violence.

Ironically, the MP, Joel Mbhazima Sibiya, was delivering the final speech in the session dedicated to Mandela, a Nobel Peace Prize laureate.

Sibiya's threat to take up arms was made when he told parliament that the ANC's armed struggle was not abandoned - but only suspended - after Mandela was released from prison in 1990.

Sibiya said even though his statement would make some people uncomfortable, only history would tell if it would be necessary to again take up arms.

"It was only in 1990 that the armed struggle was suspended. I want to underline - suspended, not abandoned," he said to applause and laughter from the ANC benches.

"I know when I say things like this, some people begin to feel: Oh, does he mean that there is a possibility of the armed struggle coming up? That I can't tell. It is only history that will tell," he said to further applause.

Sibiya's flirtation with war talk appeared to be a response to an earlier speech by ANC deputy president Kgalema Motlanthe - recently installed as an MP - in which he warned against just such threats.

Motlanthe pointed out that while Mandela took up arms "because it was necessary to defeat the apartheid monster"; the former president was in fact a "great believer in peaceful settlements".

Stark contrast

"We cannot take up arms when we have a democratic constitution," said Motlanthe.

Sibiya's comments stood in stark contrast to the views expressed by other MPs across the political spectrum who all paid tribute to Mandela's legacy as a proponent of peace, reconciliation and nation-building.

The latest war-talk follows hot on the heels of recent controversial utterances by other senior members of the ruling tripartite alliance, including ANC Youth League president Julius Malema, Cosatu boss Zwelinzima Vavi and Young Communist League leader Buti Manamela.

Noticeably, Sibiya began his speech on Friday with a glowing tribute to ANC president Jacob Zuma - who was seated in the parliamentary gallery - listing all the positions Zuma has held in the organization over the years. "The former head of ANC intelligence, the former chief representative of the ANC in Mozambique, the former head of the ANC and Umkhonto we Sizwe High Command in Kwa Zulu-Natal, the former deputy president of both the Congress and the Republic - now the president of the Congress, comrade Msholozi Jacob Zuma."

And to the delight of ANC MPs, Sibiya greeted Zuma with the Zulu greeting, "Bayete!" an honour traditionally reserved for the Zulu king.

However, Chiara Carter and Sapa report that earlier, far from the showbiz glitz of the London concert for Madiba, MPs paid their own tribute to Mandela at a joint sitting before parliament adjourned for its winter break.

Political parties hailed Mandela as a "tireless leader" who transcended divisions and was an iconic beacon of hope in the world.

Mandela, who turns 90 on July 18, was not there to hear the tributes and good wishes because he is in London.”7

**(xiii) Clarion calls for Self-Determination by the Boer Nation**

Calls to regain their independence and self-determination have been made by the Boer nation since 1902.

In 2007, the Boere Krisis Aksie (B.K.A.) sent a Declaration of Intent to the President and Cabinet of the Republic of South Africa; the United Nations Security Council; Member States of the United Nations, and foreign parliamentarians in which they called for the following:

A. Recognition of our right to self-determination;  
B. Recognition as a legitimate resistance movement;  
C. Call for financial assistance.

See Footnote 12 – International Declaration of Intent by the Boere Krisis Aksie.

**a) The OASE Expedition**

OASE is an expedition which seeks independence for the Afrikaners in South Africa, and the basis of their claim includes Article 1(1) of the Convention of Citizens and Political Rights of the United Nations which specifies that all nations have the right to self determination, and define this as the right to determine their own political status and to live according to their own social, cultural and economic practices. This Article is supported by various Resolutions of the United Nations, the African Charter for Human Rights, and was also supported publically by ten judges at the International Court of Law at the Kosovo judgment in June 2010 at The Hague.

OASE holds that self determination for an indigenous nation such as the Afrikaners is a basic right which has been exalted by international law, to which all states, including the Constitution of the Republic of South Africa, subscribes. An expletive of the discussion on self-determination by OASE, written in Afrikaans, is noted in Footnote 13 – OASE Expedition.

**b) The Freedom Front**

The Freedom Front base their legal claim on Section 235 of the South African Constitution which allows for the right to self determination of any community, which shares a common culture and language, within a territorial entity within the Republic, or in any other way, as described by national legislation. We quote from their website the following information:

“This section (235) of the constitution was one of the negotiated settlements during the handing over of political power in 1994. The Freedom Front was instrumental in including this section in the constitution. No national legislation in this regard has yet been enacted for any ethnic group, however.

International legislation presents recourse for the establishment of a Volkstaat over and above than what the South African Constitution offers. This legislation is available to all minorities who wish to obtain self determination in the form of independence.

The requirements set by international legislation are explained by Prof C. Lloyd Brown-John of the University of Windsor, Ontario as follows: "A minority who are geographically separate and who are distinct ethnically and culturally and who have been placed in a position of subordination may have a right to secede. That right, however, could only be exercised if there is a clear denial of political, linguistic, cultural and religious rights." The rights awarded to minorities were formally enshrined by the United Nations General Assembly when it adopted resolution 47/135 on 18 December 1992.

**c) Independence Commission Africa**

The Independence Commission Africa is not a political party, but a movement of various nations, irrespective of color, political persuasion and religion, who are combining their efforts to bring about change in southern Africa that would benefit the people of the country. We quote their Constitution, as provided on their website8 as follows:  
“Independence Commission Africa was created by concerned South Africans who say:  
ENOUGH is ENOUGH!!  
We call upon the leaders of all organizations and political parties to stand together, here, today in pursuit of a common vision: A country that is able to respond to and address the needs of its people into the future.  
  
DECLARATION  
Independence Commission Africa is a Voluntary Association comprising people irrespective of their political persuasions who have come together, in the spirit of UBUNTU, for our COMMON GOOD. We are a Civic Organization with the necessary ingredients to form strategic structured links between Government and the people it serves.  
Independence Commission Africa believes in the inalienable right of all people to:   
be economically free;   
decide for themselves what they want out of life and how to attain it, without infringing on the rights of any other persons;   
own private property, and   
put their products, including their labour, on the market at the prices that they decide, and to hold the right to reject or accept any offer.  
  
Vision  
A future South African democracy OF, BY, and FOR ALL our country’s people … NOT just the privileged few.  
  
Mission  
To implement a Plan of Action to attain our Vision that is SMART (Specific, Measurable, Achievable, Reliable and Time-bound).  
  
Vision for South Africa  
South Africa should run like a well-oiled machine, in total harmony and with alignment between the people who make it work and those who do the work.  
  
Independence Commission Africa seeks to unite all the people of South Africa, irrespective of race, color, creed, sex and religion as ONE NATION, free from political oppression, to work the land as a common treasury and to the benefit of all South Africans.  
  
Vision for Africa  
Independence Commission Africa co-operates with the international community to create a bridge of freedom for the entire African continent.   
  
Vision for the World  
Independence Commission Africa supports and promotes the right of self-determination of every person and nation in the world, rejects colonialism in any guise and will work with like-minded people on a global scale to eradicate this scourge  
  
Objectives  
For every person in South Africa to be able to enjoy a safe and comfortable lifestyle.   
To protect our wildlife, ecology and economic infrastructures.  
An independent media they ensures transparency in all matters concerning the nation.  
The restoration to South Africa of the Wealth which has been taken illegally from the country.  
The investment of Wealth which is generated in South Africa in the progress of the nation.   
  
STRATEGY OF ICA  
To build a solid foundation of support that reflects the desires of the people.  
To promote our vision of citizens equipped mentally and physically for the challenges of the future.  
To maintain transparency in all matters, and provide an open, voluntary rallying point supportive of the social and economic needs of the people;   
To provide the nurturing and supportive environment necessary to develop the ‘ideal citizen’, and offer opportunities for the people to forge a new path in the ever changing global landscape.  
To reject self-serving individuals and instead embrace principles of government which serve the interests of all the people. Service is an honour, and politicians must recognize they are servants of the people, and are paid for by our taxes.  
To open dialogue and discussion, and act upon all positive solutions that will grow a unified nation able to profit from it assets, instead of being the pawn of outsiders who have traditionally exploited OUR resources to their own ends.  
To support the development and exploitation of South Africa’s material wealth for the benefit of ALL the people of the country and as a means of developing their economic independence.  
To support the recovery of wealth that has been channeled away from the nation illegally so as to generate the future growth of our national economy.  
To devise ways to assist local communities to win back local economies through a combination of entrepreneurship and Ubuntu.  
To campaign and access funding to support and promote self-help projects in order to make our people self-sufficient and to eradicate poverty.  
To expose the true history of South Africa and how it impacts our past, present and future leadership.  
To encourage and facilitate crime-free communities and implement measures to enforce zero tolerance for crime.   
To support actions to create an independent, self-sufficient South Africa through the promotion of agriculture and industry.  
To promote quality education in all spheres via a system that promotes innovation and encourages people to question instead of simply accepting.  
To support the education of South Africans in the political arena via open access to impartial information.   
To support the establishment and maintenance of infrastructures in South Africa which would allow the country to run like a well-oiled machine?  
To co-operate and collaborate with like-minded individuals and organizations.   
To network with other organizations who promote economic independence.  
To campaign for devolution of powers in a decentralized system of governance for South Africa, loosely based on the Swiss canton “Confederation of States” model.  
  
We are the bridge which carries all cultures in South Africa towards a dignified life style".

**(xiv) The Struggle for Boer Self Determination and Independence is not division.**

In an article called “The Struggle for Boer Self Determination and Independence (also from Afrikaner) is not Division’, Rian Muller explains that the advocating of self determination for an ethic / cultural group is not about "dividing" the said ethnic group from any other related ethnic group, but rather about empowering that ethnic group in question.

Muller points out the struggle of the Boer nation for independence was not only against the Dutch and British, but also against the Afrikaner power as well. We note the article in Footnote 14 - The Struggle for Boer Self Determination and Independence is not division, from which we quote the following:

“When the macro State of South Africa was created & the Boers were subjugated & forced into it: the Boer Republican outlook was soon replaced by the neo empire building of the Afrikaners who institutionalized laws which are often ignorantly blamed on the actual Boer people who had a very minimal role in the implementation of the said laws ergo any conflation of the subjugated Boers with the larger Afrikaners only further perpetuates an injustice against the Boer people who were now under the domination of the Afrikaner network.

No people anywhere on Earth can ever hope to find authentic self determination if they are forced to be tethered to another ethnic / cultural group [ particularly one which is either unsympathetic to them or might even work against them ] even if they might happen to share a language. It is for that reason why there exists separates states / collectivities / provinces for the Germans & Austrians. The Serbs & Croats. The Romanians & Moldovans. The Canadians & the Americans. The Quebecois & Acadians. Etc. Few would tell the Basque people to give up their struggle for self determination just because they are under the Spanish State or have "intermarried" with the Spanish people.

The only way for the Boers to find self determination is to do so as Boer people because anything else is just a license to dispossess them further under a macro designation which was only ever used in the first place in order to achieve such a goal.”

**(xv) Land ownership in South Africa**

**a) By the time of Shaka's murder in 1828, no group of people were living on their original lands**

Sobhuza of the Swazi moved his people north from the Pongola River to present-day Swaziland and conquered the peoples living there. The marauding Hlubi and Ngwane created chaos as they tramped westward. The Basotho were pushed into the mountains where they were harassed by cannibals. Setting towns on fire, the Ndebele swept ahead of the Zulu Impi to settle in present day Zimbabwe, where they absorbed others and became the Matabele. On their way, they encountered King Thulare's Pedi Empire, which was destroyed. They attacked the Mokololo to the northwest, who were Sotho-Tswana's speakers from the south pushing north. Forced off their lands, many Nguni and Tswana peoples collided with the Voortrekkers moving from the south. The Xhosa expanded into Khoi-khoi lands. Some Khoi-khoi retreated into the Kalahari Desert. The Tlokoa marched from Natal leaving a path of destruction all the way to Botswana. They attacked the Fokeng forcing them west. The Fokeng marched north to the Zambezi River and beyond, where they raided destitute refugees. Vagrants from various Nguni and Sotho groups formed a new tribe, the Mfengu, which means 'beggar' in iziXhosa. By the time of Shaka's murder in 1828, no group of people were living on their original lands.

**b) Cape of Good Hope Land Grants and related histories**

Records do exist of land ownership at the area known as Cape of Good Hope, which includes Cape Town. These records prove that the Cape is legally entitled to its independence from the binding structures of the Republic of South Africa. From the internet website called ‘Tokencoins.com’ we take the following related information:

The following documents are owned by the Balson Holdings Family Trust:

* [1677 - Dutch East India Company (VOC)](http://tokencoins.com/capeland.htm#first)
* [1677 COGH Debenture (VOC)](http://tokencoins.com/capeland.htm#1677)
* [1680 - Dutch East India Company Debenture Manuscript](http://tokencoins.com/capeland.htm#1680)
* [1715 - Dutch East India Company](http://tokencoins.com/capeland.htm#second)
* [1718 - Dutch East India Company](http://tokencoins.com/capeland.htm#third)
* [1730 - Dutch East India Company](http://tokencoins.com/capeland.htm#fourth)
* [VOC Seals](http://tokencoins.com/capeland.htm#seals)
* [VOC Council of Policy](http://tokencoins.com/capeland.htm#policy)
* [VOC Governors in the Cape](http://tokencoins.com/capeland.htm#gov)
* [1811 - British Colonial Rule](http://tokencoins.com/capeland.htm#sald) - unique title deed expressing the Governor's outrage
* [1816 - British Colonial Rule](http://tokencoins.com/capeland.htm#green) - land-grant in Dutch for property bordering Green Market Square, Cape Town
* [1823 - British Colonial Rule](http://tokencoins.com/capeland.htm#1823) - title deed to Pieter Retief one of the Voortrekker leaders
* [1860 - British Colonial Rule](http://tokencoins.com/capeland.htm#1860) - title deed Division of Fraserburg
* [1860 - British Colonial Rule](http://tokencoins.com/capeland.htm#1860a) - title deed at Amandelboom issued to Rhenish Missionary Society - signed by George Grey
* [1877 - British Colonial Rule](http://tokencoins.com/capeland.htm#1877) - title deed at Katkop division of Calvinia
* [1891 - British Colonial Rule](http://tokencoins.com/capeland.htm#fifth) - title deed for piece of Simonstown Naval Base
* [Property, Riet Fontein, purchased by George Charles Brisley 1st July 1879](http://tokencoins.com/capeland.htm#riet) - East Griqualand - signed by Bartle Frere
* [The Deed of Assignment signed by the Who's Who of South Africa in 1907](http://tokencoins.com/estate.htm) acquired by the Balson Holdings Family Trust

The documents listed here were acquired by the Balson Holdings Family Trust from a private hedge fund management and private venture capital business based in Geneva. The documents are each worth several thousand US$.

**1. 1677 - Dutch East India Company (VOC)**

One of the very first land grant issued at the Cape of Good Hope (COGH), dated the 6th January 1677 (just 12 years after the first settlers arrived at the COGH in 1665). This manuscript document issued by van Banitan (see images below), as Secretary is also signed by two members of the Council of Policy. This grant consists of two back to back pages with a watermark of the Dutch East Company (VOC). This land had been confiscated from the Hottentots in Cape Town not long before and was of less than 20 land titles issued in South Africa at this time.

There were no revenues on this document as the VOC Directorate had made a decision **not to allocate land to officials of the company.** However by the time Wilhelm van der Stel arrived to take up his post as Governor of the COGH he found that most key officials owned the land on which they farmed contrary to the VOC directorate's policy and had been corruptly issued with land grants, the new landowner often been an official party to the document.

|  |
| --- |
| south african politics south african politics 2 |
| **English translation summary:**  This is a deed for landownership, regarding hunting grounds in the Cape.  The grounds are transported (handed over) from one man to another, signed by a witness and sealed by the proper authorities, in God's name on January 6th 1677.  The grounds are called **Hoontrouwe**and assigned in accordance of Law as they were in East Madagascar.  The sum of sixty *stuivers* (5 cent piece) has to be paid on acceptance date.  There is a guarantee and an appendix. |

**2. 1677 COGH Debenture (VOC)**

1677 debenture dated 15 March 1677 and issued and signed by future VOC Governor Henrik Crudorp (June 1678 to Oct 12, 1679) in his capacity as a member of the Council of Policy.

[](http://tokencoins.com/images/capeland.jpg)

Image Above: *pg 200-201 "*[*Cape Good Hope*](http://tokencoins.com/book/b.htm#raven)*" R Raven-Hart (1971)* - this image is of the early settlement of the Cape in 1677 and notes that there were less than 20 private gardens at this time. The related article taken from diary notes by Georg Meister gives a fascinating insight into the lives of the early settlers.

This was a period of considerable conflict with the VOC Headquarters who specifically gave instructions that individual land grants were not to be issued to Individuals and that farming should be on a communal basis. They never changed their policy but Governor Simon van der Stel (1691 to 1699) was able to significantly increase the food output by introducing cattle, sheep and fowls (chickens) and show that individuals farming for themselves were more productive than communal farming. Between 1652 when Jan Van Riebeeck became the first Governor (for 10 years) the VOC appointed and dismissed 7 Governors before Simon Van der Stel (who was known for his diplomacy with the head office). All the Governors before van der Stel, including Crudorp, were dismissed for violating their policy and issuing land grants to individuals. This land grant is signed by Van Breughel in his capacity as a member of the Council of Policy that ran the beauracracy of the Cape of Good Hope.

In 1711 the VOC finally relented and started issuing VOC Colorless Revenues on land titles (see below).

**3.** **1680 - Dutch East India Company Debenture Manuscript **

This seven page long debenture document is signed by two members of the Council of Policy in Cape Town including A de Man and M van Banitan as Secretary.

The manuscript is signed by a couple of Hottentot Chiefs, whose basic signatures can be seen at the top of the right of the scan to the right. It is most probable that this document is the original deed to lands around Cape Town "sold" by the Hottentots to the Dutch East India Company for the sum of 8000 Rix Dollars (as noted in the document).

This is a very rare document.



**4.** **1715 COGH Land Grant w/12 stuiver VOC revenue **

Complete manuscript document inscribed on both sides with a watermarked page being a confirmation of debt to the VOC dated 26th June 1715.

The document has a very clear 12 stuiwer colorless VOC Revenue stamp cancelled by the Fiscal Beaumont (seen right).

Issued by van der Meer Petersoon in his capacity as first secretary to the Council of Policy and witnessed by H. Swellengrebel (later Governor) and D. Leumes members of the Council of Policy.

|  |
| --- |
|  |
| **Translation**  A ship's Captain in the service of the company (VOC) and his immediate departure on the ship de Zwijdsman, in the vicinity of Cape Town who is sailing to Madagascar.  Then the legal owner of this ship is to pay 600 guilders to the company as he has borrowed the money from them.  He shall pay upon first demand and shall be held to this contract with the VOC |

**5. 1718 - Dutch East India Company**

Cape of Good Hope complete manuscript document on two sides of a watermarked (not rust) page being a very rare land grant dated 29th June 1718. Issued by Adriaan can Kervel in his capacity as Secretary (he was later Governor of the Cape) and two other members of the Council of Policy (Privy Council) of COGH) including Willem van Flaack, generally regarded as the father of South African Sheep Farming. The document is complete with uncracked "CDG Hope" seal and 24 Stuiver VOC (Dutch East India Company) Color Less Revenue (which Sherwood's revised list valued at £80 in 1986 - C3a). The document is cancelled by the fiscal and has an addendum (codicil) in the left hand margin (which was unusual and rare) signed by future Governor Swellenfrebel and two other members of the Council of Policy.

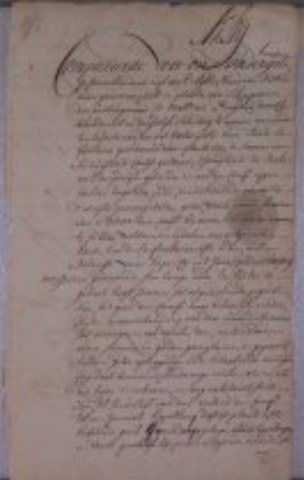
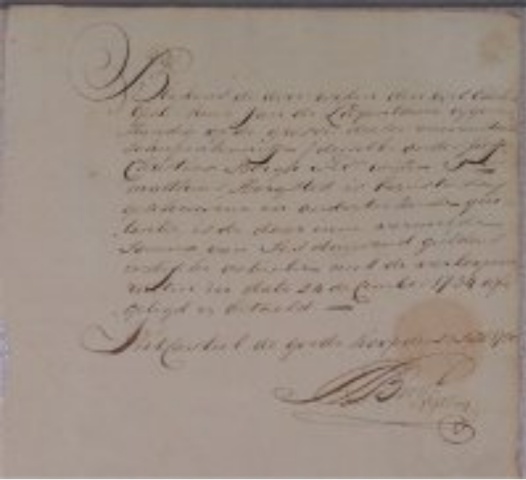
 

It is difficult to estimate what the document of revenue and seal is worth today but a figure of US$1000 to US$1800 is an indication.

**6. 1730 - Dutch East India Company**

Cape of Good Hope complete manuscript document on two sides of a watermarked (not rust) page being a very rare land grant dated 10 July 1730. Issued by members of the Council of Policy (Privy Council) and signed by Nicholas Leij and two members of the Council of Policy with complete "CDG Hope" seal(seen right) and 24 Stuiver VOC (Dutch East India Company) Color Less Revenue (which Sherwood's revised list valued at £80 in 1986 - C5).

This land grant (see images below) was originally issued by Olaf Martini Berg and other members of the Privy Council and the Revenue also cancelled by Berg. This land grant has an endorsement by Berg, the Secretary of the Council of Policy (employees basically held office on a rotating basis determined by the Dutch East Company in the Netherlands). The endorsement is dated 23rd September 1750 and the transfer of the property is made to a descendent of Olaf Berg - nepotism was rife at this time. Berg was acting Fiscal and an Auctioneer later in his life. He died in November 1785.

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|  |  |  |
|  |  | **English translation of document above:**  As appears from *Shipsknowledge* in his own hand, deceased esquire Jan de Lafontaine, has bequeathed the old miss Christina Bergh, widow to the late J. Matthias Bergsted in this written and signed note of remittance, the sum of six thousand guilders in various currencies, including expired interest, dated 24Th of December 1734  In Kasteel de Goede Hoop, the 23rd of September 1750 |

Land grants from this period are very rare in private hands especially in near pristine condition like this. The rarity is enhanced by later endorsements relating to the original land grant - signed 20 years later.

**7. Land Grant Seals:** [](http://tokencoins.com/images/cogh2.jpg)

There were approximately 15 seals in use over the entire VOC period. Few seals are not cracked. This is an extremely rare and unique piece of Africana and early Cape of Good Hope History. (The CDGH at the bottom of the seal stands for "Cabo De Goede Hoop" - the Dutch for Cape of Good Hope.)

The only catalogue that has a listing of the VOC period colorless embossed revenue stamps, The Catalogue of South African Revenues, was published by the late C.E. Sherwood of 105 Marford Crescent, Sale, Cheshire, U.K. and is based on a catalogue by Walter Morley who was the first to list these Cape of Good Hope VOC Revenue Stamps in 1910. *Sherwoods Catalogue* in 1967 compiled a revised list by the late Leonard J. Dodd.

This document was originally sold by Ralph Putzel Auctions (author of the 4 volume *The Encyclopedia of South African Post Offices and Postal Agencies*and its sister publication *The Postmarks of South West Africa* - Namibia).

Prior to the Issue of British Revenue stamps in the Colony of the Cape of Good Hope, the revenue stamps in use were those issued by the Dutch East India Company, The stamps were embossed in circular format with the Company's VOC seal in the centre, above which there is a "C" to indicate their use at the Kaap de Goede Hoop as it was then known. At the top, various dates are seen of which the earliest is 1711. The values issued were 6, 12, 24, 36, 48 stuivers and 1 1/2, 2, 3, 4,5,6,8,10,12,15,20,39,40 and 50 Rix Dollars. They were embossed on white or azure laid paper and were in use as late as 1849 and all through the French Occupation of the Cape of Good Hope. (1798 to 1806).

**8. The VOC's Council of Policy**

The Council of Policy [Raad van Politie; politie means ‘management’] being the highest authority at the Cape of Good Hope settlement, was subject to the instructions of the Lords Seventeen (directors of the VOC in the Netherlands) and the Governor-General and Council of India in Batavia, as well as the legislature stipulated in the “Statuten van Batavia” [Statutes of Batavia] (1648). The Council consisted of the functionaries who were responsible for ruling the Company’s settlement, namely the “opperhoofd” [head] of the settlement, his secunde, administrative officials (e.g. accountant, warehouseman, cellar-master and harbour-master), the military commander of the garrison, and the fiscal who was responsible for maintaining law and order. The Council’s secretary (also called “geheimschrijver” [confidential secretary]) had no vote, unless he had at the same time been promoted to Councilor.

When there were ships in Table Bay, the captains and other high-ranking officials of the fleet also had seats on the Council. These sessions were referred to as sessions of the Broad Council. The chairman at meetings of the Broad Council was not necessarily the commander/governor himself, since he had to relinquish his chair to his senior in rank in the service, usually a commissioner who had instructions to compile a report on affairs at the Cape.

The VOC officials carried out a large number of functions. There were actually three groups of hierarchies: from soldier to general, from young sailor to sea captain, and from scribe to governor-general. The Company also distinguished between various ranks referring to a combination of function, salary and status. For example, the senior merchant Jan van Riebeeck was head of the Cape settlement, and his rank as senior merchant indicated his place in the Company’s commercial/administrative hierarchy and salary category. His promotion to commander implied more status but neither more authority nor a higher salary. From 1691 the title of the head of the Cape settlement was that of Governor.

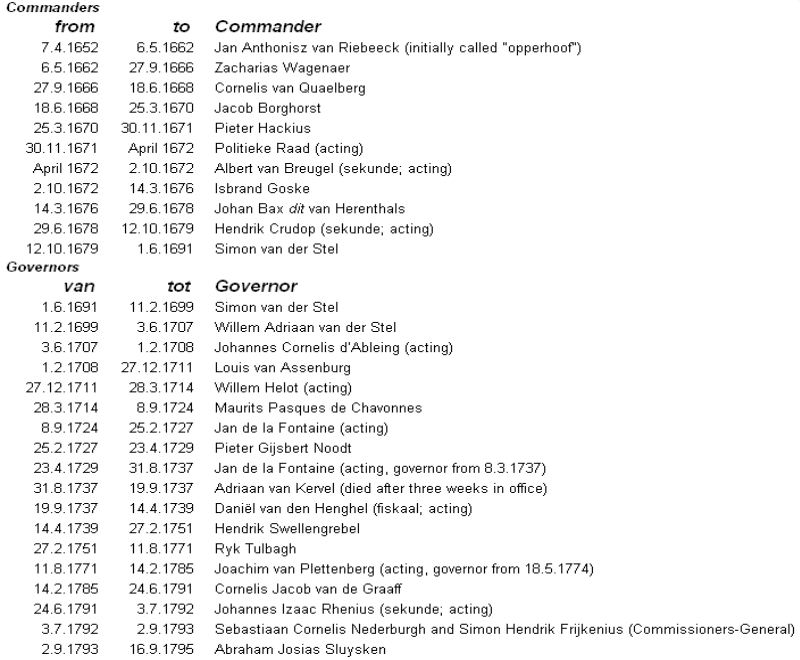
In 1676 Commissioner Nicolaes Verburg decided that the Council of Policy, in addition to the commander as the highest official, should consist of six councilors/council members. In 1685 Commissioner Hendrik Adriaan van Reede to Drakenstein determined that the number of members would be increased to eight. In the same year a separation was made between the Council of Policy and the Court of Justice when it was decided that the Council of Policy would function as the Court of Justice. Whenever a case of a burgher was heard by the Court of Justice, two burgher councilors had a seat in this court.

The Council of Policy met quite frequently. It mostly depended on the commander, as convener, how regularly and how many meetings would be held. Some chairmen convened the Council once a week, while others only convened a meeting when urgent matters necessitated a meeting. Sometimes the agenda was so long that the meeting, which commenced in the morning, also had afternoon and evening sessions. It could even happen that the previous day’s sessions continued the following day. In case of an unforeseen crisis the Council would meet on a Sunday, public holy day or day of festivity.

All letters from the Lords Seventeen and the High Government of Batavia had to be opened, read and discussed at the Council meetings. The letters of response were written by the Council and signed by all the members. All written work was done under the Council’s supervision. Not only had copies of the long letters to be sent to the authorities in Amsterdam and Batavia, but also copies of the journals, resolutions, “placcaten” [proclamations] and instructions. Court proceedings, contracts and reports also had to be written up. The officials were responsible for collecting taxes and had to supervise outposts, warehouses, leases, as well as supplying victuals to ships, officials and the hospital. They also had to protect the settlement against possible attacks from the interior or from the sea. The Council of Policy discussed all these tasks and the Councilors often delegated the responsibilities to other officials

**9. VOC Commanders and Governors of the Cape of Good Hope**

During the 143 years of Dutch government at the Cape the term of office of the official who headed the government of the colony was sometimes very brief, while others remained in power for a long period.



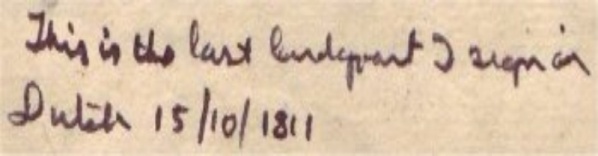
**10.** **1811 - British Colonial Rule - unique title deed expressing the Governor's outrage**

An historic and unique document. 

The large Iron Ore Saldanna Bay Harbour is situated on the land given under this grant to Jabobus Retief, the oldest brother of Piet Retief, who led the Great Trek with Gert Maritz. The document, dated 15th October 1811, is signed by Lieutenant General Sir John Francis Cradock (Governor of Cape of Good Hope Sept 6 1811 to 6th April 1814). Cradock was brought out to the COGH to deal with one of the many Xhosa uprisings.

The 100 morgen land allocation was significantly large and was situated in the centre of Saldana Bay where the massive Saldana Bay Harbour iron ore development is now located.

Cradock was known for his temper and this is the last land grant he signed in Dutch and he put these feelings in writing. He wrote in ink:*This is the last land-grant I will sign in Dutch*



Soon after he had Dutch Fiscal documents duplicated with English translations and replaced the Dutch Fiscal Bureaucrats who had been responsible for the Dutch documents. Land grants signed after this were huge, with the documents being preprinted with Dutch on the one side and a translation into English on the other.

The South African town of Cradock is named after him. He was elevated to 1st Baron Howden on September 14th. 1831 and the titled passed to his son's on his death.

**Translation of the document:**

By his Excellency Lt. General Sir John Francis Cradock, Knight 

of the noblest Order of the Bath and the Crescent, Colonel to his Majesties 43rd reg. infantry, Governor and Commander in Chief of his Majesties Castle, City and Colony the Cape of Good Hope in South Africa, and Vice Admiral, Commander of the Troops etc. etc. etc.

Is given under his grant in everlasting hereditary tenure to

Jacobus Retief

Certain piece of Land, situated in the Cape District Saldanna Bay annex Delftse Leening (not entirely sure of this) placed between IJzervarkensrugge and the corners of the Bay and in size

100 Morgen

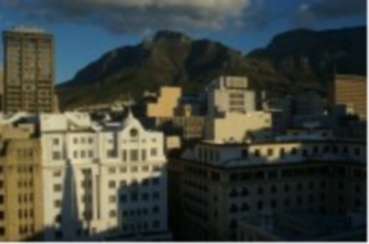
That Jacobus Retief in fact on expiration of every twelfth month counting from this day on, will pay or have paid to the Receiver General of Income (revenue) of Farming fields (land)

the sum of twenty five rixdollars and will be held to the existing laws of this colony in taking care of properly sealing the limits and that the land is brought in such state of cultivation as suited for that purpose, and such within the time limit of the first three years; should not be transferred until the expiration of this period and also that this land presently released will fall subject to all such impositions and rights, already made or will be in due course on such farming fields.

Therefore granted under my hand and seal in the castle De Goede Hoop, October 15th, 1811

**11. 1816 - British Colonial Rule - title deed in Dutch granted to Lieutenant Colonel Prentice**

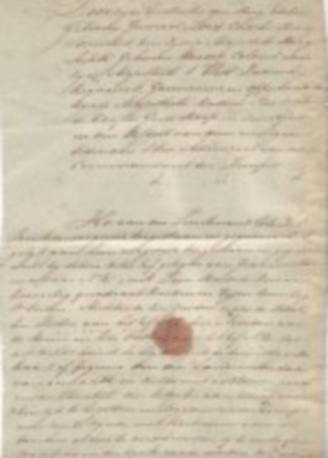
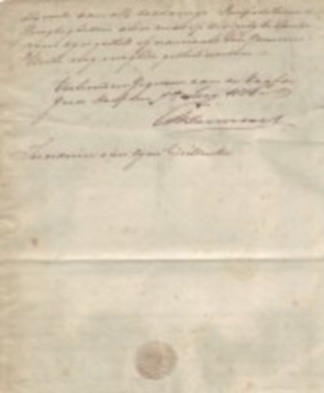
This Dutch land-grant was written by Pieter Gerhard Brink on behalf of Governor Lord Charles Somerset. The Governor refers to the deed in his diary which was for the open block of land on the Table Mountain side of what is today Green Market Square, a cobbled square in the centre of Cape Town and a bustling antique and bric-brac market on weekends.

 Image left: Picture taken of the historic buildings bordering Green Market Square.

The buildings erected on this land grant are national Monuments today. They were built and are today furnished in the style of the early 19th Century. Somerset like his predecessor Cradock did not want any future land grants to be in Dutch. He was appointed Governor on 6th April 1814 and resigned on 5th March 1826. He ordered preprinted land grants with his elaborate title in mid 1815 from the United Kingdom and is *not known to have signed any other Dutch titles*. Somerset made an exception with this one as it was in favour Lieutenant Colonel Prentice who had served with him in the Napoleonic Wars. Prentice had come to the Cape with Somerset as a financial administrative assistant - establishing a bank at the Cape. This land grant was for the one of the last unallocated lots (originally designated as a troop barrack) in the center of Cape Town.

Prentice built luxury living quarters in what became known as Cape Architecture Style and a duplicate building that became the Cape Colony first bank and Stock Exchange. Brink while fluent in both English and his home language of Dutch wrote the land-grant in Dutch and from a synopsis given to him by Governor Lord Charles Somerset. Prentice left a large area in front of the two buildings he erected for wagons bringing customers to his Bank.

 This later became known as Green Market Square. As the constant wagon traffic severely damaged the roads in the vicinity he had all the roads leading to Green Market Square cobbled in stone (see image above) - a distinguishing feature that remains today. Prentice also established the first Theatre in Cape Town which he financed with the first shares issued in the Cape Colony. The theatre later became the Custom House.

**12.** **1823 - British Colonial Rule - title deed granted to Pieter Retief**

 Pieter Retief was the recipient of this land title at Grahamstown and later a leader of the Voortrekkers whose great trek took them from the Cape north through Griqua territory on their way to Natal. The title deed is signed by Lord Charles Henry Somerset, Governor of the Cape. The capital of Natal, Pietermaritzburg is named after him and Gerrit Maritz - the other Voortrekker leader.

Pieter Retief was murdered by the Zulus near the Drakensberg before the famous battle of Bloodriver.

**13. 1860 - British Colonial Rule - title deed Division of Fraserburg**

 Land-grant signed on 2nd October 1860 by Sir George Grey, K.c.B., Governor and Commander in Chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa and the Territories and Dependencies thereof and Vice Admiral.

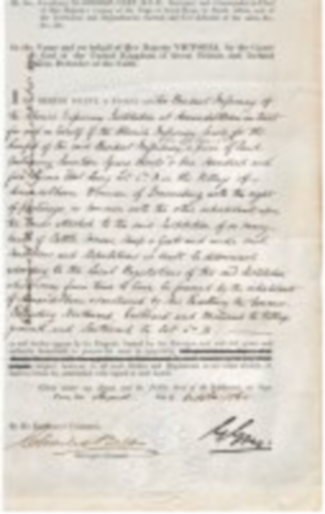
Also signed by the Surveyor General Charles Bell, better known as the designer of the Cape of Good Hope Triangle Stamps.

The deed is in favour of Ian Plefsie for about 1250 sq roods (over 300 acres) in the village of Amandelboom (now called Williston), in the Division of Fraserburg due north of Sutherland in the dry and hot Roggeveld district of the northern Cape. Amandelboom, meaning almond tree, was established in 1845 and started as a Rhenish Mission Station by Pastor Heinrich Lutz at a fountain near the Zak or Sak River. The name originates from the almond tree under which Pastor Lutz first pitched his tent. The Mission became home to many wandering nomads in this area and it was only in 1883 that a village developed around this station. Amandelboom was renamed Williston in 1919 after a former British Cape Colonial secretary, Colonel Hampden Willis. Historically this hilly setting was used by religious choral groups, hence the name "Singkoppe" - the hills of song.

There is a colorless embossed seal of the Governor of the Cape of Good Hope at the bottom of the document and the watermark of the Cape of Good Hope.

It was Sir George Grey who authorized [the move of the Griqua from Phillippolis to No Mans Land / East Griqualand](http://tokencoins.com/griqua4.html)

**14.** **1860 - British Colonial Rule - title deed Amandelsboom - Almond Tree - (19,000 morgen)**

 This preprinted land grant signed on 3rd October 1860 by Sir George Grey and also by the Surveyor General Charles Bell bears Grey's clear large colorless Seal of Office in-between the two signatures. The one line endorsement (seen right) confirms that the land was returned to the Government in 1877 when the Rhenish Mission at Amandelboom closed.

The Rhenish Mission (Catholic Church) under Johann Heinrich Lutz, a German Missionary, established a farm at Amandelboom (from 1845-75) for their own subsistence and to hold cattle, horses, sheep and goats in the area long before taking title in 1860. It had by then become the Village of Amandelboom in the Division of Fraserburg.  Lutz taught at Amandelboom (now called Williston) at this time when Klaas Lucas, the chief of the Korana people, invited him to come to !Oama to teach the people to read and write.

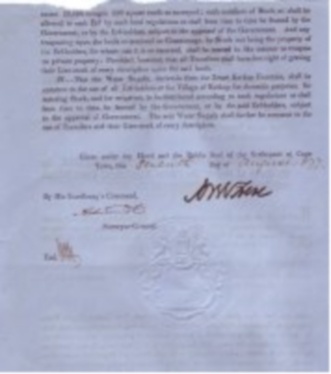
These Catholic Missionaries were technically operating without authorization but successfully converted the entire Black population they encountered to Christianity although few joined the established Churches. Most joined Zionist Churches with lots of evangelism and song rather than the rigid prayer book of the Catholic, Presbyterian, Anglican and Methodist Churches.

The preprinted land grant starts *By His Excellency Sir George Grey K.C.B., Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa and of the Territories and Dependencies thereof and Vice-Admiral of the same etc*. All except one of Grey's land grants were on the preprinted form which does not have a watermark. This land-grant reflects the first appropriation of land per property law in South Africa - an act which is still challenged in the courts today.

15. **1877 - British Colonial Rule - title deed Village of Katkop - Division of Calvinia (Eastern Cape)**

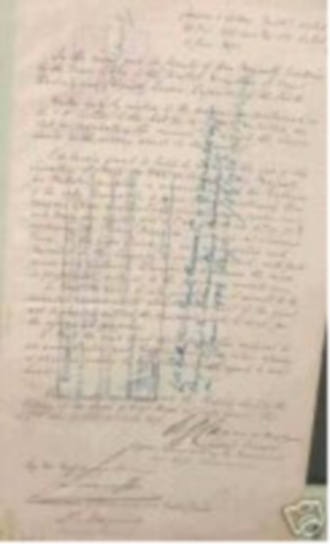
 Land grant dated 7th August 1877 in favour of Jacobus Johannes Gideon Nel in the Village of Katkop in the Division of Calvinia in the Eastern Cape.

It has his excellent colorless embossed large seal of office clearly visible from a meter away and also signed by Andries Schmidt the Surveyor General. The subdivision of the abandoned farm of Katkop followed an earlier Xhosa raid that killed all the inhabitants. The allocation of land was based on conditions which are listed on the preprinted land grant . The deed has a large emblem of a lion and Unicorn on either side of a shield topped by a crown similar to his own seal of office. It starts *"By His Excellency the Right Honorable Sir Henry Bartle Edward Frere, Baronet, a Member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Honorable Order of the Bath, Knight Grand Commander of the Most Exalted Order of the Star of India, Governor and Commander -in Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the Territories and dependencies thereof; and Her Majesty's High Commissioner"*

[](http://tokencoins.com/images/cogh15a.jpg) At the top of the page is Erf No Block B Katkop with a date 13 August 1877. Slight rubed at top but no other endorsements. The land-grant is printed on Government paper with the name of the printer "Buckhand 1875" in the watermark. Despite a relatively long period in office Frere did not allocate many land grants realizing that that they were costly. He spent considerable amount of time creating small villages and dealing with the Zulu problem that raised its head during his administration.

[He also issued this title held by The Balson Holdings Family Trust to George Brisley](http://tokencoins.com/capeland.htm#riet)

**16. 1891 - British Colonial Rule in the Cape - piece of Simonstown Naval Base**

 Dated 12th March 1891 - Cape of Good hope Land Grant signed by Lieutenant General Carnavon, in his capacity as Officer Administrating the Government and High Commissioner. It is also signed by the Commission of Crown Lands and Public Works and Leo Marquard the Surveyor General. At various periods of the British Occupation of the Cape of Good Hope the Lieutenant Governor was the highest ranking official, at other times the Governor - there was seldom an overlap.

This watermark on this title deed is the logo of the Cape Colony namely two Springbok on either side of a shield - on top of which is a soldier on a horse. The document has the Cape of Good Hope Large Colorless Embossed seal with a diameter of 65 cm. Both the watermark and seal are easy to see with the naked eye. It has a number of deed office endorsements. The original land grant was to the Secretary of State for War of Land at Palace Barracks, Simonstown which today is the Simonstown Naval Base. Lt General Carnavan was a cousin of Earl Lord Carnavan who played a leading role at this time in British Politics. The unifier of Canada was determined to repeat his achievement on the African sub-continent. His scheme met with more opposition than enthusiasm, and to help promote it, he appointed [Sir Henry Bartle Frere](http://tokencoins.com/book/d.htm#frere), a forceful and experienced proconsul, High Commissioner for southern Africa. Frere set about his task annexing East Griqualand to the Cape but his undiplomatic attempts to pull the rebel Boer states into line brought on the Boer war many years later.

Interestingly, Carnarvon's son later funded the Egyptian Archeologist Howard Carter for the exploration to find Tutankhamen - Carter succeeded in finding the famous burial site in 1922.. the rest, as they say, is history.

The document is of particular importance in South African History as it is a record of the establishment of Simonstown Naval Base and Cecil J. Rhodes' cottage Simonstown is South Africa's primary Naval Base and since its enlargement has become a stopover for US Naval vessels heading for the Gulf that could not pass the Suez Canal because of their depth or width. This document established the Simonstown Naval Dock which is far more sheltered on the Indian Ocean side of the peninsula than the Table Bay anchorage off Cape Town. During the age of the sailing boat the Simonstown harbour resulted in a marked decrease in Naval Sailing Vessels running aground under the infamous Black Cape Atlantic Storms. Simonstown was established by special request of the British War Office after too many of their ships were lost to the Atlantic Cape Storms.

**The Story of Simon's Town** (see image right) 

The part which Simon's Town has played in maritime strategy is inseparable from that of the Cape of Good Hope and South Africa as a whole. The meeting point of the two great oceans, the Atlantic and the Indian, is a key point in the world naval strategy; it is the focal point of maritime trade between East and West.

**Simon van der Stel names bay**

The False Bay side of the Cape Peninsula, sheltered from the violent northwest gales, was the obvious winter alternative for boats landing here, and Simon's Bay was selected by Simon van der Stel himself as the safest anchorage. For many years to come there were no facilities for visiting ships and communications with Cape Town were exceedingly difficult. In spite of the greater safety in winter, captains of ships tended to avoid calling there whenever possible, preferring to risk the greater danger of Table Bay in order to enjoy the superior amenities of Cape Town.

**17. Property, Riet Fontein, purchased by George Charles Brisley 1st July 1879 - East Griqualand**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| S 16 S 17  This Grant to Brisley on perpetual quitrent was authorized at Cape Town on 1st July 1879 and carries the official embossed "Public seal of the settlement at Cape Town". The Grant *(full document above)* is signed by the Governor and High Commissioner, [Sir Henry Bartle Frere](http://tokencoins.com/book/d.htm#frere) and by the Commissioner of Crown Lands. The deed is for the farm "Rietfontein" which measures 1295 morgen in extent in the Mount Currie (Kokstad) district of East Griqualand. The deed has three revenue stamps, four pounds, twelve shilling and three penny.  Brisley was the official who announced in 1872 that the name of the capital of East Griqualand would be "Kokstad".  The location of Rietfontein in East Griqualand [is shown on an 1881 German map](http://tokencoins.com/stores.htm) also held by the Balson Holdings Family Trust.  Images below: key parts of the original land grant to Charles Brisley   |  |  |  |  | | --- | --- | --- | --- | | S 18 | S 20 | S 19 | S 21 | | Sir Henry Bartle Frere's signature | The "outspanning" (camping) of ox wagons allowed on property | The three revenue stamps four pound, 12/- and 3d | The property was sold by Brisley in 1886 for two thousand pounds | |

**Present Land Ownership in South Africa**

How much land is owned by which nation in South Africa today is unclear.

By March 2011 the State owned 64,976 farms, 5448 'agricultural holdings'; and 41% of SA’s entire land surface  in the former tribal homelands – which are not as yet registered in the Land Registry office and thus are also not listed as ‘State-owned’ in their official land-registries. All their public pronouncements claiming that ‘Whites own 80% of all the lands’ are clearly inaccurate propaganda.  The former home-lands remain available to farming -- and are being farmed by millions of black people today; and the State in 1994 also inherited another 1,085,084 state-owned urban sites:  which are mostly municipalities and their parcels designated for township developments, as well as inheriting large military-holdings, forests and wildlife reserves.

In 2008 -  only 0.79% of the country’s land surface was under permanent crops: only 14,980 square km was under irrigation  
The CIA observations from space have also registered the fact that by the end of 2008, although SA previously had  access to 12.1% ‘arable land’ of its total land surface -- only 0.79% of the land was under permanent crops – of which 14,980 sq km were irrigated in 2008.

<https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html>

**Land Restitution**

A facility for land restitution to southern Africans was established whereby land is given back to those who hold legal claim to land because of their ancestors being disposed from land they occupied during the Apartheid government. This does not date back to before the Union of South Africa was established, and is discussed further in Attachment 17 - The African National Congress in government, Section Land Ownership.

**References:**

1 Booklet distributedby HNP ''AFRIKANERS PRAAT MET FW'' with a picture of Mr. Marais walking out of the Union Buildings;

Booklet ''AFRIKANERNASIONALISME EN DIE NUWE SA'' with a picture of FW De Klerk and Nelson Mandela on the cover.

2<http://www.news24.com/SouthAfrica/Politics/ANC-NGC-Jacob-Zumas-speech-20100921>

3 ‘Return land to Khoi, San’By Murray Williams on June 12 2012 at 12:40pm

<http://www.iol.co.za/news/politics/return-land-to-khoi-san-1.1317144#.UJWP6m_A_z4>

4 en.wikipedia.org

5 From: The Story of the Boers. C W van der Hoogt. Published in 1900. Page 97.

6 (<http://www.e-tools.co.za/newsbrief/1992/news9208.10>)

7<http://www.iol.co.za/index.php?set_id=1&click_id=6&art_id=vn20080628083923341C396770>

8 <http://icafrica.wix.com/icafrica#!home/mainPage>

**Footnotes.**

**Footnote 1: National Sovereignty verses Self-Governance.**

**National sovereignty**

National sovereignty is the doctrine that sovereignty belongs to and derives from the nation, an abstract entity normally linked to a physical territory and its past, present, and future citizens. It is an ideological concept or doctrine derived from liberal political theory. It traces back to John Locke in late 17th century England and to Montesquieu in 18th century France, the latter especially via Emmanuel-Joseph Sieyès pamphlet ‘What Is the Third Estate?’

Under the concept of national sovereignty, the nation is superior to the individuals of which it is composed. National sovereignty can be contrasted, on the one hand, to absolutism and to other doctrines that see sovereignty as residing solely in a monarch, aristocracy, theocracy or other small elite, and on the other hand to popular sovereignty, which has more egalitarian implications.

The relationship between the concepts of national sovereignty and citizenship is mutual. Citizens—who are not necessarily the entire populace of a territory—possess rights and have a relationship of equality to one another under the law. They are not mere subjects or vassals whose rights are delegated by a higher authority, nor are they passive objects of a political entity. In classical political theory, national sovereignty translates into a representative constitutional system, because a nation cannot be governed by direct democracy, given the impossibility of direct representation of its past and future citizens. The simple majority of the residents of the territory of a nation, or even of its citizens, are not necessarily considered identical to the will of the nation.

The first clear application of the doctrine of national sovereignty was in the constitutions of the French Revolution (1789–1799); the United States, founded in 1776 had relied more on the theory of popular sovereignty and had been first a confederation and later a federation of the states that retained certain aspects of sovereignty *vis a vis* the nation. National sovereignty is conceived as indivisible and inalienable, not simply parceled out among individuals or any other units who form the nation. The French Revolution was explicitly national, based on the concept of a nation state whose interests took precedence over those of individuals, even while guaranteeing rights to individuals. Article 3 of the French Declaration of the Rights of Man and of the Citizen declared explicitly that "all sovereignty resides essentially in the nation".

Thus, under this doctrine, each individual is part of the nation, but it is a whole based on something more than direct representation. National sovereignty does not necessarily imply universal suffrage or electoral equality, both of which are usually considered to be inherent in the logic of popular sovereignty. Under national sovereignty, the vote is not an individual right, but a means to the end of determining the national will. The franchise may be restricted by some system of census suffrage; in practice, this restriction has most often been on the basis of personal wealth.

International law is the set of rules generally regarded and accepted as binding in relations between states and nations. It differs from national legal systems in that it only concerns nations rather than private citizens. National law may become international law when treaties delegate national jurisdiction to supranational tribunals such as the European Court of Human Rights or the International Criminal Court. Treaties such as the Geneva Conventions may require national law to conform.

Note: Above information taken from Wikipedia, the free encyclopedia

<http://en.wikipedia.org/wiki/Self-government>

**Footnote 2: Apartheid: Made in Britain**

The article by Richard Dowden printed on 18 April 1994, was placed on the internet on the 26th of February 2012 by ‘Die stem van...’ at <http://www.onsvirjou.nl/category/die-stem-van/> which reads as follows:

In the days leading up to the South African election we will be told by journalists and commentators that democracy has finally arrived in South Africa and that black South Africans will be voting for the first time. Neither statement is quite true.

Democracy has a long, if contorted, history in South Africa. For nearly 100 years there was a non-racial franchise and the electoral role did not become exclusively white until 1956. The Colored Vote Bill in that year was the final blow to a non-racial democracy which had been whittled away over the decades. Like many apartheid laws passed by the National Party government in the Fifties, it was not a radical departure from the past. The legislation which created apartheid was based on existing laws and in many cases simply tightened or tidied them.

The myth that there has never been democracy in South Africa is linked to a second myth. Most people think they know that apartheid was an invention of the Afrikaners and their belief that South Africa should be ruled exclusively by whites. Conversely, it is usually thought that the English tradition in South Africa was non-racial and democratic. In fact, the British tradition, as purveyed by both English-speaking South Africans and the parliament at Westminster, has played a less than glorious role in establishing democracy.

It was two renowned Englishmen, Cecil Rhodes and Winston Churchill, who at crucial moments planted the seeds that were to ripen into policies which deprived black people of democratic rights in South Africa. A third, Jan Smuts – an Afrikaner by birth who became a committed supporter of the British Empire – was also an architect of laws which were later to become the framework of apartheid. Like Churchill, Smuts has a statue in Parliament Square, but in South Africa both will go down as men who destroyed rather than built democracy in the country.

Let’s take Rhodes first, the Bishop’s Stortford boy who wanted to build an African empire from Cairo to the Cape, who invented Rhodesia and left us with the De Beers diamond monopoly and 160 Rhodes scholarships at Oxford. A millionaire from diamonds and gold before the age of 30, Rhodes became Prime Minister of the Cape in 1890. For more than 40 years the Cape had had a non-racial franchise which allowed anyone, irrespective of race, with property worth pounds 25 or wages of pounds 50 a year to vote for representatives in an Assembly which made laws for the colony.

Rhodes believed that the world should be ruled by the Anglo Saxon and Teutonic races: one of his dreams was to force the United States of America back into the British Empire. Although Africans represented a minority of voters and did not vote as a block, Rhodes passed two laws simultaneously which caused large numbers of them to be struck off the electoral role. One, the Glen Grey Act, limited the amount of land Africans could hold; the other tripled the property qualification for the vote. Many Africans now had insufficient property to qualify and would find it almost impossible to get back on the list because of the legal limit on the amount of land they could hold.

The next blow to democracy came after the Boer war. Elsewhere in the world the imperial government in London exercised a veto over its colonialists to protect the interests of the native people of the colony from the settlers. In Kenya, for example, London blocked several attempts by colonists to make Kenya a ‘white man’s country’. Ultimately, in Rhodesia, Britain imposed sanctions to reverse Ian Smith’s Declaration of Independence. In South Africa, however, the veto was abandoned when the Union of South Africa Act was passed in 1910 and the man who played a vital role in its abandonment was Churchill.

If you read the debates that led up to the Act of Union, the most striking thing is that the words ‘racial conflict’ referred to the Anglo- Boer war. What we would call the racial issue was then ‘the native problem’. The British had fought the war partly, it was said, to protect the interests of the natives from the Boers, the Afrikaners.

During the war the British had encouraged Africans to work for British victory, which they did in large numbers. With victory, Britain might have been expected to extend the Cape non-racial franchise to the conquered territories of the Transvaal and the Orange River Colony so that blacks would be represented in the whole territory the way they had been in the British colony. But not only did they not do so, they also limited the ‘native’ vote to the Cape. Africans were to have no say in the election of a national parliament, although they retained their voting rights to the Cape parliament.

The young Churchill, then Under-Secretary for the Colonies, had covered the South African war as a journalist and had been captured by – and escaped from – the Boers. His knowledge and influence in making the agreement after peace was signed was crucial. In a debate in July 1906 he called the peace treaty ‘the first real step taken to withdraw South African affairs from the arena of British party politics’. He argued passionately that the Afrikaners should be allowed self-rule, a self-rule which he admitted would mean that black Africans would be excluded from the vote.

In parliament he told those who pointed out that the treaty had enshrined the rights of Africans that the Afrikaners interpreted the peace treaty differently. He said: ‘We must be bound by the interpretation which the other party places on it and it is undoubted that the Boers would regard it as a breach of that treaty if the franchise were in the first instance extended to any persons who are not white.’

When South Africa was discussed four years later, Churchill’s successor tried to reassure parliament that the Afrikaners would come round to the view that it was wiser to include Africans in the franchise. A delegations of Africans from the South African Native Congress, the forerunner of the ANC, came to lobby parliament at Westminster, but to no avail.

Because of Churchill and his policy the British parliament had already washed its hands of responsibility for the rights of its black citizens in South Africa. When the new parliament in South Africa passed the Land Act, making it illegal for Africans to purchase land from Europeans anywhere outside the reserves, a delegation of Africans who came to London to protest were told that it was a matter for the South African parliament.

The deputy leader of the party which passed the Land Act was Jan Smuts. He had fought against the British and his troops had been responsible for massacres of unarmed Africans acting as drivers and porters for the British army. After the war he played a crucial role in striking the deal between Britain and the Afrikaners and is usually regarded as the man who represented liberal democratic values in South Africa. In fact, Smuts believed that South Africa should be a ‘white man’s country’ and he believed in ‘segregation’ – which is simply English for apartheid.

He passed the first piece of legislation which separated white and black areas and in 1920 the Native (Urban Areas) Act which laid down the principle of residential segregation in urban areas, keeping blacks away from white residential areas. He also initiated the principle of reserving jobs for whites in the Mines and Work Act. In the 1929 ‘Black Peril’ election, when fear of being dominated by Africans became the major issue, Smuts demanded that the rate of black integration into white society must be curtailed. He also called for South African influence to be extended north and east in the creation of a British Confederation of African States.

Smuts lost that election to J B Hertzog’s National Party, but five years later they formed a coalition and democracy took another blow. The Native Representation Act of 1936 took away the franchise from Africans in the Cape. Instead, Africans in the whole country were to be able to elect four white men to represent them on a council, with eight other appointed members. Although ‘colored’s remained on the Cape electoral role until 1956, the 1936 act was the final stage in a long retreat from democracy in South Africa.

When the National Party won the 1948 election on the platform of apartheid, it did not have radically to rewrite South Africa’s laws. The foundations of apartheid were already in place. Sex outside marriage between races was already banned, but it was carried to its logical conclusion in the 1949 Mixed Marriages Act and the Immorality Act of the following year which banned any sex between races.

The Native Laws Amendment Act, built on Smuts’ Native (Urban Areas) Act, redefined which Africans were allowed into urban areas. The laws affecting the various pass laws that were already in existence were amalgamated into the Abolition of Passes and Consolidation of Documents Act and forced all Africans to carry a single pass. It was made a criminal offence not to produce the pass book when required by the police.

Various laws relating to urban affairs which prescribed segregation were gathered into the Group Areas Act which made separation absolute and gave the government powers to define an area as White, Black, Indian or Colored. The Industrial Conciliation Act built on the foundations of Smuts’ Mines and Work Act to restrict further black rights at work. On the crucial issue of land, the Prevention of Illegal Squatting Act gave the government power to move African tenants from privately or publicly owned land and tidy up the land into segregated areas. This was the completion of legislation which began with Cecil Rhodes’ Glen Grey Act, nearly 50 years before.

The arrival – or rather rearrival – of non-racial democracy in South Africa is clearly cause for celebration, but it should not be an occasion for British self-satisfaction that Western-style democracy and the Mother of Parliaments have won another convert. Perhaps, though, there should be half a cheer for Churchill’s colleague, Lord Elgin, the Secretary of State for the Colonies, who in 1906 expressed the fervent wish that the Afrikaners would, ‘in some time to come’, see the good sense of granting ‘reasonable representation to the natives’. I suppose you could say his wish has come true – at last.

Richard Dowden is in South Africa to cover next week’s election.

Source: <http://www.independent.co.uk/opinion/apartheid-made-in-britain-richard-dowden-explains-how-churchill-rhodes-and-smuts-caused-black-south-africans-to-lose-their-rights-1370856.html>

**Footnote 3: Speech by PW De Klerk in 1989.**

Toespraak deur mnr FW de Klerk, Hoofleier van die Nasionale Party: debat insake waarnemende staatspresidentsrede  
8 Februarie 1989

Ter aanvang wil ek my hartlike dank betuig aan alle agbare lede wat tydens hierdie debat in vriendelike woord aan my adres gerig het.  Ek waardeer dit opreg.

Namens die Nasionale Party sê ek ook welkom terug aan die agbare lid, dr Z de Beer, leier van die PFP.  Hy, dr D Worrall en die agbare lid vir Randburg - in die beeldspraak van laasgenoemde - is druk besig om hulle partye so ‘n bietjie vir bietjie tot niet te maak.  En êrens is iemand besig om bietjie vir bietjie leier van die te stigte party te word.

Nogtans sal hy, tot die PFP behoorlik begrawe is, ‘n leidende opposisierol in hierdie Sitting speel.  Ek weet dat hy dit sal doen met verantwoordelikheid en integriteit en sien daarna uit om met hom swaarde te kruis en konstruktief te debatteer.

Dit was mooi om te sien dat almal selfs sy bitterste vyande - ‘n opbeurende woord gehad het vir ons agbare Staatspresident.  Nog meer indrukwekkend was die erns waarmee van voorbidding getuig is.

Die Nasionale Party vereenselwig hom ten volle met elke goeie wens teenoor hom en sy families Ons bid vir hulle.

Vir 50 jaar het mnr P W Botha ‘n sleutelrol gespeel in die Nasionale Party en die partypolitiek van ons land.  Hy was ‘n geliefde leier van ons Party en ‘n gerespekteerde opponent van die opposisie.

Ek bring graag hier, in die Parlement, hulde aan hom namens die Nasionale Party.  Ter gelegener tyd sal ons Party behoorlik hulde bring en afskeid neem van hom as ons uitgetrede Hoofleier.

Die bedanking van die agbare Staatspresident as Hoofleier van die Nasionale Party het aanleiding gegee tot talle bespiegelinge.  Daar is geweldige druk op my om die implikasies van sy besluit in besonderhede te vertolk.  Ek is nie bereid om hieraan toe te gee nie.

Die eerste prioriteit is nou dat hy goed sal vorder op die pad van herstel.  Die Parlement, die land en die media behoort begrip hiervoor te hê.  Namate sy gesondheid verbeter, sal ons in toenemende wisselwerking met mekaar die saak verder voer insoverre dit nodig mag wees.

Intussen is daar sekerheid en stabiliteit in die land.  Die agbare waarnemende Staatspresident vervul sy rol met waardigheid en onderskeiding.  Ons werk hartlik saam en die Kabinet funksioneer normaalweg.  Alles is onder beheer.  Landsbelang en ordentlikheid vereis egter sensitiewe hantering van ‘n moeilike situasie.  Ek glo dat ek op almal - die Parlement sowel as die pers - kan staatmaak in die verband.

Wat die res van die bespiegelinge aangaan - dit wat my en my politieke siening aanbetref - reageer ek graag sonder huiwering.

Die Nasionale Party, van my kollegas en ekself, was in die afgelope dae op die dissekteertafel.  Etikette is vryelik omgehang, analises is gedoen en klubs (wat nie bestaan nie) het naam gekry.

Daar is ‘n spreekwoord in Afrikaans:

Gun elke diertjie sy plesiertjie.

Dit doen ons graag.  Maar na alles verby is, dan bly net die waarheid oor.  Na my verkiesing het die Nasionale Party geledere gesluit.  Ons Party het ‘n vaste koers gekies.  En ongeag die wisseling in leierskap bly ons eendragtig op daardie koers.

Our goal is a new South Africa:

a  totally changed South Africa;

a South Africa which has rid itself of the antagonism of the past;

a South Africa free of domination or oppression in whatever form;

a South Africa within which the democratic forces - all reasonable people - align themselves behind mutually acceptable goals and against radicalism, irrespective of where it comes from.

How we reach that goal, is the common challenge which all of us face.

In the debate, thus far, there has been too much defeatism, bickering and denigration.  Shouting at each other, delving into the past - raking up old grievances will get us nowhere.

All reasonable people in this country - the silent majority - anxiously await a message of hope.  It is our responsibility to provide that message with realism and courage.  If we fail in that, the ensuing chaos, the demise of stability and progress will for ever be held against us.

If, however, we all turn our faces towards the future - into the gale - and realistically start working towards the expansion of agreement and the narrowing of disagreement, then the future holds good.

That is exactly what the National Party is striving for.  My predecessor has started this process.  I will continue on that road with all the dedication and energy I can muster.

I believe that we must, in this process, distinguish between long term goals and intermediate goals.  While striving towards the more resounding and idealistic ultimate goals, we must approach our immediate problems in a workmanlike manner.  That entails short, medium and long term planning.  And while we might continue to differ on the route towards long term goals, we can in the meantime find common ground with regard to the pressing problems of today and tomorrow.

In die kort- en dip medium-termyn staan ons voor groot uitdagings.

Armoede, werkloosheid, behuisingstekorte, gebrekkige opleiding, ongeletterdheid en vele ander struikelblokke staan in die weg van voorspoed en groei.

Intimidasie, terrorisme, oproer, onwettige stakings en wegbly-aksies bedreig stabiliteit en vooruitgang.

Vooroordeel, wantroue, rigorisme, vrees en koppige weerhouding van samewerking beduiwel die staatkundige onderhandelingsproses - en daarmee saam die spoedige verbreding van sinvolle deelname op alle vlakke deur ons Swart gemeenskappe.

Kortsigtige sanksies en isolasiepogings uit die buiteland vertraag ontwikkeling en die vordering van ons agtergeblewe gemeenskappe.

Die Nasionale Party sal voortgaan om alles in die werk te stel om hierdie struikkelblokke uit die weg te ruim.

Ons werk hard aan maatskaplike en ekonomiese ontwikkeling.  Ons staan sterk teen radikalisme, terrorisme en misdaad. Ons buig agteroor om grondwetlike onderhandelinge te laat vorder.  Eni ons stel alles in die werk om internasionale verhoudinge te normaliseer.

Het dit nie tyd geword dat daar meer saamgestaan en saamgewerk word oor hierdie dringende sake, in stede van die oorgrote persentasie van die Parlement se tyd te wy aan steriele agressie en bittere verwyte nie?

Alleen as en namate daarin geslaag word, kan ons die positiewe klimaat skep waarna ons land so reikhalsend uitsien.

Wat my betref, sal ek in die tyd wat voorlê, my Party daartoe lei.

Om deure vir sinvolle onderhandeling verder te open.

Om In gees van samewerking binne en buite die Parlement te bevorder.

Om deur reguit praat en eerlik praat, wantroue te help besweer en onderlinge vertroue te bou.

Om die ware bedoeling van die Nasionale Party te laat inslag vind en skewe persepsies te verpletter.

Laat my toe om sommer vandag oor enkele sake daarmee te begin.

Eerstens

In hierdie debat is beweer dat die Nasionale Party vasklou aan Blanke baasskap.  Die agbare benoemde lid, Minister Chris April, het dit onder andere beweer.

I want to state unequivocally that the National Party is against domination of any one group by others.  White domination, in so far as it still exists, must go.

As far back as 1985 I publicly stated:

In order to gain acceptance, any ground plan will have to provide authentic and full participation for all those who are engaged in it.

Any system aimed at keeping some of its participants in a subordinate position, through clever or devious means  is doomed to failure.  It must be visibly just and equitable towards everybody.

In the same breath the National Party rejects domination in any other form.  Domination by a majority is as unacceptable as domination by a minority - after all: the worst case in history of domination and oppression was committed by a majority.  Is there anyone in this chamber in favour of Black domination?  I doubt it.  Therefore, the only route is a system which eliminates domination.

How we attain such a just and equitable constitutional model must be negotiated.  At the same time more detailed proposals will have to be formulated to serve as a basis for discussion.

As Leader of my Party I will do everything in my power to expedite this process.  Time is of the essence.  Final solutions will take time.  But movement and visible evolutionary development is tremendously important.

Aan die Blanke kiesers wil ek vandag hierdie versekering gee:

Die Nasionale Party sal in sy bouwerk aan ‘n nuwe bedeling wat volwaardige regte aan almal bied, jaloers waak oor u en ander minderhede se sekuriteit en belange.

Verder - soos my voorganger, so verbind ek my ook tot die onderneming dat enige wesenlike grondwetlike wysigings voorafgegaan sal word deur ’n verkiesing of 'n referendum waarin ‘n mandaat aangevra word.

Secondly\_

The National Party is not as ideologically obsessed with the group concept as has been suggested by many critics.

Our strong emphasis on group rights, alongside individual rights, is based on the reality of South Africa and not on an ideological obsession or racial prejudice.

All the lip service being paid to a so-called non-racial society is pure nonsense.  There is no such thing as a non-racial society in a multi-racial country.  However closely we may cooperate South Africa will retain its diversity, and that diversity will remain a powerful and often beneficial force which must be reckoned with.

However, my Party strives for a non-racialistic country, a country free of racism,  racial hatred, negative discrimination on the basis of race.   We accept as our goal a just and equitable dispensation in all fields for all South Africans, irrespective of race or color.

But, as America has to recognize and accommodate its diversity through a Black caucus, special arrangements for Indian reservations and affirmative action programs, South Africa will have to continue to accommodate its diversity - cultural and racial - in its future planning.

As Belgium is forced to make special arrangements for group security as a basis for cooperation we will have to do likewise.

And thus I could continue.  But the point is made.  Reality dictates recognition of group diversity.  How we do it, so as to ensure that it will not be on a discriminatory basis, is the challenge we face.  But face it, we must.

Small wonder that a large part of the debate centered around rejection of the existing ways and means through which the consequences of diversity are accommodated and regulated.

Has the time not come for us to negotiate a new realistic model for the non-discriminatory maintenance of community rights in the social sphere?  As we have set out to achieve this in the constitutional sphere, we must also try to find each other with regard to sensitive issues such as residential areas and the like.

The National Party is not bound to any particular measures, and is prepared to take the initiative in finding a mutually acceptable basis for the maintenance of group security.  I will endeavor to stimulate movement towards greater accord in this sensitive field, however difficult it might be.

In the meantime the existing measures will have to suffice.  We cannot afford the uncertainty and friction which an unregulated vacuum will cause.

Derdens

‘n Persepsie word geskep dat die Regering voete sleep met hervorming.  Ek wil u verseker dat die Nasionale Party net so haastig is soos enigiemand anders.

My kollegas in die Kabinet swoeg en sweet om in moeilike finansiële tye - elkeen op sy terrein - hervormingsprogramme voort te sit.

Op terreine waar onderhandeling ter sprake is, word daar teen die hoogste moontlike tempo gewerk en stil-stil word vordering gemaak.

Natuurlik is daar struikelblokke.  Een daarvan is die spel wat soms binne die Parlement gespeel word - die spel van belangrike hervormingsmaatreëls teen te staan vir redes wat niks met die inhoud daarvan te doen het nie.

‘n Ander is die spel van sommige leiers om onrealistiese voorvereistes te stel as voorwaarde tot toetrede.

En terwyl hierdie onverstandige spel voortduur, wag die mense van Suid-Afrika gretig op vordering.

Ek wil en sal my beywer, saam met my kollegas, om stukrag aan die vernuwingsproses te verleen en nooi u uit om met my saam te werk.

Ons land eis van ons in die Parlement ‘n ommeswaai van die huidige klimaat van spanning en verharding, soos hulle dit beleef.

Al die mense van Suid-Afrika wil die breë algemene bron van goeie wil wat daarbuite bestaan, weerspieël sien in one dade en optrede.

Hulle eis van ons dat ons moet bou aan ‘n vaste en werkbare verstandhouding, in stede van te twis met en te hap na mekaar.

Ek aanvaar die uitdaging om aan hierdie billike aandrang te probeer voldoen.

Nie een van ons sal egter daarin slaag deur mooi woorde en welluidende toesprake nie.  Ek verwag ook nie dat my toespraak van vandag vrede op ons sal laat neerdaal nie.

Nee, veel meer van alle kante sal nodig wees:

Harde werk en oop gesprek;

die wil om mekaar te vind langs die weg van gee en neem;

verbeeldingryke denke en waagmoed.

Daartoe verbind ek my en my Party.

**Footnote 4: Charities only support Blacks.**

BEE proposal could ruin charities

November 1 2012 at 08:12am    
By Colleen Dardagan

Durban - Charities could face ruin over a government proposal that firms could lose black economic empowerment (BEE) points if they donate to charities that do not have 100 percent black beneficiaries.

Some charities believe the proposal means that any firm that donates to a charity that helps a white, colored or Indian person may not be able to claim points for its BEE scorecard.

It could also mean that if just one white child or person is among a group of black people the charity is helping, the firm that donates to it could lose it points.

A BEE scorecard is used by the government to measure a company’s BEE compliance. Those that comply do business more easily with other companies also wanting to increase their scorecard and are favored by the government in all aspects relating to business.

Despite repeated attempts since Monday for a response and clarity from the Department of Trade and Industry, all it would say was: “All stakeholders who have concerns and objections are requested to make use of the 60-day period to make their submission... We will not be in a position to comment/respond to the questions as we do not want to pre-empt the process.”

The amended changes to the BEE Codes of Good Practice are on the department’s website and up for public comment until December 2.

Legislation that is in place allows for charities to assist all races, but lower points are scored when companies assist organizations where less than 75 percent of the recipients are black.

 Bridget Brun, a Durban BEE agency head, said she hoped the proposed amendment was an error.

“I don’t think they [the department] have realized what they have done. Think of organizations such as Girls’ and Boys’ Town or Childline,” she said.

“This amendment will have a huge effect. It means if the charity benefits any Indian, white, colored or even a Mozambican or Zimbabwean child, companies will not be able to claim points on their BEE scorecard. We are now going to have segregated facilities.

“Charities will not help white children if the companies which support them withdraw support because they can’t claim the points.”

Erika Petersen-Holmes, a partner in the commercial and corporate law department at Shepstone and Wylie in Durban, agreed, saying: “Almost all charities have at least one white beneficiary.

“This could result in those charities receiving no corporate donor funding, or those charities rejecting white beneficiaries.”

Karen Hatton-Jones, of retail giant Spar, which gives many charities, orphanages and NGOs large cash and food donations every year, said she was “distressed and disgusted” by the proposed change.

“It’s not going to change what we do. Since when do we put a color to those in need?” she asked.

Childline head Joan van Niekerk said BEE laws were going from difficult to ridiculous.

“We don’t know the race of the child who phones us. It’s inappropriate to ask, ‘Are you black, and how black are you?’ This is a different kind of apartheid. It’s extremely distressing,” she said.

Van Niekerk said charities were pragmatic about funding.

“There is no such thing as a free lunch. We have to be practical and realistic about funding now. This corporate social responsibility money is something companies are obligated to give and we know the rules up front. If this goes through it will now be far more difficult to deal with.”

Jackie Branfield, of child crisis organization BobbiBear, said it was the first that she had heard of it.

“Yes, 99 percent of the children we help are black, but we are certainly not going to turn away that 1 percent who could be a white or Indian child. Where’s our democracy, where is our new South Africa?”

Durban Chamber of Commerce CEO Andrew Layman said worthwhile social upliftment projects would suffer. “The implications could be severe,” he said.

To comment on the proposed amendments to the BBBEE legislation, e-mail xzondo@thedti.gov.za or phone 012 394 1609/1941.

<http://www.iol.co.za/news/politics/bee-proposal-could-ruin-charities-1.1415511#.UJJaKm_A_z4>

**Footnote 5: The South African Act of 1909.**

**SOUTH AFRICA ACT, 1909.**

9 EDWARD VII.

CHAPTER 9.

**An Act to constitute the Union of South Africa.**

[20th September, 1909.]

WHEREAS it is desirable for the welfare and future progress of South Africa that the several British Colonies therein should be united under one Government in a legislative union under the Crown of Great Britain and Ireland:

And whereas it is expedient to make provision for the union of the Colonies of the Cape of [Good](http://en.wikisource.org/wiki/South_Africa_Act,_1909) Hope, Natal, the Transvaal, and the Orange River Colony on terms and conditions to which they have agreed by resolution of their respective Parliaments, and to define the executive, legislative, and judicial powers to be exercised in the government of the Union:

And whereas it is expedient to make provision for the establishment of provinces with powers of legislation and administration in local matters and in such other matters as may be specially reserved for provincial legislation and administration:

And whereas it is expedient to provide for the eventual admission into the Union or transfer to the Union of such parts of South Africa as are not originally included therein:

Be it therefore enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:―(...).

**Footnote 6: The Republic of South Africa Constitution Act, 1961.**

Republic of South Africa Constitution Act, 1961

Enacted by the Parliament of South Africa

**ACT**

**To constitute the Republic of South Africa and to provide for matters incidental thereto.**

*(Afrikaans text signed by the Governor-General.)*  
*(Assented to 24th April, 1961.)*

IN HUMBLE SUBMISSION to Almighty God, Who controls the destinies of nations and the history of peoples;

Who gathered our forebears together from many lands and gave them this their own;   
who has guided them from generation to generation;   
who has wondrously delivered them from the dangers that beset them;

We, who are here in Parliament assembled, declare that whereas we

Are conscious of our responsibility towards God and man;

Are convinced of the necessity to stand united  
To safeguard the integrity and freedom of our country;  
To secure the maintenance of law and order;  
To further the contentment and spiritual and material welfare of all in our midst;

Are prepared to accept our duty to seek world peace in association with all peace-loving nations; and

Are charged with the task of founding the Republic of South Africa and giving it a constitution best suited to the traditions and history of our land:

BE IT THEREFORE ENACTED by the Queen’s Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:―

Part I.

THE REPUBLIC.

Republic of South Africa.

**1.** The Union of South Africa consisting of the provinces of the Cape of Good Hope, Natal, the Transvaal and the Orange Free State as they existed immediately prior to the commencement of this Act, shall as from the thirty-first day of May, 1961, be a republic under the name of the Republic of South Africa.

Sovereignty and guidance of Almighty God acknowledged.

**2.** The people of the Republic of South Africa acknowledge the sovereignty and guidance of Almighty God.

Construction of pre-Republican laws.

**3.** As from the date mentioned in [section *one*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s1), any reference in any law in force immediately prior to the commencement of this Act, in the Union of South Africa or in any other territory in respect of which Parliament is competent to legislate―

(*a*) To the Union of South Africa or the State, shall be construed as a reference to the Republic;

(*b*) To the Crown or the King or the Queen or the Governor-General shall be construed as a reference to the Republic or the State President as the circumstances may require;

(*c*) To the King-in-Council or the Queen-in-Council or the Governor-General-in-Council, shall be construed as a reference to the State President.

Part II.

NATIONAL FLAG AND ANTHEM.

National Flag of Republic.

**4.** There shall be a National Flag of the Republic of which the design shall be as set out in [section *five*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s5).

Design of National Flag.

**5.** (1) The National Flag of the Republic shall be a flag consisting of three horizontal stripes of equal width from top to bottom orange, white and blue, on which there shall appear―

(*a*) In the centre of the white stripe, the flag of the republic of “De Oranjevrijstaat” hanging vertically and spread in full; and

(*b*) On opposite sides and adjoining the flag referred to in paragraph (*a*)—

(i) The Union Jack, as it existed in 1927, horizontally spread in full towards the pole; and

(ii) The Vierkleur of “De Zuid-Afrikaansche Republiek” horizontally spread in full away from the pole.

(2) The flags referred to in paragraphs (*a*) and (*b*) of subsection (1) shall all be of the same size and of a shape proportionally the same as that of the National Flag, the width of each of such flags shall be equal to one-third of the width of the white stripe on the National Flag, and the flags referred to in paragraph (*b*) of sub-section (1) shall be equidistant from the margins of the said white stripe.

National Anthem.

**6.** The National Anthem of the Republic shall be “[Die Stem van Suid-Afrika](http://wikisource.org/wiki/Die_Stem_van_Suid-Afrika)”.

Part III.

THE STATE PRESIDENT.

The head of the State and his powers.

**7.** (1) The head of the Republic shall be the State President.

(2) The command-in-chief of the South African Defense Force is vested in the State President.

(3) He shall, subject to the provisions of this Act, have power―

(*a*) With due regard to the provisions of this Act to dissolve the Senate or the House of Assembly or the Senate and the House of Assembly simultaneously;

(*b*) In accordance with the provisions of sections [*twenty*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s20) and [*twenty-one*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s21) to appoint Ministers and deputies to Ministers;

(*c*) To confer honors;

(*d*)to appoint and to accredit, to receive and to recognize ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;

(*e*) With due regard to the provisions of this Act to appoint the times for the holding of sessions of Parliament and to prorogue Parliament;

(*f*) To pardon or reprieve offenders, either unconditionally or subject to such conditions as he may deem fit, and to remit any fines, penalties or forfeitures;

(*g*) To enter into and ratify international conventions, treaties and agreements;

(*h*) To proclaim and terminate martial law;

(*I)* to declare war and make peace;

(*j*) To make such appointments as he may deem fit under powers conferred upon him by any law, and to exercise such powers and perform such functions as may be conferred or assigned to him under this Act or any other law.

(4) The State President shall in addition as head of the State have such powers and functions as were immediately prior to the commencement of this Act possessed by the Queen by way of prerogative.

(5) The constitutional conventions which existed immediately prior to the commencement of this Act shall not be affected by the provisions of this Act.

Election of State President.

**8.** (1) The State President shall be elected by an electoral college consisting of the members of the Senate and the House of Assembly, at a meeting to be called in accordance with the provisions of this section and presided over by the Chief Justice of South Africa or a judge of appeal designated by him.

(2) The election of a State President shall be held at a time and place to be fixed by the Speaker or (in his absence) the Secretary to the House of Assembly and made known by notice in the *Gazette* not less than fourteen days before such election.

(3) The date so fixed shall in respect of the first such election be a date before the thirty-first day of May, 1961, and in the case of any subsequent such election a date not less than one month and not more than three months before the termination of the period of office of the State President then holding office: Provided that if the State President dies or for any other reason vacates his office before the expiration of his period of office a date within three months after the office became vacant shall be so fixed.

(4) No person may be elected or serve as State President unless he is qualified to be nominated or elected and to take his seat as a member of the Senate.

(5) Any person holding any public office in respect of which he receives any remuneration or allowance out of public funds, who is elected as State President, shall vacate such office with effect from the date on which he is elected.

Method of election.

**9.** (1) Nominations of candidates for election as State President shall be called for at the meeting at which the election is to take place, by the person presiding thereat.

(2) Every nomination shall be submitted in the form prescribed and shall be signed by two members of the electoral college and also by the person nominated, unless he has in writing or by telegram signified his willingness to accept nomination: Provided that in the case of the person for the time being holding office as State President, nomination shall be by way of a decision such as is provided for in paragraph (*a*) of sub-section (1) of [section *ten*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s10).

(3) The names of the persons duly nominated as provided in sub-section (2) shall be announced at the meeting at which the elections is to take place by the person presiding thereat, and no debate shall be allowed at the election.

(4) If in respect of any election only one nomination has been received, the person presiding at the meeting shall declare the candidate in question to be duly elected.

(5) Where more than one candidate is nominated for election, a vote shall be taken by secret ballot, each member of the electoral college present at the meeting in question having one vote, and any candidate in whose favour a majority of all the votes cast is recorded, shall be declared duly elected by the person presiding at the meeting.

(6) (*a*) If no candidate obtains a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(*b*) Whenever two or more candidates being the lowest on the poll have received the same number of votes, the electoral college shall by separate vote, to be repeated as often as may be necessary, determine which of these candidates shall for the purpose of paragraph (*a*) be eliminated.

(7) (*a*) Whenever―

(i) only two candidates have been nominated; or

(ii) after the elimination of one or more candidates in accordance with the provisions of this section, only two candidates remain,

and there is an equality of votes between those two candidates, a further meeting shall be called in accordance with the provisions of [section *eight*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s8), and the provisions of this section shall apply as if such further meeting were the first meeting called for the purposes of the election in question.

(*b*) At the third meeting called in connection with any particular election, the person presiding at the meeting shall in the event of an equality of votes between any two candidates under the circumstances described in paragraph (*a*), have and exercise a casting vote.

(8) (*a*) The Speaker of the House of Assembly shall make rules in regard to the procedure to be observed at a meeting of the electoral college, including rules prescribing the form in which any nomination shall be submitted, and rules defining the duties of the presiding officer and of any person appointed to assist him and prescribing the manner in which the ballot at any such meeting shall be conducted.

(*b*) Any such rules shall be made known in such manner as the Speaker of the House of Assembly may consider necessary.

Tenure of office of State President.

**10.** (1) (*a*) The State President shall hold office for a period of seven years from the date upon which he takes the oath prescribed in [section *twelve*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s12), and shall not on termination of his period of office be eligible for re-election, unless it is expressly otherwise decided by the electoral college.

(*b*) He shall cease to hold office on a resolution passed by the Senate and by the House of Assembly during the same session declaring him to be removed from office on the ground of misconduct or inability to perform efficiently the duties of his office.

(2) (*a*) No resolution shall be taken under paragraph (*b*) of sub-section (1), except after consideration of a report of a joint committee of the Senate and the House of Assembly appointed in pursuance of a resolution of the House of Assembly which has been concurred in by the Senate.

(*b*) The House of Assembly shall not adopt a resolution that such a committee be appointed, unless there has previously been submitted to the Speaker of the House of Assembly a petition signed by not less than thirty members of the House of Assembly and requesting that such a committee be appointed.

(*c*) In connection with any resolution contemplated in paragraph (*b*) no debate shall be allowed either in the Senate or in the House of Assembly.

(3) The State President may resign by lodging his resignation in writing with the Speaker of the House of Assembly, who shall forthwith advise the Prime Minister of such resignation.

(4) The State President shall not be absent from the Republic except with the prior consent of the Executive Council.

Acting State President.

**11.** Whenever the office of State President is vacant or the State President is for any reason unable to perform the duties of his office, the President of the Senate shall serve as Acting State President, and, if the office of President of the Senate is vacant or the holder of that office is unable to act, the Speaker of the House of Assembly or, if his office is vacant or he is unable to act, a person appointed by the Executive Council shall serve as Acting State President.

Oath of office by State President and Acting State President.

**12.** The State President and any Acting State President shall before assuming office make and subscribe an oath of office in the following form before the Chief Justice of South Africa or a Judge of the Supreme Court of South Africa:

In the presence of Almighty God and in the full realization of the high calling I assume as State President/Acting State President in the service of my people, I, A.B., do swear to be faithful to the Republic of South Africa and do solemnly and sincerely promise at all times to promote that which will advance it, to oppose all that may harm it and to dedicate myself to the welfare of its inhabitants, to obey, observe, uphold and maintain the Constitution and all other Law of the Republic, to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience, to do justice unto all and to devote myself to the well-being of my people.

May the Almighty by His grace guide and sustain me in keeping this oath with honour and dignity.

So help me God.

Protection of dignity and reputation of State President and Acting State President.

**13.** Any person who commits any act which is calculated to violate the dignity or injure the reputation of the State President or an Acting State President, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or imprisonment for a period not exceeding five years.

Salary of State President.

**14.** (1) There shall be paid to the State President out of and as a charge on the Consolidated Revenue Fund, in addition to any allowances appropriated from time to time by Parliament, and apart from any privileges which he may enjoy, a salary of twenty-five thousand rand per annum.

(2) The salary of the State President shall not be reduced during his term of office.

Pension payable to State President and his widow.

**15.** (1) There shall be payable out of and as a charge on the Consolidated Revenue Fund―

(*a*)to any person who has at any time occupied the office of State President, a pension at the rate of six thousand rand per annum;

(*b*)to the widow of any such person, unless her marriage to him took place after the date on which he vacated office, a pension at the rate of two-thirds of the rate of the pension payable to such person.

(2) Any pension under sub-section (1) shall be payable―

(*a*)in the case of the State President with effect from the day following that upon which he vacated office;

(*b*)in the case of his widow, with effect from the day following that upon which she became a widow.

(3) Notwithstanding the repeal by [section *one hundred and twenty*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s120) of [section *ten bis*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#s10bis) of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), any pension which but for such repeal would have been payable to any person under the latter section shall continue to be payable as if the repeal had not been effected.

Part IV.

EXECUTIVE GOVERNMENT.

Executive government vested in State President acting on advice of Executive Council.

**16.** (1) The executive government of the Republic in regard to any aspect of its domestic or foreign affairs is vested in the State President, acting on the advice of the Executive Council.

(2) Save where otherwise expressly stated or necessarily implied, any reference in this Act to the State President shall be deemed to be a reference to the State President acting on the advice of the Executive Council.

(3) The provisions of sub-sections (1) and (2) of this section shall not be construed to affect the exercise by the State President of his powers under [section *twenty*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s20), in so far as it relates to the appointment of Ministers, or [section *twenty-five*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s25), paragraph (*a*) of sub-section (1) of [section *thirty-three*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s33) or [section *forty-seven*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s47), or the constitutional conventions relating to the exercise of his functions by the State President.

Executive Council.

**17.** The Executive Council shall consist of the Ministers appointed under [section *twenty*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s20) for the time being holding office.

Seal of the Republic.

**18.** (1) There shall be a Seal of the Republic, showing the coat of arms of the Republic with the circumscription “Republic of South Africa — Republiek van Suid-Afrika”.

(2) The Seal shall be in the custody of the State President, and shall, save in so far as may otherwise be determined by the State President, be used on all public documents on which the Royal Great Seal or the Royal Signet of the Union of South Africa or the Governor-General’s Great Seal was immediately prior to the commencement of this Act required to be used.

Confirmation of executive acts of State President.

**19.** (1) The will and pleasure of the State President as head of the executive government of the Republic shall be expressed in writing under his signature, and every instrument signed by him shall be countersigned by a Minister.

(2) The signature of the State President on any instrument shall be confirmed as provided in [section *eighteen*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s18).

Appointment of Ministers.

**20.** (1) The State President may appoint persons not exceeding eighteen in number to administer such departments of State of the Republic as the State President may establish.

(2) Persons appointed under sub-section (1) shall hold office during the pleasure of the State President and shall be the Ministers of the Republic.

(3) No Minister shall hold office for a longer period than three months unless he is or becomes a member of the Senate or the House of Assembly.

(4) Whenever a Minister is from any cause whatever unable to perform any of the functions of his office, the State President may appoint any other member of the Executive Council to act in the said Minister’s stead, either generally or in the performance of any particular function.

(5) A Minister shall before assuming his duties as such or as a member of the Executive Council make and subscribe an oath before the State President or a person designated by him, in the following form:

I, A.B., do hereby swear to be faithful to the Republic of South Africa and undertake before God to honour this oath; to hold my office as Minister and as a member of the Executive Council with honour and dignity; to respect and uphold the Constitution and all other Law of the Republic; to be a true and faithful counselor; not to divulge directly or indirectly any matters brought before the Executive Council which are entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability.

So help me God.

(6) Any department of State established under [section *fourteen*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#s14) of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), and in existence immediately prior to the commencement of this Act, shall be deemed to have been duly established under this section, and any officer appointed under sub-section (1) of the first-mentioned section to administer any such department and holding office immediately prior to such commencement, shall be deemed to have been duly appointed under this section to administer that department, but shall make and subscribe the oath prescribed in sub-section (5) before assuming his duties.

Appointment and functions of Deputy Ministers.

**21.** (1) The State President may appoint not more than six persons to hold office during his pleasure as deputies to any Minister in his capacity as the person appointed to administer any particular department of State, and any such deputy may on behalf of that Minister and under the designation of Deputy Minister of the department in question, exercise such of the powers and perform such of the duties and functions assigned to that Minister in terms of any law or otherwise as the said Minister may from time to time determine, but shall not be a member of the Executive Council.

(2) Any person appointed under this section shall before assuming the duties of his office make and subscribe before the State President or a person designated by him for the purpose, an oath in such form as the State President may determine.

(3) No person appointed under this section shall hold office for a longer period than three months unless he is or becomes a member of the Senate or the House of Assembly.

(4) Any person appointed under sub-section (3) of [section *fourteen*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#s14) of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), and holding office immediately prior to the commencement of this Act, shall be deemed to have been duly appointed under this section, and may, subject to the provisions of this section, continue to exercise or perform any powers, duties and functions which immediately prior to such commencement could be exercised or performed by him by virtue of a determination under sub-section (3) of the first-mentioned section, as if he were authorized to exercise such powers or perform such duties or functions in pursuance of a determination made by the Minister concerned in terms of this section, but shall make and subscribe the oath required under sub-section (2) before assuming the duties of his office.

Power to appoint and discharge persons.

**22.** The appointment and removal of persons in the service of the Republic shall be vested in the State President, unless the appointment or removal is delegated by the State President to some other authority or is in terms of this Act or any other law vested in some other authority.

Seat of Government.

**23.** Save as is otherwise provided in [section *twenty-seven*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s27), Pretoria shall be the seat of Government of the Republic.

Part V.

PARLIAMENT.

Legislative power.

**24.** (1) The legislative power of the Republic shall be vested in the Parliament of the Republic which shall consist of the State President, a Senate, and a House of Assembly.

(2) The Senate and the House of Assembly as constituted for the purposes of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), and in existence immediately prior to the commencement of this Act, shall be deemed to have been duly constituted for the purposes of this Act, and any person elected or nominated as a member of the said Senate or House of Assembly and holding office immediately prior to such commencement shall be deemed to have been duly elected or nominated to the Senate or the House of Assembly established by this Act: Provided that any such person shall before taking his seat as a member of the Senate or the House of Assembly established by this Act, make and subscribe the oath prescribed in [section *fifty-two*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s52).

(3) Any reference in any law to Parliament or any House of Parliament or the Senate or the House of Assembly or a member thereof, shall be construed as a reference to the Parliament or the Senate or the House of Assembly established by this Act or to a member of the said Senate or House of Assembly.

(4) Where any matter which has during the session of Parliament (as constituted in terms of the South Africa Act, 1909) immediately preceding the commencement of this Act, been brought before the said Parliament or Senate or House of Assembly, has not before such commencement been disposed of, that matter may be further dealt with or considered by the Parliament or Senate or House of Assembly, as the case may be, established by this Act, and any steps taken in connection with that matter by such first-mentioned Parliament or Senate or House of Assembly shall be deemed to have been taken by the Parliament or Senate or House of Assembly, as the case may be, established by this Act.

(5) Any Bill passed prior to the commencement of this Act by the Senate and by the House of Assembly (as constituted in terms of the South Africa Act, 1909) which has been assented to by the Governor-General, but has not been promulgated before such commencement, may be promulgated thereafter and shall thereupon have full force and effect as an Act of Parliament in all respects as if this Act had not been passed, but any reference in any such Act to any authority referred to in the South Africa Act, 1909, shall be construed as a reference to the corresponding authority established under this Act.

(6) If any Bill brought before Parliament or the Senate or the House of Assembly (as constituted in terms of the South Africa Act, 1909) prior to the commencement of this Act, has not been passed by both such Senate and such House of Assembly or if the Governor-General has not assented to any Bill so passed, that Bill may be further dealt with or considered by the Parliament or the Senate or the House of Assembly, as the case may be, established by this Act or may be assented to by the State President, as the circumstances may require, and, where it is so assented to, the Bill may be promulgated and shall have full force and effect as an Act of the Parliament established by this Act: Provided that any reference in such a Bill to any authority established by the South Africa Act, 1909, shall under the directions of the President of the Senate and the Speaker of the House of Assembly be altered before the promulgation thereof to a reference to the corresponding authority established by this Act.

Sessions of Parliament.

**25.** (1) The State President may appoint such times for holding the sessions of Parliament as he thinks fit, and may also from time to time, by proclamation in the *Gazette* or otherwise, prorogue Parliament.

(2) If immediately before the commencement of this Act the Parliament established under the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), is in session by virtue of a proclamation issued under [section *twenty*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#20) of that Act, that session shall be resumed from such date after such commencement as may prior to the said commencement be determined by resolution of the Senate and of the House of Assembly established under that Act in the same manner as if it were a session of the Parliament established by this Act for the holding of which the time had been duly appointed in terms of this Act, and such resumed session shall be the first session of the first Parliament established by this Act.

Annual session of Parliament.

**26.** There shall be a session of Parliament once at least in every year, so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and its first sitting in the next session.

Seat of Legislature.

**27.** Cape Town shall be the seat of the Legislature of the Republic.

*Senate.*

Constitution of the Senate.

**28.** (1) The Senate shall subject to the provisions of the [South-West Africa Affairs Amendment Act, 1949](http://en.wikisource.org/w/index.php?title=South-West_Africa_Affairs_Amendment_Act,_1949&action=edit&redlink=1) (Act No. 23 of 1949) and the [Separate Representation of Voters Act, 1951](http://en.wikisource.org/w/index.php?title=Separate_Representation_of_Voters_Act,_1951&action=edit&redlink=1) (Act No. 46 of 1951), consist of―

(*a*) eight senators nominated by the State President of whom two shall be nominated from each province; and

(*b*) so many senators, but not less than eight, in the case of each province as are equal to one-tenth of the number of the electoral divisions into which that province has at the last delimitation under this Act, for the election of members of the House of Assembly been divided, together with the electoral divisions into which that province has been so divided for the election of provincial councilors.

(2) Where in the case of any province the figure to be divided by ten for the purpose of determining the number of senators to be elected in respect of that province in terms of paragraph (*b*) of sub-section (1) is not a multiple of ten, that figure shall for the said purpose be assumed to be the lowest multiple of ten above the said figure.

(3) The senators referred to in paragraph (*b*) of sub-section (1) shall in the case of each province be elected jointly by the sitting members of the House of Assembly and provincial councilors for that province other than the members and provincial councilors elected under the Separate Representation of Voters Act, 1951.

Nominated senators.

**29.** (1) The senators nominated by the State President in terms of paragraph (*a*) of sub-section (1) of [section *twenty-eight*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s28) shall, subject to the provisions of [section *thirty-three*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s33), hold their seats for five years.

(2) (*a*) The State President shall when nominating senators have regard to the desirability of ensuring that the Senate will as far as practicable consist of persons having knowledge of matters affecting the various interests of the inhabitants of the Republic.

(*b*) When nominating senators, the State President shall have regard further to the requirement that at least one of the two senators nominated from each province under this section shall be thoroughly acquainted, by reason of official experience or otherwise, with the interests of the colored population in the province for which the said senator is nominated, and that the said senator should be capable *inter alia* of serving as the channel through which the interests of the said colored population in that province may be promoted.

(3) If the seat of a senator so nominated becomes vacant, the State President shall nominate another person to hold the seat until the completion of the period for which the person in whose stead he is nominated, would have held the seat.

Elected senators.

**30.** (1) The senators elected under sub-section (3) of [section *twenty-eight*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s28) shall hold their seats for five years unless the Senate be sooner dissolved.

(2) If the seat of an elected senator becomes vacant, the sitting members of the House of Assembly and the provincial councilors for the province concerned (other than the members and provincial councilors elected under the [Separate Representation of Voters Act, 1951](http://en.wikisource.org/w/index.php?title=Separate_Representation_of_Voters_Act,_1951&action=edit&redlink=1)), shall elect a person to hold the seat until the completion of the period for which the person in whose stead he is elected, would have held the seat.

(3) The election of senators shall take place according to the principle of proportional representation, each voter having one transferable vote.

(4) The State President may make regulations in regard to the election of senators under this Act, including regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection with such elections.

Standing committees of Senate.

**31.** The Senate may from time to time establish standing committees as it may deem fit, and any Minister or deputy of a Minister may at any time with due regard to the rules of the Senate, move that any matter be referred to such a committee for investigation and report.

Announcing of legislation intended to be introduced in Senate.

**32.** The Prime Minister or any Minister acting on his behalf shall at the commencement of each session and may from time to time during the course of any session of Parliament as circumstances may require, make known what bills are to be introduced in the Senate during that session.

Dissolution of the Senate and vacation of seats by nominated senators in certain circumstances.

**33.** (1) Notwithstanding anything contained in this Act or any other law the State President may―

(*a*)at any time by proclamation in the *Gazette* dissolve the Senate simultaneously with the House of Assembly;

(*b*)dissolve the Senate at any time within one hundred and twenty days of any dissolution of the House of Assembly or the expiry of the term of office of a provincial council under [section *seventy-one*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s71).

(2) Upon any such dissolution of the Senate all the members of the Senate, including those members who were elected or nominated under the [South-West Africa Affairs Amendment Act, 1949](http://en.wikisource.org/w/index.php?title=South-West_Africa_Affairs_Amendment_Act,_1949&action=edit&redlink=1) (Act No. 23 of 1949), or the [Separate Representation of Voters Act, 1951](http://en.wikisource.org/w/index.php?title=Separate_Representation_of_Voters_Act,_1951&action=edit&redlink=1) (Act No. 46 of 1951), shall vacate their seats.

(3) Any senator nominated in terms of [section *twenty-eight*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s28) of this Act or under the South-West Africa Affairs Amendment Act, 1949, or the Separate Representation of Voters Act, 1951, shall, subject to the provisions of this Act and any other law, vacate his seat if the Prime Minister vacates his office and another person becomes Prime Minister and the State President publishes a notice in the *Gazette* that a change of Government has occurred.

Qualifications of senators.

**34.** No person shall be qualified to be a senator under this Act unless he―

(*a*) is at least thirty years of age;

(*b*) is qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;

(*c*)has resided for five years within the limits of the Republic;

(*d*)is a white person and is a South African citizen in terms of the provisions of the [South African Citizenship Act, 1949](http://en.wikisource.org/w/index.php?title=South_African_Citizenship_Act,_1949&action=edit&redlink=1) (Act No. 44 of 1949).

President of the Senate.

**35.** (1) The Senate shall, before proceeding to the dispatch of any other business, choose a senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

(2) The President shall cease to hold office if he ceases to be a senator and he may be removed from office by a vote of the Senate, or he may resign his office by writing under his hand addressed to the State President.

Deputy-President of the Senate.

**36.** Prior to or during any absence of the President of the Senate the Senate may choose a senator to perform his duties in his absence.

Resignation of senators.

**37.** (1) A senator may, by writing under his hand addressed to the State President, resign his seat, which thereupon shall become vacant.

(2) Whenever the seat of a senator becomes vacant, whether in consequence of his resignation or otherwise, the State President shall as soon as practicable cause steps to be taken to have the vacancy filled.

Quorum.

**38.** The presence of at least fifteen senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Voting in the Senate.

**39.** All questions in the Senate shall be determined by a majority of votes of senators present other than the President or the presiding senator, who shall, however, have and exercise a casting vote in the case of an equality of votes.

*House of Assembly.*

Constitution of House of Assembly.

**40.** The House of Assembly shall be composed of―

(*a*)one hundred and fifty members, each of whom shall be directly elected by the persons entitled to vote at an election of such a member in an electoral division delimited as provided in [section *forty-three*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s43);

(*b*)six members elected in accordance with the provisions of the [South-West Africa Affairs Amendment Act, 1949](http://en.wikisource.org/w/index.php?title=South-West_Africa_Affairs_Amendment_Act,_1949&action=edit&redlink=1) (Act No. 23 of 1949); and

(*c*)four members elected in accordance with the provisions of the [Separate Representation of Voters Act, 1951](http://en.wikisource.org/w/index.php?title=Separate_Representation_of_Voters_Act,_1951&action=edit&redlink=1) (Act No. 46 of 1951).

Elections.

**41.** At any general election of members of the House of Assembly under this Act, all polls shall be taken on one and the same day in all the electoral divisions throughout the Republic, such day to be appointed by the State President.

Delimitation of electoral divisions.

**42.** (1) At intervals of not less than five years and not more than ten years commencing from the last delimitation of electoral divisions under the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), the State President shall appoint a delimitation commission consisting of three judges of the Supreme Court of South Africa, which shall divide each province into so many electoral divisions that their number bears, as nearly as possible, the same ratio to one hundred and fifty as, in terms of the current voters’ lists, duly corrected up to the latest possible date, the number of white voters in that province bears to the total number of white voters in the Republic.

(2) In dividing a province into electoral divisions in terms of sub-section (1) the said commission shall act in accordance with the provisions of [section *forty-three*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s43).

Method of dividing provinces into electoral divisions.

**43.** (1) For the purposes of any division of the provinces into electoral divisions, the quota of each province shall be obtained by dividing the total number of voters in the province as ascertained from an examination of the current voters’ lists by the number of members of the House of Assembly to be elected therein.

(2) Each province shall be divided into electoral divisions in such a manner that each such division shall, subject to the provisions of sub-section (3), contain a number of voters as nearly as may be equal to the quota of the province.

(3) The delimitation commission shall give due consideration to―

(*a*) community or diversity of interests;

(*b*) means of communication;

(*c*) physical features;

(*d*) boundaries of existing electoral divisions;

(*e*) sparsity or density of population,

in such manner that, while taking the quota of voters as the basis of division, the commission may depart there from whenever it is deemed necessary, but in no case to any greater extent than fifteen per cent more or fifteen per cent less than the quota.

Powers and duties of commission for delimiting electoral divisions.

**44.** (1) A commission constituted under the provisions of [section *forty-two*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s42) shall submit to the State President―

(*a*)a list of electoral divisions, with the names given to them by the commission and a description of the boundaries of every such division;

(*b*)a map or maps showing the electoral divisions into which the provinces have been divided;

(*c*)such further particulars as it considers necessary.

(2) The State President may refer to the commission for its consideration all matters relating to such list or arising out of the powers or duties of the commission.

(3) The State President shall by proclamation in the *Gazette* make known the names and boundaries of the electoral divisions as finally settled and certified by the commission, or a majority thereof, and thereafter, until there shall be a re-division, the electoral divisions as named and defined shall be the electoral divisions of the Republic in the provinces.

(4) If any discrepancy arises between the description of the divisions and the aforesaid map or maps, the description shall prevail.

Date from which alteration of electoral divisions takes effect.

**45.** Any alteration in the number of members of the House of Assembly to be elected in the several provinces, and any re-division of the provinces into electoral divisions, shall, in respect of the election of members of the House of Assembly, come into operation at the next general election held after the completion of the re-division or of any allocation consequent upon such alteration, and not earlier.

Qualifications of members of House of Assembly.

**46.** No person shall be qualified to be a member of the House of Assembly under this Act, unless he―

(*a*) is qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;

(*b*)has resided for five years within the limits of the Republic;

(*c*)is a white person and is a South African citizen in terms of the provisions of the [South African Citizenship Act, 1949](http://en.wikisource.org/w/index.php?title=South_African_Citizenship_Act,_1949&action=edit&redlink=1) (Act No. 44 of 1949).

Duration of House of Assembly.

**47.** (1) Every House of Assembly shall continue for five years from the first meeting thereof, and no longer, but may at any time be dissolved by the State President by proclamation in the *Gazette*.

(2) For the purposes of sub-section (1), the date of the first meeting of the first Parliament under this Act shall be taken to have been the fourth day of July, 1958.

Speaker of the House of Assembly.

**48.** (1) The House of Assembly shall, before proceeding to the dispatch of any other business, choose a member to be the Speaker of the House, and, as often as the office of Speaker becomes vacant, the House shall again choose a member to be the Speaker.

(2) The Speaker shall cease to hold office if he ceases to be a member of the House of Assembly, and may be removed from office by resolution of the House and may resign his office or his seat by writing under his hand addressed to the State President.

Deputy-Speaker.

**49.** Prior to or during the absence of the Speaker, the House of Assembly may choose a member to perform his duties in his absence.

Quorum.

**50.** The presence of at least thirty members of the House of Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers.

Voting in House of Assembly.

**51.** All questions in the House of Assembly shall be determined by a majority of votes of members present other than the Speaker or the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

*Both Senate and House of Assembly.*

Oath.

**52.** Every senator and every member of the House of Assembly shall, before taking his seat, make and subscribe before the State President, or some person authorized by him, an oath in the following form:

I, A.B., do swear to be faithful to the Republic of South Africa and solemnly promise to perform my duties as a member of the Senate/House of Assembly to the best of my ability.

So help me God.

Effect of dissolution of Senate or House of Assembly.

**53.** Notwithstanding any dissolution of the Senate or the House of Assembly under this Act, whether by effluxion of time or otherwise―

(*a*) every person who at the date of the dissolution is a member of the body concerned shall remain a member thereof;

(*b*) the said body shall remain competent to perform its functions; and

(*c*) the State President shall have power to summon Parliament for the dispatch of business.

during the period following such dissolution up to and including the day immediately preceding the polling day for the election held in pursuance of such dissolution, in the same manner in all respects as if the dissolution had not occurred.

Vacating of seats by members and powers of Ministers in Senate and House of Assembly.

**54.** (1) A member of the Senate who is elected as a member of the House of Assembly shall vacate his seat as a senator with effect from the date on which he becomes a member of the House of Assembly.

(2) A member of the House of Assembly who is elected or nominated as a member of the Senate shall vacate his seat as a member of the House of Assembly with effect from the date on which he becomes a member of the Senate.

(3) A member of the Senate or the House of Assembly who is elected as a member of a provincial council shall cease to be a member of the Senate or the House of Assembly with effect from the date upon which he becomes a member of that provincial council.

(4) A Minister who is a member of the Senate or the House of Assembly and a member of the Senate or the House of Assembly holding office as a deputy to any Minister, shall have the right to sit and speak in the Senate and in the House of Assembly, but shall vote only where he is a member.

Disqualifications from being a member of Senate or House of Assembly.

**55.** No person shall be capable of being elected or nominated or of sitting as a member of the Senate or the House of Assembly, if he―

(*a*)has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine for a period of not less than twelve months, unless he has received a grant of amnesty or a free pardon, or unless such imprisonment has expired at least five years before the date of his election or nomination; or

(*b*)is an unrehabilitated insolvent; or

(*c*)is of unsound mind, and has been so declared by a competent court; or

(*d*)holds any office of profit under the Republic: Provided that the following persons shall not be deemed to hold an office of profit under the Republic for the purposes of this paragraph, namely―

(i) a Minister of the Republic, or any person holding office as deputy to any Minister;

(ii) a person in receipt of a pension from the Republic;

(iii)an officer or member of the South African Defense Force on retired or half-pay, or an officer or member of the South African Defense Force whose services are not wholly employed by the Republic;

(iv)any person who has been appointed or has become a justice of the peace under section *two* of the [Justices of the Peace and Oaths Act, 1914](http://en.wikisource.org/w/index.php?title=Justices_of_the_Peace_and_Oaths_Act,_1914&action=edit&redlink=1)(Act No. 16 of 1914);

(v)any person who, while the Republic is at war, is an officer or member of the South African Defense Force or any other force or service established by or under the [Defense Act, 1957](http://en.wikisource.org/w/index.php?title=Defence_Act,_1957&action=edit&redlink=1) (Act No. 44 of 1957);

(vi)a member of any council, committee, board or similar body established by or under any law who receives no payment in respect of his services on such council, committee, board or body in excess of an allowance at a rate not exceeding eleven rand for each day on which he renders such services, together with the reimbursement of any travelling expenses incurred by him in the course of such services.

Vacation of seats.

**56.** A senator or member of the House of Assembly shall vacate his seat, if he―

(*a*) becomes subject to any of the disabilities mentioned in [section *fifty-five*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s55); or

(*b*)ceases to be qualified as required by law; or

(*c*) fails for a whole ordinary session to attend without the special leave of the Senate or the House of Assembly, as the case may be, unless his absence is due to his serving, while the Republic is at war, with the South African Defense Force or any other force or service established by or under the [Defense Act, 1957](http://en.wikisource.org/w/index.php?title=Defence_Act,_1957&action=edit&redlink=1) (Act No. 44 of 1957).

Penalty for sitting or voting when disqualified.

**57.** Any person who is by law incapable of sitting as a senator or member of the House of Assembly, and who while so incapable and knowing or having reasonable grounds for knowing that he is so incapable, sits or votes as a member of the Senate or the House of Assembly, shall be liable to a penalty of two hundred rand for each day on which he so sits or votes, to be recovered on behalf of the Treasury of the Republic by action in any division of the Supreme Court of South Africa.

Rules of procedure.

**58.** (1) The Senate or the House of Assembly may make rules and orders with respect to the order and conduct of its business and proceedings.

(2) If a joint sitting of the Senate and the House of Assembly is required under the provisions of this Act, it shall be convened by the State President by message to the Senate and to the House of Assembly.

(3) At any joint sitting referred to in sub-section (2) the Speaker of the House of Assembly shall preside and the rules of the House of Assembly shall, as far as practicable, apply.

*Powers of Parliament.*

Powers of Parliament.

**59.** (1) Parliament shall be the sovereign legislative authority in and over the Republic, and shall have full power to make laws for the peace, order and good government of the Republic.

(2) No court of law shall be competent to enquire into or to pronounce upon the validity of any Act passed by Parliament, other than an Act which repeals or amends or purports to repeal or amend the provisions of section [*one hundred and eight*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s108) or [*one hundred and eighteen*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s118).

Money Bills.

**60.** (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly.

(2) A Bill shall not be deemed to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(3) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

(4) The Senate may not amend any Bills so as to increase any proposed charge or burden on the people.

Appropriation Bills.

**61.** Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

Recommendation of money votes.

**62.** The House of Assembly shall not originate or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue or of any tax or impost to any purpose unless such appropriation has been recommended by message from the State President during the session in which such vote, resolution, address or Bill is proposed.

Disagreement between Senate and House of Assembly.

**63.** (1) If the House of Assembly in any session passes a Bill imposing taxation only or dealing with the appropriation of revenue or moneys for the services of the Government, and the Senate in the same session rejects or fails to pass it, the Bill shall, unless the House of Assembly otherwise directs, be presented to the State President for his assent and shall as soon as it has been assented to by the State President become an Act of Parliament and be taken to have been duly passed by the Senate and by the House of Assembly notwithstanding that the Senate has not consented to it.

(2) There shall be endorsed on every Bill which imposes taxation only or which deals with the appropriation of revenue or moneys for the services or the Government, when it is sent up to the Senate and when it is presented to the State President for his assent, the certificate of the Speaker of the House of Assembly signed by him that it is such a Bill.

(3) If the House of Assembly in two successive sessions (whether of the same Parliament or not) passes a Bill, other than a Bill referred to in sub-section (1), and the Senate in each of those sessions rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, the Bill shall, unless the House of Assembly otherwise directs, be presented to the State President for his assent, and shall as soon as it has been assented to by the State President become an Act of Parliament and be taken to have been duly passed by the Senate and by the House of Assembly, notwithstanding that the Senate has not consented to it, provided those sessions were not held in the same calendar year.

(4) When a Bill is presented to the State President for his assent in terms of sub-section (3), there shall be endorsed on the Bill the certificate of the Speaker of the House of Assembly signed by him that the provisions of this section have been duly complied with in relation to that Bill.

(5) A Bill shall be deemed to be the same Bill as a former Bill sent up to the Senate in the preceding session if, when it is sent up to the Senate, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Assembly to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the Senate in the former Bill in the preceding session, and any amendments which are certified by the Speaker to have been made by the Senate in the second session and agreed to by the House of Assembly, shall be inserted in the Bill as presented to the State President for his assent in terms of this section: Provided that the House of Assembly may, if it thinks fit, on the passage of such a Bill through the House of Assembly in the second session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the Senate, and, if agreed to by the Senate, shall be regarded as amendments made by the Senate and agreed to by the House of Assembly, but the exercise of this power by the House of Assembly shall not affect the operation of this section in the event of the Bill being rejected by the Senate.

(6) The provisions of this section shall not apply in relation to such a Bill as is referred to in [section *one hundred and eighteen*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s118).

Assent to Bills.

**64.** (1) When a Bill is presented to the State President for his assent, he shall declare according to his discretion, but subject to the provisions of this Act, that he assents thereto or that he withholds assent.

(2) The State President may return to the Senate or the House of Assembly, in whichever it may have originated any Bill so presented to him, and may transmit therewith any amendments which he may recommend, and the Senate or the House of Assembly, as the case may be, may deal with the recommendation.

Signature and enrolment of Acts.

**65.** As soon as may be after any law has been assented to by the State President, the Secretary to the House of Assembly shall cause two fair copies of such law, one being in the English and the other in the Afrikaans language (one of which copies shall have been signed by the State President), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies so enrolled that signed by the State President shall prevail.

Part VI.

THE PROVINCES.

*Administrators.*

Appointment and tenure of office of provincial administrators.

**66.** (1) In each province there shall be a chief executive officer appointed by the State President who shall be known as the administrator of the province, and in whose name all executive acts relating to provincial affairs therein shall be done.

(2) In the appointment of the administrator of any province, the State President shall as far as practicable give preference to persons resident in such province.

(3) An administrator shall hold office for a period of five years and shall not be removed from office before the expiration thereof except by the State President for cause assigned which shall be communicated by message to the Senate and to the House of Assembly within one week after the removal, if Parliament is in session, or, if Parliament is not in session, within one week after the commencement of the next ensuing session.

(4) The State President may from time to time appoint a deputy-administrator to execute the office and functions of the administrator during his absence or illness or whenever for any reason he is unable to perform the duties of his office, or while the appointment of an administrator for the province concerned is pending.

Salaries of administrators.

**67.** The salaries of the administrators shall be fixed and provided by Parliament, and shall not be reduced during their respective terms of office.

*Provincial Councils.*

Constitution of provincial councils.

**68.** (1) There shall be a provincial council in each province consisting, subject to the provisions of the [Separate Representation of Voters Act, 1951](http://en.wikisource.org/w/index.php?title=Separate_Representation_of_Voters_Act,_1951&action=edit&redlink=1) (Act No. 46 of 1951), of the same number of members as are elected in the province for the House of Assembly under this Act: Provided that, in any province whose representatives in the House of Assembly are less than twenty-five in number, the provincial council shall consist of twenty-five members.

(2) Any person qualified to vote for the election of members of a provincial council under this Act shall be qualified to be a member of such council under this Act.

(3) Any provincial council constituted as provided in [section *seventy*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#s70) of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), and in existence immediately prior to the commencement of this Act, shall be deemed to have been duly constituted as provided in this Act.

Election of provincial councilors.

**69.** (1) The members of a provincial council under this Act shall be elected by the persons qualified to vote for the election of members of the House of Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the House of Assembly under this Act: Provided that, in any province in which less than twenty-five members are elected to the House of Assembly, the delimitation of the electoral divisions, and any necessary re-allocation of members or adjustment of electoral divisions shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions of the House of Assembly.

(2) Any alteration in the number of members of the provincial council, and any re-division of the province into electoral divisions, shall come into operation at the next general election for such council held after the completion of such re-division or of any allocation consequent upon such alteration, and not earlier.

(3) The election shall take place at such times as the administrator shall by proclamation in the *Official Gazette* of the province direct, and the provisions of [section *forty-one*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s41) applicable to the election of members of the House of Assembly shall *mutatis mutandis* apply to such election.

(4) Any person who immediately prior to the commencement of this Act holds office as a member of the provincial council by virtue of an election held as provided in [section *seventy-one*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#s71) of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), shall be deemed to have been elected to the corresponding provincial council established by this Act.

Application of sections *fifty-five* to *fifty-seven* to provincial councilors.

**70.** (1) The provisions of sections [*fifty-five*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s55), [*fifty-six*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s56) and [*fifty-seven*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s57), relative to members of the House of Assembly, shall *mutatis mutandis* apply to members of the provincial councils.

(2) Any member of a provincial council who becomes a member of the Senate or the House of Assembly, shall cease to be a member of such provincial council.

Tenure of office of provincial councilors.

**71.** (1) A provincial council shall continue for five years from the date of its first meeting, and shall not be subject to dissolution save by effluxion of time.

(2) The provisions of [section *fifty-three*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s53) relating to the tenure of office of the members and the functioning of the Senate or the House of Assembly upon a dissolution thereof, and to the summoning of Parliament after the Senate or the House of Assembly has been dissolved, shall *mutatis mutandis* apply with reference to a dissolution and summoning of any provincial council.

Sessions of provincial councils.

**72.** (1) The administrator of a province shall by proclamation in the *Official Gazette* of that province fix such times for holding the sessions of the provincial council of that province as he may think fit, and may from time to time prorogue such council: Provided that there shall be a session of every provincial council once at least in every year so that a period of twelve months shall not intervene between the last sitting of the council in one session and its first sitting in the next session.

(2) If immediately before the commencement of this Act any provincial council constituted under the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), is in session by virtue of a proclamation issued under section of that Act, that session shall be resumed from a date after such commencement to be determined before such commencement by resolution of that council in the same manner as if it were a session of the corresponding provincial council established by this Act for the holding of which the time had been duly fixed in terms of this Act.

Chairman of provincial council and rules of procedure.

**73.** (1) The provincial council shall elect from among its members a chairman, and may make rules for the conduct of its proceedings.

(2) Rules made under sub-section (1) shall be transmitted by the administrator to the State President, and shall have full force and effect unless and until the State President expresses his disapproval thereof in writing addressed to the administrator.

Allowances of provincial councilors.

**74.** The members of the provincial council shall receive such allowances as shall be determined by the State President.

Freedom of speech in provincial councils.

**75.** There shall be freedom of speech in the provincial council and no administrator or any other member of the executive committee of a province and no member of the provincial council shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, draft ordinance, resolution, motion or otherwise, or have said before the provincial council, or by reason of his vote in such council.

*Executive Committees.*

Provincial executive committees.

**76.** (1) Each provincial council shall at its first meeting after any general election elect from among its members, or otherwise, four persons to form with the administrator, who shall be chairman, an executive committee for the province.

(2) The members of the executive committee other than the administrator shall hold office until the election of their successors in the same manner.

(3) The members so elected shall receive such remuneration as the provincial council, with the approval of the State President shall determine.

(4) (*a*) A member of the provincial council shall not be disqualified from sitting as a member by reason of his having been elected as a member of the executive committee, and a member of the executive committee shall not be disqualified from being elected as a member of the provincial council, or from being appointed as a deputy-administrator under the provisions of sub-section (4) of [section *sixty-six*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s66).

(*b*) A member of the executive committee who is appointed as a deputy-administrator under the provisions of sub-section (4) of section *sixty-six* shall as from the termination of such appointment resume his office and functions as a member of such executive committee unless his successor has in the meantime been elected under the provisions of sub-section (1) of this section.

(5) Any casual vacancy arising in the executive committee shall be filled by election by the provincial council if in session, or, if the council is not in session, by a person appointed by the executive committee to hold office temporarily pending an election by the council.

Method of voting for provincial executive committees.

**77.** (1) The election of members of the executive committee of a province as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote.

(2) The State President shall make regulations in regard to the election of members of the executive committee of a province, including regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith.

Right of administrator, etc., to take part in proceedings of provincial council.

**78.** The administrator and any other member of the executive committee of a province, not being a member of the provincial council, shall have the right to take part in the proceedings of the council, but shall not have the right to vote: Provided that a member of the executive committee who is a member of the provincial council, and who is appointed as a deputy-administrator under the provisions of subsection (4) of [section *sixty-six*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s66), shall during the period of his appointment retain the right to vote as a member of the provincial council.

Powers of provincial executive committees.

**79.** (1) The executive committee shall on behalf of the provincial council carry on the administration of provincial affairs.

(2) Whenever there are not sufficient members of the executive committee to form a quorum according to the rules of the committee, the administrator shall as soon as practicable convene a meeting of the provincial council for the purpose of electing members to fill the vacancies, and until such election the administrator shall carry on the administration of provincial affairs.

Transfer of powers to provincial executive committees.

**80.** Subject to the provisions of this Act, all powers, authorities and functions which immediately prior to the commencement of this Act were vested in or exercised by the executive committee of a province in terms of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), shall as far as the same continue in existence and are capable of being exercised after the commencement of this Act, be vested in the corresponding executive committee established under this Act.

Voting in executive committees.

**81.** (1) Questions arising in the executive committee shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the administrator shall have also a casting vote.

(2) Subject to the approval of the State President, the executive committee may make rules for the conduct of its proceedings.

Appointment of officers by executive committees.

**82.** Subject to the provisions of any law passed by Parliament regulating the conditions of appointment, tenure of office, retirement and superannuation of public officers, the executive committee shall have power to appoint such officers as may be necessary, in addition to officers assigned to the province by the State President under the provisions of this Act, to carry out the services entrusted to it and to make and enforce regulations for the organization and discipline of such officers.

Power of administrator to act on behalf of State President.

**83.** In regard to all matters in respect of which no powers are reserved or delegated to the provincial council, the administrator shall act on behalf of the State President when required to do so, and in such matters the administrator may act without reference to the other members of the executive committee.

*Powers of Provincial Councils.*

Powers of provincial councils.

**84.** (1) Subject to the provisions of this Act, the [Financial Relations Consolidation and Amendment Act, 1945](http://en.wikisource.org/w/index.php?title=Financial_Relations_Consolidation_and_Amendment_Act,_1945&action=edit&redlink=1) (Act No. 38 of 1945), and the assent of the State President as hereinafter provided, a provincial council may make ordinances in relation to matters coming within the following classes of subjects, namely―

(*a*)direct taxation within the province in order to raise revenue for provincial purposes;

(*b*)the borrowing of money on the sole credit of the province with the consent of the State President and in accordance with regulations framed by Parliament;

(*c*)education, other than higher education and Bantu education, until Parliament otherwise provides;

(*d*) agriculture to the extent and subject to the conditions defined by Parliament;

(*e*)the establishment, maintenance and management of hospitals and charitable institutions;

(*f*)

(i)municipal institutions, divisional councils and other local institutions of a similar nature;

(ii)any institutions or bodies other than such institutions as are referred to in sub-paragraph (i), which have in respect of any one or more areas (whether contiguous or not) situated outside the area of jurisdiction of any such institution as is referred to in sub-paragraph (i), authority and functions similar to the authority and functions of such institutions as are referred to in the said sub-paragraph, or authority and functions in respect of the preservation of public health in any such area or areas, including any such body as is referred to in section *seven* of the [Public Health Act, 1919](http://en.wikisource.org/w/index.php?title=Public_Health_Act,_1919&action=edit&redlink=1) (Act No. 36 of 1919);

(*g*)local works and undertakings within the province, other than railways and harbors, and other than such works as extend beyond the borders of the province and subject to the power of Parliament to declare any work a national work and to provide for its construction by arrangement with the provincial council or otherwise;

(*h*) roads, outspans, ponts and bridges, other than bridges connecting two provinces;

(*i*)markets and pounds;

(*j*)fish and game preservation, subject to the provisions of section *fourteen* of the [Sea Fisheries Act, 1940](http://en.wikisource.org/w/index.php?title=Sea_Fisheries_Act,_1940&action=edit&redlink=1) (Act No. 10 of 1940);

(*k*)the imposition of punishment by fine or imprisonment for enforcing any law or any ordinance of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section;

(*l*)generally all matters which, in the opinion of the State President are of a merely local or private nature in the province;

(*m*)all other subjects in respect of which Parliament may by law delegate the power of making ordinances to the provincial council.

(2) An ordinance passed by a provincial council in relation to any matter referred to in paragraph (*f*) of sub-section (1), may provide for the appointment by the administrator of the province concerned, or any specified authority, of the members or any number of the members of any institution or body referred to in the said paragraph.

(3) The provisions of sub-sections (4), (5) and (6) of [section *twenty-four*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s24) shall *mutatis mutandis* apply with reference to a provincial council, as if a reference therein to Parliament or the Senate or the House of Assembly were a reference to a provincial council, and as if a reference therein to an Act of Parliament were a reference to an ordinance of a provincial council and a reference to a Bill which has been brought before the Senate or the House of Assembly were a reference to a draft ordinance which is before such a council.

Effect of provincial ordinances.

**85.** Any ordinance made by a provincial council shall have effect in and for the province as long and as far only as it is not repugnant to any Act of Parliament.

Recommendations to Parliament.

**86.** A provincial council may recommend to Parliament the passing of any law relating to any matter in respect of which such council is not competent to make ordinances.

Power to deal with matters proper to be dealt with by private Bill legislation.

**87.** In regard to any matter which requires to be dealt with by means of a private Act of Parliament, the provincial council of the province to which the matter relates may, subject to such procedure as may be prescribed by Parliament, take evidence by means of a select committee or otherwise for and against the passing of such law, and, upon receipt of a report from such council, together with the evidence upon which it is founded, Parliament may pass such Act without further evidence being taken in support thereof.

Constitution of Provincial Revenue Fund.

**88.** (1) (*a*) There shall be a provincial revenue fund in every province, into which shall be paid all revenues raised by or accruing to the provincial council and all moneys paid over by the State President to the provincial council.

(*b*) The provincial revenue fund shall be appropriated by the provincial council by ordinance for the purposes of the provincial administration generally, or, in the case of moneys paid over by the State President for particular purposes, then for such purposes, but no such ordinance shall be passed by the provincial council unless the administrator has first recommended to the council to make provision for the specific service for which the appropriation is to be made.

(*c*) No money shall be issued from the provincial revenue fund except in accordance with such appropriation and under warrant signed by the administrator.

(2) The State President may make regulations for the provinces prescribing―

(*a*)the form of estimates required for presentation to the provincial council;

(*b*) the system which shall be observed for―

(i)the collection, receipt, banking, custody, issue, expenditure, care and management of provincial moneys as defined in paragraph (*b*) of sub-section (4) of [section *ninety-one*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s91); and

(ii) the control of stores;

(*c*)the officers or other persons who shall receive, hold, issue, account for, manage or otherwise deal with such provincial moneys, stores, stamps or securities, and the duties and responsibilities of such officers or persons,

and generally for the better administration of the provincial revenue fund.

(3) The administrator of a province may, subject to the laws relating to education, authorize every educational institution in the province which is specified in a list published by the State President by proclamation in the *Gazette*, to retain and apply such of its revenues and other moneys received by it, as the administrator may from time to time determine, for the purpose of meeting its expenditure, and such revenues and other moneys shall, notwithstanding the provisions of sub-section (1), not to be paid into the provincial revenue fund, but shall be accounted for and dealt with as the administrator may prescribe.

Assent to provincial ordinances.

**89.** (1) When a proposed ordinance has been passed by a provincial council it shall be presented by the administrator to the State President for his assent.

(2) The State President shall declare within one month from the presentation to him of the proposed ordinance that he assents thereto, or that he withholds assent, or that he reserves the proposed ordinance for further consideration.

(3) A proposed ordinance so reserved shall not have any force unless and until, within one year from the day on which it was presented to the State President he makes known by proclamation in the *Gazette* that it has received his assent.

Effect and enrolment of ordinances.

**90.** (1) An ordinance assented to by the State President and promulgated by the administrator shall, subject to the provisions of this Act, have the force of law within the province.

(2) The administrator shall cause two fair copies of every such ordinance, one being in the English and the other in the Afrikaans language (one of which copies shall have been signed by the State President), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa, and such copies shall be conclusive evidence as to the provisions of such ordinance, and, in case of conflict between the two copies so enrolled, that signed by the State President shall prevail.

*Miscellaneous.*

Audit of provincial accounts.

**91.** (1) In each province there shall be an auditor of accounts appointed in accordance with the laws governing the public service.

(2) The salary and any allowances of any such auditor shall be paid out of moneys appropriated by Parliament for the purpose.

(3) Any such auditor shall examine and audit the accounts of the province to which he is assigned subject to such regulations and orders as may be framed by the State President and approved by Parliament, and no warrant signed by the administrator authorizing the issuing of money shall have effect unless countersigned by such auditor.

(4) (*a*) If any person who is or was in the employment of a province―

(i) has failed to collect any moneys owing to that province for the collection of which he is or was responsible; or

(ii)is or was responsible for any improper payment of provincial moneys or for any payment of such moneys which is not duly vouched; or

(iii)is or was responsible for any deficiency in, or for the destruction of or any damage to, any provincial moneys, stamps, securities, stores or other property of a province; or

(iv) has caused a province any loss by a failure to carry out a specific duty,

and a proper explanation is not, within a period specified by an auditor referred to in sub-section (1), furnished to such auditor with regard to such failure to collect, improper payment, payment not duly vouched, deficiency, destruction, damage or failure to carry out a duty, that auditor may surcharge against the said person the amount not collected or the amount of such payment, deficiency, damage or loss or the value of the property destroyed, as the case may be, or such lesser amount or value as he may in the circumstances of the case deem fit, and the amount of any such surcharge shall, subject to the provisions of sub-section (8), be a debt due from the person against whom the surcharge is made.

(*b*) For the purposes of paragraph (*a*) “provincial moneys” shall include all revenues and moneys referred to in sub-section (1) of [section *eighty-eight*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s88) and all other moneys whatsoever received or held by, for or on account of a province.

(5) The auditor making any such surcharge shall notify the administrator concerned of that surcharge, and such administrator shall, subject to the provisions of sub-section (8), recover the amount thereof from the person liable to pay the same: Provided that, unless the administrator otherwise directs, the amount of any such surcharge which is due from a person in the employment of a province shall be recovered in equal monthly installments by deductions from his monthly salary not exceeding one-fourth of such salary.

(6) The amount of any such surcharge may be recovered by the administrator concerned by action in any competent court, and in the event of any such action being instituted against a person referred to in the proviso to sub-section (5) that proviso shall not apply.

(7) The auditor concerned may at any time withdraw a surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and shall at once notify the administrator concerned of any such withdrawal of surcharge.

(8) (*a*) Any person who is dissatisfied with any surcharge made against him by an auditor may, within a period of one month after he has been notified by such auditor of the surcharge, or within such further period as the administrator concerned may allow, appeal to that administrator and, after such further investigation as may be considered necessary, that administrator may make such order directing that the appellant be released wholly or in part from the surcharge as may appear to be just and reasonable.

(*b*) The auditor concerned shall be informed of every such order.

(*c*) The administrator concerned shall present a complete list of all surcharges remitted in whole or in part in accordance with the provisions of this sub-section, to the provincial council as soon as possible if the council is in session, or if the council is not in session, within seven days after the commencement of its next ensuing session.

(9) Any person against whom a surcharge has been raised, may, instead of appealing to the administrator concerned under paragraph (*a*) of sub-section (8), apply to any court of competent jurisdiction, within a period of one month after he has been notified in writing by the auditor concerned of the surcharge, or within such further period as the court may allow, for an order setting aside or reducing the surcharge, and such court may on any such application, if not satisfied by that auditor on the merits of the case that the surcharge was rightly imposed, or as to the correctness of the amount thereof, make an order setting aside the surcharge or reducing it, as the case may be.

Continuation of powers of divisional and municipal councils.

**92.** Notwithstanding anything in this Act contained, all powers, authorities and functions lawfully exercised at the commencement of this Act by divisional or municipal councils, or any other duly constituted local authority or body contemplated in paragraph (vi) of [section *eighty-five*](http://en.wikisource.org/wiki/South_Africa_Act,_1909/1960-06-03#s85) of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), shall be and remain in force until varied or withdrawn by Parliament or by a provincial council having power in that behalf.

Seats of provincial government.

**93.** The seats of provincial government shall be―

|  |  |
| --- | --- |
| For the Cape of Good Hope | Cape Town. |
| For Natal | Pietermaritzburg. |
| For the Transvaal | Pretoria. |
| For the Orange Free State | Bloemfontein. |

Part VII.

ADMINISTRATION OF JUSTICE.

Constitution and powers of Supreme Court of South Africa.

**94.** (1) The judicial authority of the Republic shall be vested in a Supreme Court to be known as the Supreme Court of South Africa and consisting of an Appellate Division and such provincial and local divisions as may be prescribed by law.

(2) The said Supreme Court shall, subject to the provisions of [section *fifty-nine*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s59), have jurisdiction as provided in the [Supreme Court Act, 1959](http://en.wikisource.org/w/index.php?title=Supreme_Court_Act,_1959&action=edit&redlink=1).

(3) Save as otherwise provided in the Supreme Court Act, 1959, Bloemfontein shall be the seat of the Appellate Division of the Supreme Court of South Africa.

Administrative functions relating to administration of justice.

**95.** All administrative powers, functions and duties affecting the administration of justice shall be under the control of the Minister of Justice.

Part VIII.

FINANCE AND RAILWAYS.

Existing debts and liabilities of the State.

**96.** Nothing in the Act contained shall affect any assets or rights belonging to the State or any debts or liabilities of the State as existing immediately prior to the commencement of this Act, and all such assets, rights, debts and liabilities shall remain assets, rights, debts and liabilities of the Republic, subject, notwithstanding any other provisions contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund and other charges conferred on the creditors concerned, and may, subject to such conditions and rights, convert, renew or consolidate such debts.

All revenues vest in State President.

**97.** All revenues of the Republic, from whatever source arising, shall vest in the State President.

Consolidated Revenue Fund.

**98.** There shall be a Consolidated Revenue Fund into which shall be paid all revenues raised or received by the State President, other than the revenues referred to in [section *ninety-nine*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s99), and such fund shall be appropriated by Parliament for the purposes of the Republic in the manner prescribed by this Act, and subject to the charges imposed thereby.

Railway and Harbour Fund.

**99.** There shall be a Railway and Harbour Fund into which shall be paid all revenues raised or received by the State President from the administration of the railways, ports and harbors, and such fund shall be appropriated by Parliament for the purposes of the railways, ports and harbors in the manner prescribed by this Act.

Requirements for withdrawal of money from funds.

**100.** No money shall, subject to the provisions of the [Exchequer and Audit Act, 1956](http://en.wikisource.org/w/index.php?title=Exchequer_and_Audit_Act,_1956&action=edit&redlink=1) (Act No. 23 of 1956), be withdrawn from the Consolidated Revenue Fund or the Railway and Harbour Fund, except under appropriation made by law.

Security for interest on public debts of Colonies.

**101.** The annual interest of the public debts of the Colonies incorporated in the Union of South Africa in terms of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), and any sinking funds constituted by law at the establishment of the Republic, shall form a first charge on the Consolidated Revenue Fund.

Railways and Harbors Board.

**102.** (1) The Railways and Harbors Board referred to in section *one* of the [Railway Board Act, 1916](http://en.wikisource.org/w/index.php?title=Railway_Board_Act,_1916&action=edit&redlink=1) (Act No. 17 of 1916), hereinafter referred to as the board, shall consist of not more than three commissioners, who shall be appointed by the State President, and a Minister, who shall be chairman.

(2) A commissioner shall hold office for a period of five years, but may be re-appointed.

(3) A commissioner shall not be removed before the expiration of his period of appointment, except by the State President for cause assigned, which shall be communicated by message to the Senate and to the House of Assembly within one week after the removal, if Parliament is in session or, if Parliament is not in session, within one week after the commencement of the next ensuing session.

(4) The salaries of the commissioners shall be fixed by Parliament and shall not be reduced during their respective terms of office.

Railways, ports and harbors to be administered on business principles.

**103.** (1) The Railways, ports and harbors of the Republic shall be administered on business principles, due regard being had to agricultural and industrial development within the Republic and the promotion, by means of cheap transport, of the settlement of an agricultural and industrial population in the inland portions of all provinces.

(2) (*a*) So far as may be, the total earnings of the railways, ports and harbors shall be not more than are sufficient to meet the necessary outlays for working, maintenance, betterment, depreciation and the payment of interest due on capital not being capital contributed out of railway or harbour revenue, and not including any sums payable out of the Consolidated Revenue Fund in accordance with the provisions of sections [*one hundred and five*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s105) and [*one hundred and six*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s106).

(*b*) The amount of interest due on such capital invested shall be paid over from the Railway and Harbour Fund into the Consolidated Revenue Fund.

Establishment of fund for maintaining uniformity of railway rates.

**104.** Notwithstanding anything to the contrary contained in [section *one hundred and three*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s103), the board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.

Construction of railways, ports and harbour works.

**105.** (1) Save as provided in paragraph (6) of section *two* of the [Railways and Harbors Control and Management (Consolidation) Act, 1957](http://en.wikisource.org/w/index.php?title=Railways_and_Harbours_Control_and_Management_(Consolidation)_Act,_1957&action=edit&redlink=1) (Act No. 70 of 1957), no railway for the conveyance of public traffic, and no port, harbour or similar work, shall be constructed without the sanction of Parliament.

(2) Every proposal for the construction of any port or harbour works or of any line of railway, shall, before being submitted to Parliament, be considered by the board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed.

(3) (*a*) If any such works or line is constructed contrary to the advice of the board, and if the board is of opinion that the revenue derived from the operation of such works or line will be insufficient to meet the costs of working and maintenance, and of interest on the capital invested therein, it shall frame an estimate of the annual loss which, in its opinion, will result from such operation.

(*b*) Such estimate shall be examined by the Controller and Auditor-General, and when approved by him, the amount thereof shall be paid over annually from the Consolidated Revenue Fund to the Railway and Harbour Fund: Provided that, if in any year the actual loss incurred, as calculated by the board and certified by the Controller and Auditor-General, is less than the estimated framed by the board, the amount paid over in respect of that year shall be reduced accordingly so as not to exceed the actual loss incurred.

(*c*) In calculating the loss arising from the operation of any such work or line, the board shall have regard to the value of any contributions of traffic to other parts of the system which may be due to the operation of such work or line.

Making good of deficiencies in Railway and Harbour Fund in certain cases.

**106.** If the board is required by the State President or under any Act of Parliament or resolution of the Senate and of the House of Assembly to provide any services or facilities either gratuitously or at a tariff which is insufficient to meet the costs involved in the provision of such services or facilities, the board shall at the end of each financial year present to Parliament an account approved by the Controller and Auditor-General, showing, as nearly as can be ascertained, the amount of the loss incurred by reason of the provision of such services or facilities, and such amount shall be paid out of the Consolidated Revenue Fund to the Railway and Harbour Fund.

Part IX.

GENERAL.

Continuation of existing laws.

**107.** Subject to the provisions of this Act, all laws which were in force in any part of the Union of South Africa, or in any territory in respect of which Parliament is competent to legislate, immediately prior to the commencement of this Act, shall continue in force until repealed or amended by the competent authority.

Equality of official languages.

**108.** (1) English and Afrikaans shall be the official languages of the Republic, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights and privileges.

(2) All records, journals and proceedings of Parliament shall be kept in both the official languages, and all Bills, Acts and notices of general public importance or interest issued by the Government of the Republic shall be in both the official languages.

Equality of use of official languages by provincial councils and local authorities.

**109.** All records, journals and proceedings of a provincial council shall be kept in both the official languages, and all draft ordinances, ordinances and notices of public importance or interest issued by a provincial administration, and all notices issued and all regulations or by-laws made by any institution or body contemplated in paragraph (*f*) of sub-section (1) of [section *eighty-four*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s84), shall be in both the official languages.

Method of publication of notices, etc., in newspapers.

**110.** Whenever anything is published in a newspaper at the instance of the State or by or under the directions of anybody referred to in paragraph (*f*) of sub-section (1) of [section *eighty-four*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s84) or of the administration of a province, the publication shall take place simultaneously in both official languages and in the case of each language in a newspaper circulating in the area of jurisdiction of the authority concerned which appears mainly in that language, and the publication in each language shall as far as practicable occupy the same amount of space: Provided that where in the area in question any newspaper appears substantially in both of the official languages, publication in both languages may take place in that newspaper.

Administration of Bantu Affairs, etc.

**111.** The control and administration of Bantu affairs and of matters specially or differentially affecting Asiatics throughout the Republic shall vest in the State President, who shall exercise all those special powers in regard to Bantu administration which immediately prior to the commencement of this Act were vested in the Governor-General-in-Council of the Union of South Africa, and any lands which immediately prior to such commencement vested in the said Governor-General-in-Council for the purpose of reserves for Bantu locations shall vest in the State President, who shall exercise all such special powers in relation to such reserves as may have been exercisable by the said Governor-General-in-Council, and no lands which were set aside for the occupation of Bantu and which could not at the establishment of the Union of South Africa have been alienated except by an Act of the Legislature of a colony which was incorporated in the Union of South Africa in terms of the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), shall be alienated or in any way diverted from the purposes for which they were set aside except under the authority of an Act of Parliament.

Certain rights and obligations under conventions, etc., to vest in Republic.

**112.** All rights and obligations under conventions, treaties or agreements which were binding on any of the Colonies incorporated in the Union of South Africa at its establishment, and were still binding on the Union immediately prior to the commencement of this Act, shall be rights and obligations of the Republic, just as all other rights and obligations under conventions, treaties or agreements which immediately prior to the commencement of this Act were binding on the Union.

Transfer of certain executive powers.

**113.** All powers, authorities and functions which immediately prior to the commencement of this Act were in any of the provinces vested in the Governor-General or in the Governor-General-in-Council or in any authority of the province, shall as far as the same continue in existence and are capable of being exercised after the commencement of this Act, be vested in the State President, or in the authority exercising similar powers under the Republic, as the case may be, except such powers, authorities and functions as are by this Act or any other law vested in some other authority.

Petition by provincial councils necessary for alteration of provinces or for abolition of provincial councils.

**114.** Parliament shall not―

(*a*)alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Republic, except on the petition of the provincial council of every province whose boundaries are affected thereby;

(*b*)abolish any provincial council or abridge the powers conferred on provincial councils under [section *eighty-four*](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#s84), except by petition to Parliament by the provincial council concerned.

Affirmation in lieu of oath.

**115.** Any person who is in terms of any provision of the Act required to make and subscribe an oath of office may in lieu of such oath make and subscribe a solemn affirmation in corresponding form.

Criminal proceedings and transition provisions.

**116.** (1) (*a*) All criminal proceedings which immediately prior to the commencement of this Act were required to be instituted in the name of the Queen shall be instituted in the name of the Republic.

(*b*) Any such proceedings which have not been concluded before the commencement of this Act, or which, having been so concluded, are thereafter reopened, shall be continued in all respects as if this Act had not been passed, except that the proceedings shall thereafter be conducted as if they were instituted in the name of the Republic.

(2) Any civil proceedings instituted prior to the commencement of this Act by or against a Minister as representing the Government of the Union of South Africa or by or against an administrator of a province appointed under the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909), which have not been disposed of before such commencement, or, having been so disposed of, are thereafter reopened, may be proceeded with without interruption by or against that Minister as representing the Government of the Republic or by or against the said administrator in his capacity as the person appointed as the administrator of the province concerned under this Act.

(3) Any provision of any law in terms of which any person is required to take an oath or solemn affirmation of allegiance to the King or the Queen, shall be construed as a provision requiring such person to take an oath or solemn affirmation that he will be faithful to the Republic.

(4) Any person who holds an office in the service of the State in respect of which he has prior to the commencement of this Act taken an oath or solemn affirmation of allegiance to the King or the Queen, shall, if required to do so on the direction of the State President, take an oath or solemn affirmation that he will be faithful to the Republic.

References in other laws to Houses or certain officers of Parliament.

**117.** (1) References in any law―

(*a*)to any House or the Houses of Parliament, shall be construed as references to the Senate or the House of Assembly or both the Senate and the House of Assembly, as the context may require;

(*b*)to the Clerk or the Clerk-Assistant of the Senate or the House of Assembly, shall be construed as references to the Secretary and the Deputy Secretary respectively to the Senate or the House of Assembly.

(2) Any person holding office immediately before the commencement of this Act as the Clerk or the Clerk-Assistant of the Senate or the House of Assembly shall be deemed to have been duly appointed as Secretary or Deputy Secretary respectively to the Senate or the House of Assembly.

Amendment of Act.

**118.** (1) Parliament may by law repeal or alter any of the provisions of this Act: Provided that no repeal or alteration of the provisions contained in this section or in section shall be valid unless the Bill embodying such repeal or alteration is passed by the Senate and the House of Assembly sitting together, and at the third reading is agreed to by not less than two-thirds of the total number of members of the Senate and the House of Assembly.

(2) A Bill passed as aforesaid at such joint sitting shall be taken to have been duly passed by the Senate and by the House of Assembly.

Definitions.

**119.** In this Act, unless the context otherwise indicates―

“Afrikaans” includes Dutch;

“province” means any of the provinces incorporated in the Union of South Africa by the [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909);

“Republic” means the Republic of South Africa.

Repeal of laws.

**120.** (1) The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the [Schedule](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#schedule).

(2) Any authority constituted or person appointed or power conferred or anything done in pursuance of powers conferred by or by virtue of any provision of any law repealed by sub-section (1) shall be deemed to have been constituted, appointed, conferred or done in pursuance of powers conferred by or by virtue of the corresponding provision of this Act.

Short title and commencement.

**121.** This Act shall be called the Republic of South Africa Constitution Act, 1961, and shall, save in so far as may be otherwise required for the purpose of giving effect to any provision thereof, come into operation on the thirty-first day of May, 1961.

**Schedule.**

Laws Repealed.

|  |  |
| --- | --- |
| **No. and Year of Law.** | **Title.** |
| 9 Edward VII, Ch. 9. | The [South Africa Act, 1909](http://en.wikisource.org/wiki/South_Africa_Act,_1909). | . |
| Act No. 9 of 1920. | [Constitution of the Senate Act, 1920](http://en.wikisource.org/wiki/Constitution_of_the_Senate_Act,_1920). |  |
| Act No. 8 of 1925. | [Official Languages of the Union Act, 1925](http://en.wikisource.org/wiki/Official_Languages_of_the_Union_Act,_1925). |  |
| Act No. 9 of 1925. | [South Africa Act, 1909, Amendment Act, 1925](http://en.wikisource.org/wiki/South_Africa_Act,_1909,_Amendment_Act,_1925). |  |
| Act No. 34 of 1925. | [South Africa Act, 1909, Further Amendment Act, 1925](http://en.wikisource.org/wiki/South_Africa_Act,_1909,_Further_Amendment_Act,_1925). |  |
| Act No. 1 of 1926. | [Local Government (Provincial Powers) Act, 1926](http://en.wikisource.org/wiki/Local_Government_(Provincial_Powers)_Act,_1926). |  |
| Act No. 51 of 1926. | [Payment of Members of Parliament Act, 1926](http://en.wikisource.org/wiki/Payment_of_Members_of_Parliament_Act,_1926). |  |
| Act No. 54 of 1926. | [Senate Act, 1926](http://en.wikisource.org/wiki/Senate_Act,_1926). |  |
| Act No. 40 of 1927. | [Flags Act, 1927](http://en.wikisource.org/w/index.php?title=Flags_Act,_1927&action=edit&redlink=1). |  |
| Act No. 21 of 1932. | [Salaries Reduction Act, 1932](http://en.wikisource.org/w/index.php?title=Salaries_Reduction_Act,_1932&action=edit&redlink=1). |  |
| Act No. 17 of 1933. | [South Africa Act Amendment Act, 1933](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1933). |  |
| Act No. 29 of 1933. | [Financial Adjustments Act, 1933](http://en.wikisource.org/w/index.php?title=Financial_Adjustments_Act,_1933&action=edit&redlink=1). |  |
| Act No. 45 of 1934. | [South Africa Act Amendment Act, 1934](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1934). |  |
| Act No. 69 of 1934. | [Status of the Union Act, 1934](http://en.wikisource.org/wiki/Status_of_the_Union_Act,_1934). |  |
| Act No. 70 of 1934. | [Royal Executive Functions and Seals Act, 1934](http://en.wikisource.org/wiki/Royal_Executive_Functions_and_Seals_Act,_1934). |  |
| Act No. 5 of 1935. | [Census Amendment Act, 1935](http://en.wikisource.org/w/index.php?title=Census_Amendment_Act,_1935&action=edit&redlink=1). |  |
| Act No. 43 of 1935. | [South Africa Act Amendment Act, 1935](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1935). |  |
| Act No. 15 of 1936. | [Deputy-Administrators Act, 1936](http://en.wikisource.org/w/index.php?title=Deputy-Administrators_Act,_1936&action=edit&redlink=1). |  |
| Act No. 2 of 1937. | [His Majesty King Edward the Eighth’s Abdication Act, 1937](http://en.wikisource.org/wiki/His_Majesty_King_Edward_the_Eighth%27s_Abdication_Act,_1937). |  |
| Act No. 7 of 1937. | [Coronation Oath Act, 1937](http://en.wikisource.org/wiki/Coronation_Oath_Act,_1937). |  |
| Act No. 13 of 1938. | [South Africa Act Amendment Act, 1938](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1938). |  |
| Act No. 42 of 1939. | [Senate Act, 1939](http://en.wikisource.org/wiki/Senate_Act,_1939). |  |
| Act No. 19 of 1940. | [Constitution (Prevention of Disabilities) Act, 1940](http://en.wikisource.org/wiki/Constitution_(Prevention_of_Disabilities)_Act,_1940). |  |
| Act No. 20 of 1940. | [Electoral Laws Amendment Act, 1940](http://en.wikisource.org/w/index.php?title=Electoral_Laws_Amendment_Act,_1940&action=edit&redlink=1). |  |
| Act No. 30 of 1942. | [Electoral Quota Consolidation Act, 1942](http://en.wikisource.org/wiki/Electoral_Quota_Consolidation_Act,_1942). |  |
| Act No. 38 of 1945. | [Financial Relations Consolidation and Amendment Act, 1945](http://en.wikisource.org/w/index.php?title=Financial_Relations_Consolidation_and_Amendment_Act,_1945&action=edit&redlink=1). |  |
| Act No. 21 of 1946. | [South Africa Act Amendment Act, 1946](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1946). |  |
| Act No. 41 of 1947. | [Provincial Powers Extension Act, 1947](http://en.wikisource.org/wiki/Provincial_Powers_Extension_Act,_1947). |  |
| Act No. 16 of 1948. | [Powers and Privileges of Provincial Councils Act, 1948](http://en.wikisource.org/w/index.php?title=Powers_and_Privileges_of_Provincial_Councils_Act,_1948&action=edit&redlink=1). |  |
| Act No. 17 of 1948. | [Royal Style and Titles Act, 1948](http://en.wikisource.org/wiki/Royal_Style_and_Titles_Act,_1948). |  |
| Act No. 2 of 1949. | [Deputy-Administrators Act, 1949](http://en.wikisource.org/wiki/Deputy-Administrators_Act,_1949). |  |
| Act No. 39 of 1950. | [South Africa Act Amendment Act, 1950](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1950). |  |
| Act No. 66 of 1951. | [South Africa Act Amendment Act, 1951](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1951). |  |
| Act No. 35 of 1952. | [High Court of Parliament Act, 1952](http://en.wikisource.org/wiki/High_Court_of_Parliament_Act,_1952). |  |
| Act No. 55 of 1952. | [Electoral Laws Amendment Act, 1952](http://en.wikisource.org/w/index.php?title=Electoral_Laws_Amendment_Act,_1952&action=edit&redlink=1). |  |
| Act No. 6 of 1953. | [Royal Style and Titles Act, 1953](http://en.wikisource.org/wiki/Royal_Style_and_Titles_Act,_1953). |  |
| Act No. 10 of 1953. | [Members of Parliament Act, 1953](http://en.wikisource.org/w/index.php?title=Members_of_Parliament_Act,_1953&action=edit&redlink=1). |  |
| Act No. 47 of 1953. | [Bantu Education Act, 1953](http://en.wikisource.org/w/index.php?title=Bantu_Education_Act,_1953&action=edit&redlink=1). |  |
| Act No. 9 of 1954. | [Provincial Councils Continuance Act, 1954](http://en.wikisource.org/w/index.php?title=Provincial_Councils_Continuance_Act,_1954&action=edit&redlink=1). |  |
| Act No. 20 of 1954. | [South Africa Act Amendment Act, 1954](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1954). |  |
| Act No. 50 of 1954. | [Royal Seals Amendment Act, 1954](http://en.wikisource.org/wiki/Royal_Seals_Amendment_Act,_1954). |  |
| Act No. 9 of 1955. | [South Africa Act Amendment Act, 1955](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1955). |  |
| Act No. 53 of 1955. | [Senate Act, 1955](http://en.wikisource.org/wiki/Senate_Act,_1955). |  |
| Act No. 9 of 1956. | [South Africa Act Amendment Act, 1956](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1956). |  |
| Act No. 10 of 1956. | [Official Languages (Local Authorities) Amendment Act, 1956](http://en.wikisource.org/wiki/Official_Languages_(Local_Authorities)_Amendment_Act,_1956). |  |
| Act No. 39 of 1956. | [Railways and Harbors Acts Further Amendment Act, 1956](http://en.wikisource.org/w/index.php?title=Railways_and_Harbours_Acts_Further_Amendment_Act,_1956&action=edit&redlink=1). |  |
| Act No. 1 of 1957. | [South Africa Act Further Amendment Act, 1957](http://en.wikisource.org/wiki/South_Africa_Act_Further_Amendment_Act,_1957). |  |
| Act No. 2 of 1957. | [South Africa Act Amendment Act, 1957](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1957). |  |
| Act No. 18 of 1957. | [Flags Amendment Act, 1957](http://en.wikisource.org/w/index.php?title=Flags_Amendment_Act,_1957&action=edit&redlink=1). |  |
| Act No. 24 of 1957. | [Official Languages (Local Authorities) Amendment Act, 1957](http://en.wikisource.org/wiki/Official_Languages_(Local_Authorities)_Amendment_Act,_1957). |  |
| Act No. 1 of 1958. | [South Africa Act Amendment Act, 1958](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1958). |  |
| Act No. 49 of 1958. | [South Africa Act Further Amendment Act, 1958](http://en.wikisource.org/wiki/South_Africa_Act_Further_Amendment_Act,_1958). |  |
| Act No. 3 of 1959. | [South Africa Act Amendment Act, 1959](http://en.wikisource.org/wiki/South_Africa_Act_Amendment_Act,_1959). |  |
| Act No. 48 of 1959. | [South Africa Act Further Amendment Act, 1959](http://en.wikisource.org/wiki/South_Africa_Act_Further_Amendment_Act,_1959). |  |
| Act No. 49 of 1959. | [Offices of Profit Amendment Act, 1959](http://en.wikisource.org/wiki/Offices_of_Profit_Amendment_Act,_1959). |  |
| Act No. 52 of 1960. | [Referendum Act, 1960](http://en.wikisource.org/w/index.php?title=Referendum_Act,_1960&action=edit&redlink=1). |  |
| Act No. 53 of 1960. | [Senate Act, 1960](http://en.wikisource.org/wiki/Senate_Act,_1960). |  |

**ARRANGEMENT OF SECTIONS.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Section*.* | | | | | |
| [Preamble.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#preamble) | |  |  |  |  |
| PART | I | [The Republic.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p1) | | 1– | 3 |
| PART | II | [National Flag and Anthem.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p2) | | 4– | 6 |
| PART | III | [The State President.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p3) | | 7– | 15 |
| PART | IV | [Executive Government.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p4) | | 16– | 23 |
| PART | V | [Parliament.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p5) | | 24– | 27 |
|  | |  | [Senate.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p5a) | 28– | 39 |
|  | |  | [House of Assembly.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p5b) | 40– | 51 |
|  | |  | [Both Senate and House of Assembly.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p5c) | 52– | 58 |
|  | |  | [Powers of Parliament.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p5d) | 59– | 65 |
| PART | VI | [The Provinces.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p6) | |  |  |
|  | |  | [Administrators.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p6a) | 66– | 67 |
|  | |  | [Provincial Councils.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p6b) | 68– | 75 |
|  | |  | [Executive Committees.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p6c) | 76– | 83 |
|  | |  | [Powers of Provincial Councils.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p6d) | 84– | 90 |
|  | |  | [Miscellaneous.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p6e) | 91– | 93 |
| PART | VII | [Administration of Justice.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p7) | | 94– | 95 |
| PART | VIII | [Finance and Railways.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p8) | | 96– | 106 |
| PART | IX | [General.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#p9) | | 107– | 121 |
| [Schedule.](http://en.wikisource.org/wiki/Republic_of_South_Africa_Constitution_Act,_1961#schedule) | |  |  |  |  |

**Footnote 7: Chapter 14, General provisions of the Constitution of South Africa, 1996.**

**Chapter 14 - General provisions**

**Sections**

**International Law**

1. [International agreements](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#231)
2. [Customary international law](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#232)
3. [Application of international law](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#233)

**Other Matters**

1. [Charters of Rights](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#234)
2. [Self-determination](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#235)
3. [Funding for political parties](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#236)
4. [Diligent performance of obligations](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#237)
5. [Agency and delegation](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#238)
6. [Definitions](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#239)
7. [Inconsistencies between different texts](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#240)
8. [Transitional arrangements](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#241)
9. [Repeal of laws](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#242)
10. [Short title and commencement](http://www.info.gov.za/documents/constitution/1996/96cons14.htm#243)

**International Law**

**231. International agreements**

1. The negotiating and signing of all international agreements is the responsibility of the national executive.
2. An international agreement binds the Republic only after it has been approved by resolution in both the National Assembly and the National Council of Provinces, unless it is an agreement referred to in subsection (3).
3. An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, entered into by the national executive, binds the Republic without approval by the National Assembly and the National Council of Provinces, but must be tabled in the Assembly and the Council within a reasonable time.
4. Any international agreement becomes law in the Republic when it is enacted into law by national legislation; but a self-executing provision of an agreement that has been approved by Parliament is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.
5. The Republic is bound by international agreements which were binding on the Republic when this Constitution took effect.

232. **Customary international law**

Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

233. **Application of international law**

When interpreting any legislation, every court must prefer any reasonable interpretation of the legislation that is consistent with international law over any alternative interpretation that is inconsistent with international law.

**Other matters**

**234. Charters of Rights**

In order to deepen the culture of democracy established by the Constitution, Parliament may adopt Charters of Rights consistent with the provisions of the Constitution.

**235. Self-determination**

The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of the right of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation.

**236. Funding for political parties**

To enhance multi-party democracy, national legislation must provide for the funding of political parties participating in national and provincial legislatures on an equitable and proportional basis.

**237. Diligent performance of obligations**

All constitutional obligations must be performed diligently and without delay.

**238. Agency and delegation**

An executive organ of state in any sphere of government may ­

1. delegate any power or function that is to be exercised or performed in terms of legislation to any other executive organ of state, provided the delegation is consistent with the legislation in terms of which the power is exercised or the function is performed; or
2. exercise any power or perform any function for any other executive organ of state on an agency or delegation basis.

**239. Definitions**

In the Constitution, unless the context indicates otherwise ­

"**national legislation**" includes ­

1. subordinate legislation made in terms of an Act of Parliament; and
2. legislation that was in force when the Constitution took effect and that is administered by the national government;

"**organ of state**" means ­

1. any department of state or administration in the national, provincial or local sphere of government; or
2. any other functionary or institution ­
   1. exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
   2. exercising a public power or performing a public function in terms of any legislation,

but does not include a court or a judicial officer;

"**provincial legislation**" includes ­

1. subordinate legislation made in terms of a provincial Act; and
2. legislation that was in force when the Constitution took effect and that is administered by a provincial government.

**240. Inconsistencies between different texts**

In the event of an inconsistency between different texts of the Constitution, the English text prevails.

**241. Transitional arrangements**

[Schedule 6](http://www.info.gov.za/documents/constitution/1996/96conssec6.htm) applies to the transition to the new constitutional order established by this Constitution, and any matter incidental to that transition.

**242. Repeal of laws**

The laws mentioned in Schedule 7 are repealed, subject to section 243 and [Schedule 6](http://www.info.gov.za/documents/constitution/1996/96conssec6.htm).

**243. Short title and commencement**

1. This Act is called the Constitution of the Republic of South Africa, 1996, and comes into effect as soon as possible on a date set by the President by proclamation, which may not be a date later than 1 July 1997.
2. The President may set different dates before the date mentioned in subsection (1) in respect of different provisions of the Constitution.
3. Unless the context otherwise indicates, a reference in a provision of the Constitution to a time when the Constitution took effect must be construed as a reference to the time when that provision took effect.
4. If a different date is set for any particular provision of the Constitution in terms of subsection (2), any corresponding provision of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), mentioned in the proclamation, is repealed with effect from the same date.
5. Sections 213, 214, 215, 216, 218, 226, 227, 228, 229 and 230 come into effect on 1 January 1998, but this does not preclude the enactment in terms of this Constitution of legislation envisaged in any of these provisions before that date. Until that date any corresponding and incidental provisions of the Constitution of the Republic of South Africa, 1993, remain in force.

<http://www.info.gov.za/documents/constitution/1996/96cons14.htm#235>

**Footnote 8: Schedule 6 of the Constitution of South Africa regarding Transitional arrangements**

Schedule 6 - Transitional arrangements

[Schedule 6 amended by s. 3 of Act No. 35 of 1997, by s. 5 of Act No. 65 of 1998 and by s. 20 of Act No. 34 of 2001.]

Definitions

1. In this Schedule, unless inconsistent with the context ­

"homeland" means a part of the Republic which, before the previous Constitution took effect, was dealt with in South African legislation as an independent or a self-governing territory;

"new Constitution" means the Constitution of the Republic of South Africa, 1996;

"old order legislation" means legislation enacted before the previous Constitution took effect;

"previous Constitution" means the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993).

Continuation of existing law

2. (1) All law that was in force when the new Constitution took effect, continues in force, subject to ­

1. any amendment or repeal; and
2. consistency with the new Constitution.

(2) Old order legislation that continues in force in terms of sub item

1. does not have a wider application, territorially or otherwise, than it had before the previous Constitution took effect unless subsequently amended to have a wider application; and
2. continues to be administered by the authorities that administered it when the new Constitution took effect, subject to the new Constitution.

Interpretation of existing legislation

3. (1) Unless inconsistent with the context or clearly inappropriate, a reference in any legislation that existed when the new Constitution took effect ­

1. to the Republic of South Africa or a homeland (except when it refers to a territorial area), must be construed as a reference to the Republic of South Africa under the new Constitution;
2. to Parliament, the National Assembly or the Senate, must be construed as a reference to Parliament, the National Assembly or the National Council of Provinces under the new Constitution;
3. to the President, an Executive Deputy President, a Minister, a Deputy Minister or the Cabinet, must be construed as a reference to the President, the Deputy President, a Minister, a Deputy Minister or the Cabinet under the new Constitution, subject to item 9 of this Schedule;
4. to the President of the Senate, must be construed as a reference to the Chairperson of the National Council of Provinces;
5. to a provincial legislature, Premier, Executive Council or member of an Executive Council of a province, must be construed as a reference to a provincial legislature, Premier, Executive Council or member of an Executive Council under the new Constitution, subject to item 12 of this Schedule; or
6. to an official language or languages, must be construed as a reference to any of the official languages under the new Constitution.

(2) Unless inconsistent with the context or clearly inappropriate, a reference in any remaining old order legislation ­

1. to a Parliament, a House of a Parliament or a legislative assembly or body of the Republic or of a homeland, must be construed as a reference to ­
   1. Parliament under the new Constitution, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to the national executive; or
   2. the provincial legislature of a province, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to a provincial executive; or
2. to a State President, Chief Minister, Administrator or other chief executive, Cabinet, Ministers' Council or executive council of the Republic or of a homeland, must be construed as a reference to ­
   1. the President under the new Constitution, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to the national executive; or
   2. the Premier of a province under the new Constitution, if the administration of that legislation has been allocated or assigned in terms of the previous Constitution or this Schedule to a provincial executive.

National Assembly

4. (1) Anyone who was a member or office-bearer of the National Assembly when the new Constitution took effect, becomes a member or office-bearer of the National Assembly under the new Constitution, and holds office as a member or office-bearer in terms of the new Constitution.

(2) The National Assembly as constituted in terms of sub item (1) must be regarded as having been elected under the new Constitution for a term that expires on 30 April 1999.

(3) The National Assembly consists of 400 members for the duration of its term that expires on 30 April 1999, subject to section 49(4) of the new Constitution.

(4) The rules and orders of the National Assembly in force when the new Constitution took effect, continue in force, subject to any amendment or repeal.

Unfinished business before Parliament

5. (1) Any unfinished business before the National Assembly when the new Constitution takes effect must be proceeded with in terms of the new Constitution.

(2) Any unfinished business before the Senate when the new Constitution takes effect must be referred to the National Council of Provinces, and the Council must proceed with that business in terms of the new Constitution.

Elections of National Assembly

6. (1) No election of the National Assembly may be held before 30 April 1999 unless the Assembly is dissolved in terms of section 50(2) after a motion of no confidence in the President in terms of section 102(2) of the new Constitution.

(2) Section 50(1) of the new Constitution is suspended until 30 April 1999.

(3) Despite the repeal of the previous Constitution, Schedule 2 to that Constitution, as amended by Annexure A to this Schedule, applies ­

1. to the first election of the National Assembly under the new Constitution;
2. to the loss of membership of the Assembly in circumstances other than those provided for in section 47(3) of the new Constitution; and
3. to the filling of vacancies in the Assembly, and the supplementation, review and use of party lists for the filling of vacancies, until the second election of the Assembly under the new Constitution.

(4) Section 47(4) of the new Constitution is suspended until the second election of the National Assembly under the new Constitution.

National Council of Provinces

7. (1) For the period which ends immediately before the first sitting of a provincial legislature held after its first election under the new Constitution ­

1. the proportion of party representation in the province's delegation to the National Council of Provinces must be the same as the proportion in which the province's 10 senators were nominated in terms of section 48 of the previous Constitution; and
2. the allocation of permanent delegates and special delegates to the parties represented in the provincial legislature, is as follows:

|  |  |  |
| --- | --- | --- |
| Province | Permanent Delegates | Special Delegates |
| 1. Eastern Cape | ANC 5  NP 1 | ANC 4 |
| 2. Free State | ANC 4  FF 1  NP 1 | ANC 4 |
| 3. Gauteng | ANC 3  DP 1  FF 1  NP 1 | ANC 3  NP 1 |
| 4. KwaZulu-Natal | ANC 1  DP 1  IFP 3  NP 1 | ANC 2  IFP 2 |
| 5. Mpumalanga | ANC 4  FF 1  NP 1 | ANC 4 |
| 6. Northern Cape | ANC 3  FF 1  NP 2 | ANC 2  NP 2 |
| 7. Northern Province | ANC 6 | ANC 4 |
| 8. North West | ANC 4  FF 1  NP 1 | ANC 4 |
| 9. Western Cape | ANC 2  DP 1  NP 3 | ANC 1  NP 3 |

(2) A party represented in a provincial legislature ­

1. must nominate its permanent delegates from among the persons who were senators when the new Constitution took effect and are available to serve as permanent delegates; and
2. may nominate other persons as permanent delegates only if none or an insufficient number of its former senators are available.

(3) A provincial legislature must appoint its permanent delegates in accordance with the nominations of the parties.

(4) Sub items (2) and (3) apply only to the first appointment of permanent delegates to the National Council of Provinces.

(5) Section 62(1) of the new Constitution does not apply to the nomination and appointment of former senators as permanent delegates in terms of this item.

(6) The rules and orders of the Senate in force when the new Constitution took effect, must be applied in respect of the business of the National Council to the extent that they can be applied, subject to any amendment or repeal.

Former senators

8. (1) A former senator who is not appointed as a permanent delegate to the National Council of Provinces is entitled to become a full voting member of the legislature of the province from which that person was nominated as a senator in terms of section 48 of the previous Constitution.

(2) If a former senator elects not to become a member of a provincial legislature that person is regarded as having resigned as a senator the day before the new Constitution took effect.

(3) The salary, allowances and benefits of a former senator appointed as a permanent delegate or as a member of a provincial legislature may not be reduced by reason only of that appointment.

National executive

9. (1) Anyone who was the President, an Executive Deputy President, a Minister or a Deputy Minister under the previous Constitution when the new Constitution took effect, continues in and holds that office in terms of the new Constitution, but subject to sub item (2).

(2) Until 30 April 1999, sections 84, 89, 90, 91, 93 and 96 of the new Constitution must be regarded to read as set out in Annexure B to this Schedule.

(3) Sub item (2) does not prevent a Minister who was a senator when the new Constitution took effect, from continuing as a Minister referred to in section 91(1)(a) of the new Constitution, as that section reads in Annexure B.

Provincial legislatures

10. (1) Anyone who was a member or office-bearer of a province's legislature when the new Constitution took effect, becomes a member or office-bearer of the legislature for that province under the new Constitution, and holds office as a member or office-bearer in terms of the new Constitution and any provincial constitution that may be enacted.

(2) A provincial legislature as constituted in terms of sub item (1) must be regarded as having been elected under the new Constitution for a term that expires on 30 April 1999.

(3) For the duration of its term that expires on 30 April 1999, and subject to section 108(4), a provincial legislature consists of the number of members determined for that legislature under the previous Constitution plus the number of former senators who became members of the legislature in terms of item 8 of this Schedule.

(4) The rules and orders of a provincial legislature in force when the new Constitution took effect, continue in force, subject to any amendment or repeal.

Elections of provincial legislatures

11. (1) Despite the repeal of the previous Constitution, Schedule 2 to that Constitution, as amended by Annexure A to this Schedule, applies ­

1. to the first election of a provincial legislature under the new Constitution;
2. to the loss of membership of a legislature in circumstances other than those provided for in section 106(3) of the new Constitution; and
3. to the filling of vacancies in a legislature, and the supplementation, review and use of party lists for the filling of vacancies, until the second election of the legislature under the new Constitution.

(2) Section 106(4) of the new Constitution is suspended in respect of a provincial legislature until the second election of the legislature under the new Constitution.

Provincial executives

12. (1) Anyone who was the Premier or a member of the Executive Council of a province when the new Constitution took effect, continues in and holds that office in terms of the new Constitution and any provincial constitution that may be enacted, but subject to sub item (2).

(2) Until the Premier elected after the first election of a province's legislature under the new Constitution assumes office, or the province enacts its constitution, whichever occurs first, sections 132 and 136 of the new Constitution must be regarded to read as set out in Annexure C to this Schedule.

Provincial constitutions

13. A provincial constitution passed before the new Constitution took effect must comply with section 143 of the new Constitution.

Assignment of legislation to provinces

14. (1) Legislation with regard to a matter within a functional area listed in Schedule 4 or 5 to the new Constitution and which, when the new Constitution took effect, was administered by an authority within the national executive, may be assigned by the President, by proclamation, to an authority within a provincial executive designated by the Executive Council of the province.

(2) To the extent that it is necessary for an assignment of legislation under sub item (1) to be effectively carried out, the President, by proclamation, may ­

1. amend or adapt the legislation to regulate its interpretation or application;
2. where the assignment does not apply to the whole of any piece of legislation, repeal and re-enact, with or without any amendments or adaptations referred to in paragraph (a), those provisions to which the assignment applies or to the extent that the assignment applies to them; or
3. regulate any other matter necessary as a result of the assignment, including the transfer or secondment of staff, or the transfer of assets, liabilities, rights and obligations, to or from the national or a provincial executive or any department of state, administration, security service or other institution.

(3)

1. A copy of each proclamation issued in terms of sub item (1) or (2) must be submitted to the National Assembly and the National Council of Provinces within 10 days of the publication of the proclamation.
2. If both the National Assembly and the National Council by resolution disapprove the proclamation or any provision of it, the proclamation or provision lapses, but without affecting ­
   1. the validity of anything done in terms of the proclamation or provision before it lapsed; or
   2. a right or privilege acquired or an obligation or liability incurred before it lapsed.

(4) When legislation is assigned under sub item (1), any reference in the legislation to an authority administering it, must be construed as a reference to the authority to which it has been assigned.

(5) Any assignment of legislation under section 235(8) of the previous Constitution, including any amendment, adaptation or repeal and re-enactment of any legislation and any other action taken under that section, is regarded as having been done under this item.

Existing legislation outside Parliament's legislative power

15. (1) An authority within the national executive that administers any legislation falling outside Parliament's legislative power when the new Constitution takes effect, remains competent to administer that legislation until it is assigned to an authority within a provincial executive in terms of item 14 of this Schedule.

(2) Sub item (1) lapses two years after the new Constitution took effect.

Courts

16. (1**)** Every court, including courts of traditional leaders, existing when the new Constitution took effect, continues to function and to exercise jurisdiction in terms of the legislation applicable to it, and anyone holding office as a judicial officer continues to hold office in terms of the legislation applicable to that office, subject to ­

1. any amendment or repeal of that legislation; and
2. consistency with the new Constitution.

(2)

1. The Constitutional Court established by the previous Constitution becomes the Constitutional Court under the new Constitution.
2. ……

(3)

1. The Appellate Division of the Supreme Court of South Africa becomes the Supreme Court of Appeal under the new Constitution.
2. ……

(4)

1. A provincial or local division of the Supreme Court of South Africa or a supreme court of a homeland or a general division of such a court, becomes a High Court under the new Constitution without any alteration in its area of jurisdiction, subject to any rationalization contemplated in sub item (6).
2. Anyone holding office or deemed to hold office as the Judge President, the Deputy Judge President or a judge of a court referred to in paragraph (a) when the new Constitution takes effect, becomes the Judge President, the Deputy Judge President or a judge of such a court under the new Constitution, subject to any rationalization contemplated in sub item (6).

(5) Unless inconsistent with the context or clearly inappropriate, a reference in any legislation or process to ­

1. the Constitutional Court under the previous Constitution, must be construed as a reference to the Constitutional Court under the new Constitution;
2. the Appellate Division of the Supreme Court of South Africa, must be construed as a reference to the Supreme Court of Appeal; and
3. ) a provincial or local division of the Supreme Court of South Africa or a supreme court of a homeland or general division of that court, must be construed as a reference to a High Court.

(6)

1. As soon as is practical after the new Constitution took effect all courts, including their structure, composition, functioning and jurisdiction, and all relevant legislation, must be rationalized with a view to establishing a judicial system suited to the requirements of the new Constitution.
2. The Cabinet member responsible for the administration of justice, acting after consultation with the Judicial Service Commission, must manage the rationalization envisaged in paragraph (a).

(7)

1. Anyone holding office, when the Constitution of the Republic of South Africa Amendment Act, 2001, takes effect, as-
   1. the President of the Constitutional Court, becomes the Chief Justice as contemplated in section 167 (1) of the new Constitution;
   2. the Deputy President of the Constitutional Court, becomes the Deputy Chief Justice as contemplated in section 167 (1) of the new Constitution;
   3. the Chief Justice, becomes the President of the Supreme Court of Appeal as contemplated in section 168 (1) of the new Constitution; and
   4. the Deputy Chief Justice, becomes the Deputy President of the Supreme Court of Appeal as contemplated in section 168 (1) of the new Constitution.
2. All rules, regulations or directions made by the President of the Constitutional Court or the Chief Justice in force immediately before the Constitution of the Republic of South Africa Amendment Act, 2001, takes effect, continue in force until repealed or amended.
3. Unless inconsistent with the context or clearly inappropriate, a reference in any law or process to the Chief Justice or to the President of the Constitutional Court, must be construed as a reference to the Chief Justice as contemplated in section 167 (1) of the new Constitution.

Cases pending before courts

17. All proceedings which were pending before a court when the new Constitution took effect, must be disposed of as if the new Constitution had not been enacted, unless the interests of justice require otherwise.

Prosecuting authority

18. (1) Section 108 of the previous Constitution continues in force until the Act of Parliament envisaged in section 179 of the new Constitution takes effect. This sub item does not affect the appointment of the National Director of Public Prosecutions in terms of section 179.

(2) An attorney-general holding office when the new Constitution takes effect, continues to function in terms of the legislation applicable to that office, subject to sub item (1).

Oaths and affirmations

19. A person who continues in office in terms of this Schedule and who has taken the oath of office or has made a solemn affirmation under the previous Constitution, is not obliged to repeat the oath of office or solemn affirmation under the new Constitution.

Other constitutional institutions

20. (1) In this section "constitutional institution" means ­

1. the Public Protector;
2. the Human Rights Commission;
3. the Commission on Gender Equality;
4. the Auditor-General;
5. the South African Reserve Bank;
6. the Financial and Fiscal Commission;
7. the Judicial Service Commission; or
8. the Pan South African Language Board.

(2) A constitutional institution established in terms of the previous Constitution continues to function in terms of the legislation applicable to it, and anyone holding office as a commission member, a member of the board of the Reserve Bank or the Pan South African Language Board, the Public Protector or the Auditor-General when the new Constitution takes effect, continues to hold office in terms of the legislation applicable to that office, subject to -

1. any amendment or repeal of that legislation; and
2. consistency with the new Constitution.

(3) Sections 199(1), 200(1), (3) and (5) to (11) and 201 to 206 of the previous Constitution continue in force until repealed by an Act of Parliament passed in terms of section 75 of the new Constitution.

(4) The members of the Judicial Service Commission referred to in section 105(1)(h) of the previous Constitution cease to be members of the Commission when the members referred to in section 178(1)(i) of the new Constitution are appointed.

(5)

1. The Volkstaat Council established in terms of the previous Constitution continues to function in terms of the legislation applicable to it, and anyone holding office as a member of the Council when the new Constitution takes effect, continues to hold office in terms of the legislation applicable to that office, subject to ­
   1. any amendment or repeal of that legislation; and
   2. consistency with the new Constitution.
2. Sections 184A and 184B(1)(a), (b) and (d) of the previous Constitution continue in force until repealed by an Act of Parliament passed in terms of section 75 of the new Constitution.

Enactment of legislation required by new Constitution

21. (1) Where the new Constitution requires the enactment of national or provincial legislation, that legislation must be enacted by the relevant authority within a reasonable period of the date the new Constitution took effect.

(2) Section 198(b) of the new Constitution may not be enforced until the legislation envisaged in that section has been enacted.

(3) Section 199(3)(a) of the new Constitution may not be enforced before the expiry of three months after the legislation envisaged in that section has been enacted.

(4) National legislation envisaged in section 217(3) of the new Constitution must be enacted within three yearsof the date on which the new Constitution took effect, but the absence of this legislation during this period does not prevent the implementation of the policy referred to in section 217(2).

(5) Until the Act of Parliament referred to in section 65(2) of the new Constitution is enacted each provincial legislature may determine its own procedure in terms of which authority is conferred on its delegation to cast votes on its behalf in the National Council of Provinces.

(6) Until the legislation envisaged in section 229(1)(b) of the new Constitution is enacted, a municipality remains competent to impose any tax, levy or duty which it was authorized to impose when the Constitution took effect.

National unity and reconciliation

22. (1) Notwithstanding the other provisions of the new Constitution and despite the repeal of the previous Constitution, all the provisions relating to amnesty contained in the previous Constitution under the heading "National Unity and Reconciliation" are deemed to be part of the new Constitution for the purposes of the Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995), as amended, including for the purposes of its validity.

(2) For the purposes of sub item (1), the date "6 September 1993", where it appears in the provisions of the previous Constitution under the heading "National Unity and Reconciliation", must be read as "11 May 1994".

Bill of Rights

23. (1) National legislation envisaged in sections 9(4), 32(2) and 33(3) of the new Constitution must be enacted within three years of the date on which the new Constitution took effect.

(2) Until the legislation envisaged in sections 32(2) and 33(3) of the new Constitution is enacted ­

1. section 32(1) must be regarded to read as follows:
2. *"(1) Every person has the right of access to all information held by the state or any of its organs in any sphere of government in so far as that information is required for the exercise or protection of any of their rights."*; and
3. section 33(1) and (2) must be regarded to read as follows: "*Every person has the right to*­
   1. *lawful administrative action where any of their rights or interests is affected or threatened;*
   2. *procedurally fair administrative action where any of their rights or legitimate expectations is affected or threatened;*
   3. *be furnished with reasons in writing for administrative action which affects any of their rights or interests unless the reasons for that action have been made public; and*
   4. *administrative action which is justifiable in relation to the reasons given for it where any of their rights is affected or threatened."*.

(3) Sections 32(2) and 33(3) of the new Constitution lapse if the legislation envisaged in those sections, respectively, is not enacted within three years of the date the new Constitution took effect.

Public administration and security services

24. (1) Sections 82(4)(b), 215, 218(1), 219(1), 224 to 228, 236(1), (2), (3), (6), (7)(b) and (8), 237(1) and (2)(a) and 239 (4) and (5) of the previous Constitution continue in force as if the previous Constitution had not been repealed, subject to ­

1. the amendments to those sections as set out in Annexure D;
2. any further amendment or any repeal of those sections by an Act of Parliament passed in terms of section 75 of the new Constitution; and
3. consistency with the new Constitution.

(2) The Public Service Commission and the provincial service commissions referred to in Chapter 13 of the previous Constitution continue to function in terms of that Chapter and the legislation applicable to it as if that Chapter had not been repealed, until the Commission and the provincial service commissions are abolished by an Act of Parliament passed in terms of section 75 of the new Constitution.

(3) The repeal of the previous Constitution does not affect any proclamation issued under section 237(3) of the previous Constitution, and any such proclamation continues in force, subject to ­

1. any amendment or repeal; and
2. consistency with the new Constitution.

Additional disqualification for legislatures

25. (1**)** Anyone who, when the new Constitution took effect, was serving a sentence in the Republic of more than 12 months' imprisonment without the option of a fine, is not eligible to be a member of the National Assembly or a provincial legislature.

(2) The disqualification of a person in terms of sub item (1) ­

1. lapses if the conviction is set aside on appeal, or the sentence is reduced on appeal to a sentence that does not disqualify that person; and
2. ends five years after the sentence has been completed.

Local government

26. (1) Notwithstanding the provisions of sections 151, 155, 156 and 157 of the new Constitution -

1. the provisions of the Local Government Transition Act, 1993 (Act 209 of 1993), as may be amended from time to time by national legislation consistent with the new Constitution, remain in force in respect of a Municipal Council until a Municipal Council replacing that Council has been declared elected as a result of the first general election of Municipal Councils after the commencement of the new Constitution; and;
2. a traditional leader of a community observing a system of indigenous law and residing on land within the area of a transitional local council, transitional rural council or transitional representative council, referred to in the Local Government Transition Act, 1993, and who has been identified as set out in section 182 of the previous Constitution, is ex officio entitled to be a member of that council until a Municipal Council replacing that council has been declared elected as a result of the first general election of Municipal Councils after the commencement of the new Constitution.

(2) Section 245 (4) of the previous Constitution continues in force until the application of that section lapses. Section 16 (5) and (6) of the Local Government Transition Act, 1993, may not be repealed before 30 April 2000.

Safekeeping of Acts of Parliament and Provincial Acts

27. Sections 82 and 124 of the new Constitution do not affect the safekeeping of Acts of Parliament or provincial Acts passed before the new Constitution took effect.

Registration of immovable property owned by the state

28. (1) On the production of a certificate by a competent authority that immovable property owned by the state is vested in a particular government in terms of section 239 of the previous Constitution, a registrar of deeds must make such entries or endorsements in or on any relevant register, title deed or other document to register that immovable property in the name of that government.

(2) No duty, fee or other charge is payable in respect of a registration in terms of sub item (1).

ANNEXURE A   
Amendments to Schedule 2 to the previous Constitution

1. The replacement of item 1 with the following item:

"1. Parties registered in terms of national legislation and contesting an election of the National Assembly, shall nominate candidates for such election on lists of candidates prepared in accordance with this Schedule and national legislation.".

2. The replacement of item 2 with the following item:

"2. The seats in the National Assembly as determined in terms of section 46 of the new Constitution, shall be filled as follows:

* 1. One half of the seats from regional lists submitted by the respective parties, with a fixed number of seats reserved for each region as determined by the Commission for the next election of the Assembly, taking into account available scientifically based data in respect of voters, and representations by interested parties.
  2. The other half of the seats from national lists submitted by the respective parties, or from regional lists where national lists were not submitted.".

3. The replacement of item 3 with the following item:

"3. The lists of candidates submitted by a party, shall in total contain the names of not more than a number of candidates equal to the number of seats in the National Assembly, and each such list shall denote such names in such fixed order of preference as the party may determine.".

4. The amendment of item 5 by replacing the words preceding paragraph (a) with the following words:

"5. The seats referred to in item 2(a) shall be allocated per region to the parties contesting an election, as follows:".

5. The amendment of item 6 -

1. by replacing the words preceding paragraph (a) with the following words:   
   "6. The seats referred to in item 2(b) shall be allocated to the parties contesting an election, as follows:"; and
2. by replacing paragraph (a) with the following paragraph:   
   "(a) A quota of votes per seat shall be determined by dividing the total number of votes cast nationally by the number of seats in the National Assembly, plus one, and the result plus one, disregarding fractions, shall be the quota of votes per seat.".

6. The amendment of item 7(3) by replacing paragraph (b) with the following paragraph:

"(b) An amended quota of votes per seat shall be determined by dividing the total number of votes cast nationally, minus the number of votes cast nationally in favour of the party referred to in paragraph (a), by the number of seats in the Assembly, plus one, minus the number of seats finally allocated to the said party in terms of paragraph (a).".

7. The replacement of item 10 with the following item:

"10. The number of seats in each provincial legislature shall be as determined in terms of section 105 of the new Constitution.".

8. The replacement of item 11 with the following item:

"11. Parties registered in terms of national legislation and contesting an election of a provincial legislature, shall nominate candidates for election to such provincial legislature on provincial lists prepared in accordance with this Schedule and national legislation.".

9. The replacement of item 16 with the following item:

"Designation of representatives

16. (1) After the counting of votes has been concluded, the number of representatives of each party has been determined and the election result has been declared in terms of section 190 of the new Constitution, the Commission shall, within two days after such declaration, designate from each list of candidates, published in terms of national legislation, the representatives of each party in the legislature.

(2) Following the designation in terms of sub item (1), if a candidate's name appears on more than one list for the National Assembly or on lists for both the National Assembly and a provincial legislature (if an election of the Assembly and a provincial legislature is held at the same time), and such candidate is due for designation as a representative in more than one case, the party which submitted such lists shall, within two days after the said declaration, indicate to the Commission from which list such candidate will be designated or in which legislature the candidate will serve, as the case may be, in which event the candidate's name shall be deleted from the other lists.

(3) The Commission shall forthwith publish the list of names of representatives in the legislature or legislatures.".

10. The amendment of item 18 by replacing paragraph (b) with the following paragraph:

"(b) a representative is appointed as a permanent delegate to the National Council of Provinces;".

11. The replacement of item 19 with the following item:

"19. Lists of candidates of a party referred to in item 16(1) may be supplemented on one occasion only at any time during the first 12 months following the date on which the designation of representatives in terms of item 16 has been concluded, in order to fill casual vacancies: Provided that any such supplementation shall be made at the end of the list.".

12. The replacement of item 23 with the following item:

"Vacancies

23.(1) In the event of a vacancy in a legislature to which this Schedule applies, the party which nominated the vacating member shall fill the vacancy by nominating a person ­

1. whose name appears on the list of candidates from which the vacating member was originally nominated; and
2. who is the next qualified and available person on the list.

(2) A nomination to fill a vacancy shall be submitted to the Speaker in writing.

(3) If a party represented in a legislature dissolves or ceases to exist and the members in question vacate their seats in consequence of item 23A(1), the seats in question shall be allocated to the remaining parties mutatis mutandis as if such seats were forfeited seats in terms of item 7 or 14, as the case may be.".

13. The insertion of the following item after item 23:

"Additional ground for loss of membership of legislatures

23A. (1) A person loses membership of a legislature to which this Schedule applies if that person ceases to be a member of the party which nominated that person as a member of the legislature.

(2) Despite sub item (1) any existing political party may at any time change its name.

(3) An Act of Parliament may, within a reasonable period after the new Constitution took effect, be passed in accordance with section 76(1) of the new Constitution to amend this item and item 23 to provide for the manner in which it will be possible for a member of a legislature who ceases to be a member of the party which nominated that member, to retain membership of such legislature.

(4) An Act of Parliament referred to in sub item (3) may also provide for ­

* 1. any existing party to merge with another party; or
  2. any party to subdivide into more than one party.".

14. The deletion of item 24.

15. The amendment of item 25 ­

1. by replacing the definition of "Commission" with the following definition:   
   " 'Commission' means the Electoral Commission referred to in section 190 of the new Constitution;"; and
2. by inserting the following definition after the definition of "national list":   
   " 'new Constitution' means the Constitution of the Republic of South Africa, 1996;".

16. The deletion of item 26.

ANNEXURE B   
Government of National Unity: National Sphere

1. Section 84 of the new Constitution is deemed to contain the following additional subsection:

"(3) The President must consult the Executive Deputy Presidents ­

* 1. in the development and execution of the policies of the national government;
  2. in all matters relating to the management of the Cabinet and the performance of Cabinet business;
  3. in the assignment of functions to the Executive Deputy Presidents;
  4. before making any appointment under the Constitution or any legislation, including the appointment of ambassadors or other diplomatic representatives;
  5. before appointing commissions of inquiry;
  6. before calling a referendum; and
  7. before pardoning or reprieving offenders.".

2. Section 89 of the new Constitution is deemed to contain the following additional subsection:

"(3) Subsections (1) and (2) apply also to an Executive Deputy President.".

3. Paragraph (a) of section 90(1) of the new Constitution is deemed to read as follows:

"(a) an Executive Deputy President designated by the President;".

4. Section 91 of the new Constitution is deemed to read as follows:

"Cabinet

91. (1) The Cabinet consists of the President, the Executive Deputy Presidents and ­

* 1. not more than 27 Ministers who are members of the National Assembly and appointed in terms of subsections (8) to (12); and
  2. not more than one Minister who is not a member of the National Assembly and appointed in terms of subsection (13), provided the President, acting in consultation with the Executive Deputy Presidents and the leaders of the participating parties, deems the appointment of such a Minister expedient.

(2) Each party holding at least 80 seats in the National Assembly is entitled to designate an Executive Deputy President from among the members of the Assembly.

(3) If no party or only one party holds 80 or more seats in the Assembly, the party holding the largest number of seats and the party holding the second largest number of seats are each entitled to designate one Executive Deputy President from among the members of the Assembly.

(4) On being designated, an Executive Deputy President may elect to remain or cease to be a member of the Assembly.

(5) An Executive Deputy President may exercise the powers and must perform the functions vested in the office of Executive Deputy President by the Constitution or assigned to that office by the President.

(6) An Executive Deputy President holds office ­

* 1. until 30 April 1999 unless replaced or recalled by the party entitled to make the designation in terms of subsections (2) and (3); or
  2. until the person elected President after any election of the National Assembly held before 30 April 1999, assumes office.

(7) A vacancy in the office of an Executive Deputy President may be filled by the party which designated that Deputy President.

(8) A party holding at least 20 seats in the National Assembly and which has decided to participate in the government of national unity, is entitled to be allocated one or more of the Cabinet portfolios in respect of which Ministers referred to in subsection (1)(a) are to be appointed, in proportion to the number of seats held by it in the National Assembly relative to the number of seats held by the other participating parties.

(9) Cabinet portfolios must be allocated to the respective participating parties in accordance with the following formula:

* 1. A quota of seats per portfolio must be determined by dividing the total number of seats in the National Assembly held jointly by the participating parties by the number of portfolios in respect of which Ministers referred to in subsection (1) (a) are to be appointed, plus one.
  2. The result, disregarding third and subsequent decimals, if any, is the quota of seats per portfolio.
  3. The number of portfolios to be allocated to a participating party is determined by dividing the total number of seats held by that party in the National Assembly by the quota referred to in paragraph (b).
  4. The result, subject to paragraph (e), indicates the number of portfolios to be allocated to that party.
  5. Where the application of the above formula yields a surplus not absorbed by the number of portfolios allocated to a party, the surplus competes with other similar surpluses accruing to another party or parties, and any portfolio or portfolios which remain unallocated must be allocated to the party or parties concerned in sequence of the highest surplus.

(10) The President after consultation with the Executive Deputy Presidents and the leaders of the participating parties must ­

* 1. determine the specific portfolios to be allocated to the respective participating parties in accordance with the number of portfolios allocated to them in terms of subsection (9);
  2. appoint in respect of each such portfolio a member of the National Assembly who is a member of the party to which that portfolio was allocated under paragraph (a), as the Minister responsible for that portfolio;
  3. if it becomes necessary for the purposes of the Constitution or in the interest of good government, vary any determination under paragraph (a), subject to subsection (9);
  4. terminate any appointment under paragraph (b) ­
     1. if the President is requested to do so by the leader of the party of which the Minister in question is a member; or
     2. if it becomes necessary for the purposes of the Constitution or in the interest of good government; or
  5. fill, when necessary, subject to paragraph (b), a vacancy in the office of Minister.

(11) Subsection (10) must be implemented in the spirit embodied in the concept of a government of national unity, and the President and the other functionaries concerned must in the implementation of that subsection seek to achieve consensus at all times: Provided that if consensus cannot be achieved on ­

* 1. the exercise of a power referred to in paragraph (a), (c) or (d)(ii) of that subsection, the President's decision prevails;
  2. the exercise of a power referred to in paragraph (b), (d)(i) or (e) of that subsection affecting a person who is not a member of the President's party, the decision of the leader of the party of which that person is a member prevails; and
  3. the exercise of a power referred to in paragraph (b) or (e) of that subsection affecting a person who is a member of the President's party, the President's decision prevails.

(12) If any determination of portfolio allocations is varied under subsection (10)(c), the affected Ministers must vacate their portfolios but are eligible, where applicable, for reappointment to other portfolios allocated to their respective parties in terms of the varied determination.

(13) The President ­

* 1. in consultation with the Executive Deputy Presidents and the leaders of the participating parties, must ­
     1. determine a specific portfolio for a Minister referred to in subsection (1) (b) should it become necessary pursuant to a decision of the President under that subsection;
     2. appoint in respect of that portfolio a person who is not a member of the National Assembly, as the Minister responsible for that portfolio; and
     3. fill, if necessary, a vacancy in respect of that portfolio; or
  2. after consultation with the Executive Deputy Presidents and the leaders of the participating parties, must terminate any appointment under paragraph (a) if it becomes necessary for the purposes of the Constitution or in the interest of good government.

(14) Meetings of the Cabinet must be presided over by the President, or, if the President so instructs, by an Executive Deputy President: Provided that the Executive Deputy Presidents preside over meetings of the Cabinet in turn unless the exigencies of government and the spirit embodied in the concept of a government of national unity otherwise demand.

(15) The Cabinet must function in a manner which gives consideration to the consensus-seeking spirit embodied in the concept of a government of national unity as well as the need for effective government.".

5. Section 93 of the new Constitution is deemed to read as follows:

"Appointment of Deputy Ministers

93. (1) The President may, after consultation with the Executive Deputy Presidents and the leaders of the parties participating in the Cabinet, establish deputy ministerial posts.

(2) A party is entitled to be allocated one or more of the deputy ministerial posts in the same proportion and according to the same formula that portfolios in the Cabinet are allocated.

(3) The provisions of section 91 (10) to (12) apply, with the necessary changes, in respect of Deputy Ministers, and in such application a reference in that section to a Minister or a portfolio must be read as a reference to a Deputy Minister or a deputy ministerial post, respectively.

(4) If a person is appointed as the Deputy Minister of any portfolio entrusted to a Minister ­

* 1. that Deputy Minister must exercise and perform on behalf of the relevant Minister any of the powers and functions assigned to that Minister in terms of any legislation or otherwise which may, subject to the directions of the President, be assigned to that Deputy Minister by that Minister; and
  2. any reference in any legislation to that Minister must be construed as including a reference to the Deputy Minister acting in terms of an assignment under paragraph (a) by the Minister for whom that Deputy Minister acts.

(5) Whenever a Deputy Minister is absent or for any reason unable to exercise or perform any of the powers or functions of office, the President may appoint any other Deputy Minister or any other person to act in the said Deputy Minister's stead, either generally or in the exercise or performance of any specific power or function.".

6. Section 96 of the new Constitution is deemed to contain the following additional subsections:

"(3) Ministers are accountable individually to the President and to the National Assembly for the administration of their portfolios, and all members of the Cabinet are correspondingly accountable collectively for the performance of the functions of the national government and for its policies.

(4) Ministers must administer their portfolios in accordance with the policy determined by the Cabinet.

(5) If a Minister fails to administer the portfolio in accordance with the policy of the Cabinet, the President may require the Minister concerned to bring the administration of the portfolio into conformity with that policy.

(6) If the Minister concerned fails to comply with a requirement of the President under subsection (5), the President may remove the Minister from office ­

* 1. if it is a Minister referred to in section 91(1)(a), after consultation with the Minister and, if the Minister is not a member of the President's party or is not the leader of a participating party, also after consultation with the leader of that Minister's party; or
  2. if it is a Minister referred to in section 91(1)(b), after consultation with the Executive Deputy Presidents and the leaders of the participating parties.".

ANNEXURE C   
Government of National Unity: Provincial Sphere

1. Section 132 of the new Constitution is deemed to read as follows:

"Executive Councils

132. (1) The Executive Council of a province consists of the Premier and not more than 10 members appointed by the Premier in accordance with this section.

(2) A party holding at least 10 per cent of the seats in a provincial legislature and which has decided to participate in the government of national unity, is entitled to be allocated one or more of the Executive Council portfolios in proportion to the number of seats held by it in the legislature relative to the number of seats held by the other participating parties.

(3) Executive Council portfolios must be allocated to the respective participating parties according to the same formula set out in section 91 (9), and in applying that formula a reference in that section to ­

* 1. the Cabinet, must be read as a reference to an Executive Council;
  2. a Minister, must be read as a reference to a member of an Executive Council; and
  3. the National Assembly, must be read as a reference to the provincial legislature.

(4) The Premier of a province after consultation with the leaders of the participating parties must ­

* 1. determine the specific portfolios to be allocated to the respective participating parties in accordance with the number of portfolios allocated to them in terms of subsection (3);
  2. appoint in respect of each such portfolio a member of the provincial legislature who is a member of the party to which that portfolio was allocated under paragraph (a), as the member of the Executive Council responsible for that portfolio;
  3. if it becomes necessary for the purposes of the Constitution or in the interest of good government, vary any determination under paragraph (a), subject to subsection (3);
  4. terminate any appointment under paragraph (b) ­
     1. if the Premier is requested to do so by the leader of the party of which the Executive Council member in question is a member; or
     2. if it becomes necessary for the purposes of the Constitution or in the interest of good government; or
  5. fill, when necessary, subject to paragraph (b), a vacancy in the office of a member of the Executive Council.

(5) Subsection (4) must be implemented in the spirit embodied in the concept of a government of national unity, and the Premier and the other functionaries concerned must in the implementation of that subsection seek to achieve consensus at all times: Provided that if consensus cannot be achieved on ­

* 1. the exercise of a power referred to in paragraph (a), (c) or (d)(ii) of that subsection, the Premier's decision prevails;
  2. the exercise of a power referred to in paragraph (b), (d)(i) or (e) of that subsection affecting a person who is not a member of the Premier's party, the decision of the leader of the party of which such person is a member prevails; and
  3. the exercise of a power referred to in paragraph (b) or (e) of that subsection affecting a person who is a member of the Premier's party, the Premier's decision prevails.

(6) If any determination of portfolio allocations is varied under subsection (4)(c), the affected members must vacate their portfolios but are eligible, where applicable, for reappointment to other portfolios allocated to their respective parties in terms of the varied determination.

(7) Meetings of an Executive Council must be presided over by the Premier of the province.

(8) An Executive Council must function in a manner which gives consideration to the consensus-seeking spirit embodied in the concept of a government of national unity, as well as the need for effective government.".

2. Section 136 of the new Constitution is deemed to contain the following additional subsections:

"(3) Members of Executive Councils are accountable individually to the Premier and to the provincial legislature for the administration of their portfolios, and all members of the Executive Council are correspondingly accountable collectively for the performance of the functions of the provincial government and for its policies.

(4) Members of Executive Councils must administer their portfolios in accordance with the policy determined by the Council.

(5) If a member of an Executive Council fails to administer the portfolio in accordance with the policy of the Council, the Premier may require the member concerned to bring the administration of the portfolio into conformity with that policy.

(6) If the member concerned fails to comply with a requirement of the Premier under subsection (5), the Premier may remove the member from office after consultation with the member, and if the member is not a member of the Premier's party or is not the leader of a participating party, also after consultation with the leader of that member's party.".

ANNEXURE D   
Public administration and security services: Amendments to sections of the previous Constitution

1. The amendment of section 218 of the previous Constitution ­

(a) by replacing in subsection (1) the words preceding paragraph (a) with the following words:

"(1) Subject to the directions of the Minister of Safety and Security, the National Commissioner shall be responsible for ­";

(b) by replacing paragraph (b) of subsection (1) with the following paragraph:

"(b) the appointment of provincial commissioners;";

(c) by replacing paragraph (d) of subsection (1) with the following paragraph:

"(d) the investigation and prevention of organized crime or crime which requires national investigation and prevention or specialized skills;"; and

(d) by replacing paragraph (k) of subsection (1) with the following paragraph:

"(k) the establishment and maintenance of a national public order policing unit to be deployed in support of and at the request of the Provincial Commissioner;".

2. The amendment of section 219 of the previous Constitution by replacing in subsection (1) the words preceding paragraph (a) with the following words:

"(1) Subject to section 218(1), a Provincial Commissioner shall be responsible for ­".

3. The amendment of section 224 of the previous Constitution by replacing the proviso to subsection (2) with the following proviso:

"Provided that this subsection shall also apply to members of any armed force which submitted its personnel list after the commencement of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), but before the adoption of the new constitutional text as envisaged in section 73 of that Constitution, if the political organization under whose authority and control it stands or with which it is associated and whose objectives it promotes did participate in the Transitional Executive Council or did take part in the first election of the National Assembly and the provincial legislatures under the said Constitution.".

4. The amendment of section 227 of the previous Constitution by replacing subsection (2) with the following subsection:

*"*(2) The National Defense Force shall exercise its powers and perform its functions solely in the national interest in terms of Chapter 11 of the Constitution of the Republic of South Africa, 1996.".

5. The amendment of section 236 of the previous Constitution ­

(a) by replacing subsection (1) with the following subsection:

"(1) A public service, department of state, administration or security service which immediately before the commencement of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as "the new Constitution"), performed governmental functions, continues to function in terms of the legislation applicable to it until it is abolished or incorporated or integrated into any appropriate institution or is rationalized or consolidated with any other institution.";

(b) by replacing subsection (6) with the following subsection:

"(6) (a) The President may appoint a commission to review the conclusion or amendment of a contract, the appointment or promotion, or the award of a term or condition of service or other benefit, which occurred between 27 April 1993 and 30 September 1994 in respect of any person referred to in subsection (2) or any class of such persons.

(b) The commission may reverse or alter a contract, appointment, promotion or award if not proper or justifiable in the circumstances of the case."; and

(c) by replacing "this Constitution", wherever this occurs in section 236, with "the new Constitution".

6. The amendment of section 237 of the previous Constitution ­

(a) by replacing paragraph (a) of subsection (1) with the following paragraph:

"(a) The rationalization of all institutions referred to in section 236(1), excluding military forces referred to in section 224(2), shall after the commencement of the Constitution of the Republic of South Africa, 1996, continue, with a view to establishing ­

(i) an effective administration in the national sphere of government to deal with matters within the jurisdiction of the national sphere; and

(ii) an effective administration for each province to deal with matters within the jurisdiction of each provincial government."; and

(b) by replacing subparagraph (i) of subsection (2)(a) with the following subparagraph:

"(i) institutions referred to in section 236(1), excluding military forces, shall rest with the national government, which shall exercise such responsibility in co-operation with the provincial governments;".

7. The amendment of section 239 of the previous Constitution by replacing subsection (4) with the following subsection:

"(4) Subject to and in accordance with any applicable law, the assets, rights, duties and liabilities of all forces referred to in section 224(2) shall devolve upon the National Defense Force in accordance with the directions of the Minister of Defense.".

<http://www.info.gov.za/documents/constitution/1996/96conssec6.htm>

**Footnote 9: References for the discussion of Die Nieuwe Republic**

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15. Argiefjaarboek vir Suid-Afrikaanse geskiedenis, Kaapstad, 1966 (chapters 2 – 7).

**Footnote 10: From Boer War to “Democratic” Terrorism.**

From Boer War to “Democratic” Terrorism”,

By Tony Norton CDL Report Issue 275 November 2004

At the turn of the 19th century there occurred a war so devastating in its consequences that the world is still feeling its effect. Perhaps the most important result of the war is that the Jews gained control of the richest gold deposits known to mankind, along with a diversity of minerals seldom found in one country; all of which are of the greatest importance to the West today. The purpose of this article is to summarize the causes of the war, who was behind it, and what their motives were.

The Anglo-Boer War is not a well known event in the annuals of history. Indeed, it is safe to say that it is a war which was swept under the carpet. I doubt whether it is a subject which is ever mentioned in the classrooms of U.S. schools and universities. This is no accident, but deliberate policy.

We need to look at the character and racial make-up of the "Boers" as they were called in the early part of the history of what is today South Africa.

The Boers were farmers; the racial make-up of the Boer was not very different from that of the people of the southern United States.

These pastoral people had a very strong sense of personal liberty as opposed to the dictates of a central government. Coupled with their highly developed concept of personal freedom was their religious belief, consisting in the main of Protestant Calvinism, formalized in the Dutch Reformed Church. They believed in the leadership of the white race, and treated all of the colored races in South Africa with benign paternalism.

They held to the teachings of the Old Testament namely that the stewardship of the earth belonged to the white race. Colored races were to be treated as stepchildren. They did not believe in, nor did they practice slavery at any time in their history. This is where the Boers differed from their cousins, the American colonists.

With the annexation of the Cape of Good Hope by the British, which was to take over the Cape as a half way station for the British East India Company, the Boers decided to move into the deserted hinterland of South Africa rather than submit to British rule. It should be noted here, that while the British East India Company was ostensibly a normal trading company dealing in spices and tea in the Far East, it was in fact, along with the Dutch East India Company, the vehicle by which the profits from the opium trade in China were moved to England, and to a lesser extent to Holland. It is a fact which is overlooked by most historians; that the profits from the Chinese opium trade made possible the active promotion of hostilities against the Boers. In fact, the tone for action against the Boers was set: by the Treaty of Nanking, signed in 1842, which brought the British a vast fortune as well as the port of Hong Kong, which to this day is the hub of dope distribution by the Chinese and the British. Lord Palmerston (1830-1865) openly admitted Britain's role in the dope trade in China in a speech which he made in January 1841.

It is necessary to digress for a moment, and deal with the famous infrastructure the British opium trade in China by establishing the Hong Kong and Shanghai Bank, the door was opened for British imperialism at its worst to sweep through China. Similarly, by establishing what was called "suzerainty" over the Boer Republics. The British showed that the imperialistic lesson they had learned in China could be equally profitably applied in South Africa, only this time, it was gold, not opium, which was the rich prize to be captured. Let none imagine that the British fought a gentlemanly war against the Boers. In fact, the Boers, rough hewn as they were, were the ones who displayed most of the old world courtesy toward their adversaries as we shall see. I say this because at the time the war was promoted by the British, they enjoyed a high reputation as a nation, of gentlemen of good conduct and sportsmanship, a reputation richly deserved as events in South Africa showed all too clearly.

The initial onslaught against the Boers took place a few years earlier, in which the British were soundly defeated. The place was Amajuba, the time 1881. Earlier, the British had annexed the Transvaal, an arbitrary action without legal standing. The Boers, who had come thousands of miles through a countryside which was anything but hospitable, fought back, and at Amajuba, under the leadership of the great Boer patriot Paul Kruger, (the Krugerrand is named after him), soundly defeated the British. This ought to have acted as a warning to the British imperialistic designs; 'instead, it encouraged them to blunder into an even greater act of aggression, the Anglo-Boer War. During the reign of Queen Victoria, (1837-1901) Britain was at the height of its imperial power. No nation dared cross the British monarch; even the Germans feared the lady Paul Kruger called a "kwaai vrou" (an angry lady). Thus Amajuba was an insult to be wiped off the record. But we must look behind the scenes to see who was responsible. The ordinary British citizen knew little of the backroom politics, which sent its men folk off to fight a war in faraway South Africa. Then as now, propaganda played a leading role. The big drum of patriotism was banged, however patriotism was not an issue, but outright greed by the Jews certainly was. Disregarding the warning of Amajuba, the British were told that their military machine would crush the citizen army of the Boer farmers and return triumphant to the shores of England in a matter of a few weeks.

War is costly. This was no less true in 1899 than it is today. The money to prosecute the war against the Boer rebels was to come from the swollen coffers of the opium traders, which meant that some of the most famous and noble names of England would be involved. The opium trade had made millions for the Keswicks, the Jardine Mathesons, the Barines, and the Sutherlands. The same names featured prominently in the fortunes made through slave trading in the U.S. prior to the War Between the States (the Civil War). The Southerland family was one of the largest slave traders in the Americas, and you can add to the list, the Lehmans and the Rothschilds, who entered the U.S. scene via the slave trade. As in the case of the opium war against China, the willingness of Her Majesty's government to use all of its resources to crush the Boers, up to and including full scale war, to support its false claims to the Transvaal gold was evident at an early stage of the conspiracy. As in the case of the war on China, the British used ethnic origin and background as a weapon to promote unrest in the independent Boer Republics of the Transvaal and the Orange Free State. Following the discovery of gold in the Transvaal, a steady stream of "uitlanders" (foreigners) flocked to the Transvaal. It was not long before the model of the Scottish Rite Freemason movement used in China was also put to good use by the British in South Africa. As in China, the mix was Italians, Jews, and of course, local Chinese.

During the life and after his death the dirty tricks operations of Lord Palmerton’s China gang of ethnic Jews, the Order of the Zion of the London based "Court Jews" was put to work in South Africa to foment unrest and to demand "voting rights" and a voice in government; something the vastly outnumbered Boers could not permit. The Jewish families that today rule the gold trade, such as the Mocattos, the Monefiores, the whole slew of well known Jewish names, learned their dirty tricks, lessons in the pre-war days of the Boer Republics in South Africa. The self same dirty tricks were used against the U.S. many years later in the Vietnam era. In fact, Queen Victoria's "favourite Jew was Sir Moses Montefiore, who took command of the British Board of Deputies (Jews) in 1835. As we shall see, it was the Jews who fomented the unrest in the Boer Republics, unrest which eventually led to the unjust Anglo-Boer War. It was Montefiore who took charge of the Order of Zion, and who trained Jews for active duty in political trouble making in South Africa, a process which continues to this day, and one which will not cease until the Jew has open and full control of South Africa's vast mineral wealth.

There is ample evidence that Montefiore's Order of Zion was also very active in the unrest in the U.S. which preceded the War Between the States, and which led, eventually, to the murder of Abraham Lincoln. So there is a very definite link between American history, and that of South Africa. Abraham Lincoln was assassinated by a Jew from South Africa, John Wilkes Booth. Real name Botha.

Like their American counterparts, the Boers had moved thousands of miles to ensure their freedom from British control. They loved independence more than anything else, and suffered incredible hardships in order to establish their two republics in the Transvaal and the Orange Free State. Like the American colonists, they opened up the vast African hinterland through their blood, sweat, toil and tears. The story of the Great Trek from the Cape is one of the most moving in the annals of modern man in his search for individual freedom and liberty. These hardy, God fearing Christian people carved a civilization out of the African wilderness, in much the same way as did the American colonists.

Now, owing to the machinations of the Order of Zion, the Freemasons led by Rhodes and Milner, and the inside planning of the two Jews in Johannesburg, Beit and Werhner, who later became fabulously wealthy at the expense of the Boers, the Boers were faced with a full scale war by the most powerful army in the world at that time.

As in the case of the Chinese opium diplomacy, the same tactics were used to stir up trouble inside the Boer Republics. The Transvaal had gained legal independence from the British at the Sand River Convention.

The Transvaal ruled by Paul Kruger and the Volksraad (people’s council) was a legal entity. To undo this, the Jewish agitators Belt and Werhner were put to work under the direction of Lord Alfred Milner and Cecil John Rhodes to overturn the independence of this small nation and grab the gold, the richest strikes ever found, for themselves and for international Jewry.

The foreigners, who held no voting rights, were stirred up to demand voting rights and change in the governing constitution If this sounds familiar, it is the self same pattern still being used around the world today, the so called "majority rule" plot. The Jews, ever the shouldering underground force in any country, were particularly active in the Boer Republics. They led demonstrations and riots, protests, and petitions to Queen Victoria. Now one might ask what right these foreigners had to petition the Queen of England, when the question of law and order and voting rights rested with an independent government, that of Paul Kruger and the Boer citizens of the Transvaal Republic. As in the case of Palmerston and the second Chinese opium war, the British moved with alacrity to intervene in the internal affairs of Kruger's republic, notwithstanding the fact that the British had given up any such rights under the terms of the Sand River Convention. Just as Lord Russell had written to his grandson Lord Bertrand Russell (the fiend who introduced ‘drugs’ to the U.S. saying: “We must in some way or another make the Chinese repent of the outrage." (i.e. for daring to defend themselves against the British opium families), so Lord Alfred Milner wrote to Rhodes and said that the Boers must be punished for their intransigence (i.e. for refusing to bow to Jewish agitation and British pressure to give up their legal rights).

The same British families who opened the Hong Kong and Shanghai Bank to facilitate the movement of drug money now set up show in Johannesburg in order to get control of this gold, which belonged to the Boers. The criminal conspiracy of the British cabinet which ran the opium war now extended its influence and power through Freemasonry to the Transvaal. Behind Prime Minister Palmerston's fine facade of respectability was the rotten degeneracy of British aristocracy, besotted by the evil of high Masonry. It was only after the Military Commission on the murder of Lincoln made its findings public that some of the sordid details of Palmerston's connections with the Scottish Rite Freemason lodges became known. I mention this, to remind my readers of the strong links between U.S. history and the Boer War, i.e. the same people ran both the American War Between the States, and the Boer War.

The Chinese Triads, the Order of Zion, were all part of the dirty tricks organized to upset both America, and later, the Boer Republics. The trail leads back directly to the British Court Jews and the Scottish Rite Freemasons.

We should not overlook the part played by the Jews in the Masonic Order. Their starting point was the B'nai B'rith, also called the Constitutional Grand Lodge of the Order of the Sons of the Covenant, which was recognized as a branch of the Scottish Rite. This was headquartered at 450 Grand Street, Manhattan, in the home of Joseph Seligman. The B'nai B'rith was nothing but an intelligence front for the Montefiores and the Rothschilds as was proven with the advent of Judah P. Benjamin, a British subject, and leader of the B'nai B'rith to the post of Confederate Secretary of War! Confederate General Albert Pike, a Grand Commander of the Scottish Rite, completed the deep penetration of the South by these agents of Satan.

The Boers, innocent of the real forces arrayed against them, thought that they had only to defend themselves against a massive and powerful military machine.

They did not know of the powers of darkness, the forces of spiritual wickedness in high places, which were to be brought to bear upon their tiny nation. Britain's element of subversion was the large force of Jews and other foreigners who flocked to the Transvaal following the discovery of gold there. The Order of Zion was quick to utilize this force to carry out acts of rebellion and to foment unrest in Kruger's republic. The Menorah, a Jewish publication, was quite open about the relationship between the Scottish Rite and itself, and wrote that the Odd Fellows, the Masons and other secret "benevolent" societies were all based upon Jewish ideas.

As space does not permit further digression into the links behind the War Between the States and the Boer War I will proceed with a summary of events which led up to actual hostilities erupting in South Africa. The foreigners kept up a drum beat for their "rights" (just as they had done in Tsarist Russia) and in this way they were aided by a prostituted British press, which loudly proclaimed the arrogance of the Boers, and demanded that the Boers be punished. Particularly vehement lying was the Jewish correspondent of the London Times. This vilification of Boers reached hysterical proportions at times, stirring up resentment among the ill informed British public back in England. The British leaders also understated the tenacity of the Boers, as nationalists, as fighters, and as clever politicians. They told the public, that British citizens were being badly treated in the Transvaal, which was an insult to the British Queen and the Union Jack. Such a situation was not to be tolerated, they said, by the British Parliament.

When things were going too slow for Beit and Werhner, direct action to speed up a war was instituted by these two men, who more than any others, apart from their collaborators, Rhodes and Milner, were directly responsible for the vicious and cruel war that was to come, working, lovers of the soil, a simple pastoral people, a people Churchill once described as a "mixture of squire and peasant." One of the most important beliefs held by the Boers was that the colored races were to be kept absolutely separated from the white race. They believed in the superiority of the white race, based on Biblical injunctions. This was used against them by the agitators, in much the same way as the issue of slavery was used to drum up support for the War Between the States in an earlier part of the century.

The Boers feared the vast influx of newcomers with their godless ways, their foreign languages and customs. They feared the manner in which these newcomers crossed racial lines. Greatly outnumbered, the Boers took measures to protect their cultural and religious beliefs.

The measures which Kruger took were quite properly based on a very real fear, that the Boers would be swamped if he did not protect their heritage.

The foreigners were not allowed to vote, and could not obtain citizenship.

Eventually, the British Parliament intervened on the, side of the foreigners, insisting that they be allowed to have "rights" to which they were not entitled. Passions ran high in England as tales of great suffering by the "British" (mainly Jews) unfolded in the Times and Daily Telegraph. Calls for action were sounded by British politicians of all stripes. The legal agreement of the Sand River Convention was forgotten. Still, Kruger sought to avoid hostilities. He wished the death of no white men, surrounded as were the Boers by the black races. He could not understand, why white men should want to fight each other in the face of what he considered the common danger, the colored races. In this Kruger had no conception of the nature of the forces arrayed against him.

A giant of a man, Paul Kruger spent much of his time meeting with petitioners from his own people on the "stoep" (porch) of his simple home in Pretoria, with a Bible in one hand to guide him, and a cup of coffee never far away. He belonged to an ultra-conservative sect of Dutch Reformed church called the Dopper Kerk. He was nonplussed and astounded, that white men would want to fight to protect the so called "rights" of non whites. He was a modest and simple man not given to outward trappings of power. He never seemed to realize, that the real issue was not the rights of the foreigners, but the desire of the Jews to grab the gold of the Transvaal. He was a humble man dedicated to his people. It is fair to say that Kruger did everything he could to prevent actual war, including a personal visit to Queen Victoria. But against the evil doings of Milner, Rhodes and the Court Jews, he had no defense.

The British, goaded on by the Court Jews and the Freemasons, got the war they longed for. As usual, the ordinary people had not the slightest idea of why they were going to war. Patriotism. was the issue, just as it was in the Malvinas war. Then the plotters Milner, Beit and Werhner, along with the arch villain Rhodes, made their first blunder. They arranged for a British imperialist, Dr. Jameson, to invade the Transvaal from outside the borders, march on Johannesburg, and declare the Transvaal to be British territory. The Jews Beit and Werhner were supposed to raise a force inside Johannesburg that would rise against the Boer forces at the same time. In fact, the rebellion never materialized; it was never intended to. The Jews had no compunction in double crossing Jameson.

Jameson and his band of raiders were financed by the Jew Alfred Beit, who was one of the main trouble makers inside the Transvaal, and Jameson saw himself as a crusader, not a raider and an outlaw. With a force of about 270 men on horseback and accompanied by black trackers and guides, Jameson set off to topple Kruger, after a rousing rendition of "God Save the Queen." Kruger and the Boer general Joubert had received information of the planned invasion and waited until Jameson and his men were almost within sight of Johannesburg before decisively crushing them in the most humiliating manner. This in itself ought to have been a warning to the British people that the Boers were not going to be a pushover. Coupled with, the rout of the British at Amajuba in the first Boer war, it should have downright alarmed the citizens of England. Instead, it only inflamed passions against the Boer "enemy."

Let us not pass judgment on the ordinary British people, after all, we in America were misled in the same way in both the world wars. The Scottish Rite Freemason Lord Alfred Milner, who hated the Boers and their simple religious and racial beliefs, openly admitted fomenting war.

In a letter to Lord Roberts he said: "I precipitated the crisis, which was inevitable, before it was too late. It is not very agreeable and in many eyes, not very creditable piece of business, to have been largely instrumental in bringing about a big war." So with Milner agitating in England, and Rhodes doing the same with the "uitlanders" (foreigners) in South Africa, the stage was set for a major war.

The Boer leaders had been lying in supplies of weapons for some time, mostly from Germany, and consisting of Mauser rifles of the new five shot type, and sonic field guns, The British had modernized their army with 6 shot magazine loaded Lee Metford rifles. The Boer war was to be a major testing ground for new weapons and new military tactics. The scope of the war can be gauged by comparing the fact that the British eventually had 400,000 men in the field in South Africa. The Americans in Vietnam numbered some 500,000 men.

The Boers had no regular standing army. Their force, never more than 30,000 men under arms at any given time, was strictly a volunteer citizens’ army. They never wore uniforms, and never indulged in parade ground drilling or regular military exercises. But at the earlier battle of Amajuba, they proved to be deadly accurate shots, excellent horsemen, and skilled guerrilla fighters. At Amajuba in 1881, General Joubert had thrashed the British army under General Colley. One lesson the British did learn from Amajuba was that during future wars in South Africa the red coat uniform had to go, and it was replaced by the drab khaki uniform in time for the major war now looming.

The Jameson Raid, planned by Rhodes and Milner, and financed by the Jews Beit and Werhner, was the catalyst which started the war. General Jan Smuts said after the war (1906) that "The Jameson Raid was the real declaration of war in the great Anglo-Boer conflict and that in spite of the four year truce that followed, the aggressors (the British) consolidated their alliance, the defenders on the other hand grimly prepared for the inevitable."

All of Paul Kruger's efforts to find a solution to averting the war were nullified by Rhodes, Milner, Beit and Werhner. The stage was set for one of the most cruel, savage, corrupt and ugly wars ever to be waged, a war which gave birth to the policies of attacking the civilian population, concentration camps, and scorched earth policies. It also showed the utter disdain of the British hierarchy for the welfare of its own troops, many of whom were left wounded and lying out in the blazing African sun for three days, while efforts by the Boers to negotiate a truce so that they could be attended to went unanswered. The callous brutalities endured by the Boer civilian population will be catalogued during the course of this article.

On September 8th 1899, the British sent 10,000 men to South Africa, an act of hostility which Kruger demanded be rescinded. The British sneered at Kruger's ultimatum that unless Her Majesty's government recalled the troops, the Boers would consider themselves at war with the British. The Times called it "An infatuated step." The Telegraph said, "Of course, there can only be one answer to this grotesque challenge ---- Mr. Kruger has asked for war, and he must have it.” The British troops left Southampton on October 14th 1899, to the cheers of a large patriotic crowd, with, flags flying and banners waving. Neither they nor, their commanding officer, General Butler had any idea of the terrible hardships they would soon be called upon to endure. The British public was told that the war would be over in three weeks, and the Boers were going to be taught a severe lesson.

With the billions of pounds at their disposal mainly the profits from the Chinese opium trade: the British sent out the best equipped army the world had ever seen. The khaki uniforms were well made, and the men carried the latest quick firing rifles with a range of over one thousand yards. They had plenty of artillery, and even observation balloons. This was indeed a formidable fighting force, a professional army in every sense of the word. Many of the crack regiments fell over each other for the honour of going to beat the Boers who had insulted their Queen; regiments such as the Grenadier Guards, the Royal Scots Greys, the Royal Irish Fusiliers and on and on.

The Boers on the other hand were an undisciplined force of irregulars, ranging in age from fourteen to seventy. Their leader, General Piet Joubert had no formal military training, and no military manuals to guide him. Nevertheless, at Amajuba and against the Jameson Raiders, he had proved himself to be a brilliant and brave leader of men, a natural soldier.

Photos of the period show just how young (and old) some of the Boer soldiers were. The photos also show the type of clothing worn by Joubert's men. Small wonder that the British, accustomed to victory after victory in China, Sudan and India, looked down upon the rag tag army that was to challenge their elite forces. The British were confident that after a few short, sharp skirmishes, the. Boers would lay down their arms.

One soldier, Lt. R. Kentish of the Royal Irish Fusiliers, in a letter to his mother on October 12th 1899 wrote, "I don't think the Boers will have a chance, although I expect there will be one or two stiff little shows here and there. I think they (the Boers) are awful idiots to fight, although we of course, are very keen that they should" A British officer of higher rank, writing to the instigator of the war, Lord Alfred Milner, said, "I hope to hear that Symons (the British general) has taken tea with the Boers at Dundee." That is how confident the rank and file as well as the officers were, that the Boers were going to be soundly defeated in short order.

But the British had underestimated the will of the Boers. When General Joubert's troops rose up "like ants from the ground" to smash Jameson, they had come from New Year festivities. Many wearing their Sunday clothing, with bandoliers stretched across their shoulders. They made short work of Jameson's trained soldiers, and captured a black box containing all of the proof needed to show, that Milner and Rhodes were implicated in the raid up to their necks, along with the British Prime Minister. The denials by the conspirators were proved to be blatant lies.

This deeply angered the "farmer soldiers" and stiffened their determination to rid themselves of the British for once and for all. Of course, the ordinary Boer soldier had no idea that at the bottom of it all was the machinations of international Jewry. True to Weishaupt's dictates, the master Jews took good care to hide behind the scenes.

The first set battle of the war occurred at Talana in Natal. The British troops under the command of General Symons were attacked by some three thousand Boers under the leadership of Lucas Meyer. The British were soundly defeated, and General Symons left, mortally wounded. The huge Union Jack that had been flying over the British camp was shot to pieces. The roar of rapid firing Mauser rifles, never before experienced by British troops, unnerved them. The British lost 53 killed and 203 wounded. The Boer commandos escaped on horseback long before the British could rally and counter attack. It was a horrifying portent of what was to come for the British forces.

The next battle took place at Elandslaagte, near Ladysmith on October 21st 1899. A commando of mounted Boers, under the leadership of Commandant Koch, had come into the area against the express orders of General Joubert.

Kock's forces numbered 1,000 men and 3 field guns. The British forces numbered over 3,000 men, including cavalry and 18 field guns. The British took Kock by surprise, and the Boers had to flee. They were cut-off; and the British cavalry, in spite of a white flag of surrender, stormed through the Boer lines, stabbing them with lances and cutting them with sabers as the Boers tried to surrender. One British officer called it "Excellent pig sticking." But a private wrote home saying "It was a terrible thing, we went along sticking our lances through them." The order had been given before the fight that no prisoners were to be taken, so in spite of crying surrender, the Boers were none the less slaughtered. But some were taken prisoner, and the Boer survivors were marched through the streets of Ladysmith past jeering blacks, who called out after them “where is your pass" (All black people at that time, in South Africa had to carry an identification card, or face arrest.)

The Boers still believed that this was a white man's war, a war among gentlemen. They were to be sadly disillusioned. The next major engagement took place at Dundee. General Joubert had crept up in the night and surrounded the British garrison. The British had just that day received the news of the defeat of Kock at Elandslaagte, and were told that the Boers were in total retreat. The commander of the garrison, General White, called for reinforcements, but none came. Far from being in retreat, the Boers were there in strength. Eventually, the British forces were able to escape during a heavy rainstorm one night, a humiliating setback for what was the pride of the British army. Several British officers and about one thousand men stayed behind to supervise the hospital and tend the wounded. When the Boers rode into the camp, the leaders were dressed in ordinary working clothes. The British officers were astounded at the casual dress, but surrendered the camp, complete with pitched tents and equipment, to the Boer officers. Donegan, the British commander, had his field glasses and revolver taken; otherwise the Boers treated the prisoners with civility. Altogether the booty was supplies for forty days for five thousand men, equipment, trophies and most valuable, the code book used by the British.

General Sir Symons had been mortally wounded in an earlier battle, and he died in the hospital. General Erasmus, the Boer commander, asked to be allowed to see the face of the British leader saying that he had heard that Symons was a brave man. When he saw the dead man Erasmus said, “it is a pity, this war." The Boers attended the funeral service and helped with the wounded. They also helped collect the bodies of the British soldiers, which lay on the battlefield. The British lost 28 men, and the men who had remained behind. The wounded were allowed to go to the British encampment in Ladysmith, which the Boers promptly began to lay siege to the main force which had fled Dundee in the night, was cause for much bitterness among the British war correspondents. A beaten army is never a pretty sight, especially when it is the pride of a nation, and has suffered defeat at the hands of an irregular force which by all accounts was supposed to be inferior. One of the correspondents wrote “What a bitter shame, all ashamed of England. Once more England is the source of laughter to her enemies." But before this force, consisting of some of the crack regiments of the British army, could reach the safety of Ladysmith, they were attacked by Boer commandos on horseback. The Boers could hit almost any target while riding at full gallop. They put the fear of God into the British troops, who broke their nerve lost. The Calvary, which had speared the helpless Boer prisoners, was routed, and straggled into Ladysmith, "A streaming mass of clubbed and broken cavalry" as one observer put it. It was the last occasion on which cavalry played a role in the war, and it led to the eventual abandonment of cavalry as a fighting unit in the British army.

The news of the reverse, and the possible siege of Ladysmith sent shock waves coursing through the British public. In England, the voice of Lloyd George was raised in protest at the British actions in South Africa, but in general, the Scottish Rite Freemason dominated cabinet of Queen Victoria was determined to destroy the small Boer nation, and General Buller was ordered to South Africa with a mass of men and equipment with orders to vigorously prosecute the war. There is a strange parallel here between what happened in the Boer republics and Vietnam.

Meanwhile back in Ladysmith, British General White hesitated long enough for the Boers to come up and surround the garrison, cutting the telegraph line to Durban, and isolating the British garrison in what would turn out to be a humiliating siege, probably one of the worst chapters in the annals of British military history. News of the battles and the death of Symons came to Buller en route to Cape Town; a passing ship held up a sign announcing "Three battles, Boers defeated, Penn Symons killed."

Soldiers on the H.M.S. Dunnottar Castle were shocked; they thought the war would be over before they had a chance to fight in it! But by the time Butler disembarked in Cape Town and hurried off to see Milner, the news of the disaster-at Ladysmith and the crushing defeat of the British at Nicholson’s Nek came through, but were held back from the public.

Butler found the Freemason leader, an ardent pupil of the communist John Ruskin, in a state of agitated fear. Milner complained that everything was going wrong; he had badly underestimated the Boers. He told Butter that he was "quaking with fear." Strange words indeed from the man who had started the war. As for the Boers, they did not change their ways or their tactics. They did no training; they did not like to fight on Sundays, preferring to attend church services. The Bible was a book, which was always in the one hand, along with a Mauser in the other.

Kruger refused to celebrate the victory of his men. He felt, and said that it was a sad thing to see white men killing each other, a lesson we could have, but did not, benefit from in the wars which were to follow. All he said was "God has given us a great victory."

Of even greater reliance to Cecil Rhodes was the fact that Boer commandos were converging upon Kimberley, diamond capital of the world.

Rhodes, a man given to shrill condemnation of the Boers in his high falsetto voice, lashed out also at the ineptitude of the Queen's army. And no wonder, since Kimberly was the cornerstone of his fortune. He held daily consultations with the Jew financier Alfred Beit one of the prime movers of rebellion against Paul Kruger's government, as to what should be done. Instead of getting out the way, Rhodes rushed off to Kimberly, as though he could do any good there, and proceeded to be a thorn in the side of the British garrison during the ensuing siege. Rhodes kept on sending, messages to Milner, and later, when in fact Kimberly was surrounded by the Boer forces, he even threatened to hand over the town to them, unless Milner sent relief forces to his aid at once. Thus was the true character of the man revealed, a man who on the one hand claimed to be a great British imperialist, yet who stood ready and prepared to surrender to the Boers as a matter of expediency. Those who know only the side of Rhodes around which the scholarship named after him is wrapped, will be shocked to learn more of his true hyena like character, a subject I shall deal with later.

There were many minor skirmishes, most of which went badly for the British. The towns of Kimberley and Ladysmith were besieged, shutting off several thousand British troops. Altogether an unflattering situation for an army which hitherto had nothing but one victory after another in India and the Sudan. The British were finding out that "Johnny Boer'' as they called the Boer soldier was made of sterner stuff than the Indians and the Sudanese. Butler, in the meantime, arrived in Durban, Natal (a British colony) and was waiting for more reinforcements to arrive from England.

From the Cape (also a British colony from which the Boers had trekked rather than suffer British rule) another British general was preparing to march off to relieve the squealing Rhodes in Kimberley. Lt. General Lord Methuen had no way of knowing, but it would not be many months before he and the pride of the British army suffered a crushing and utterly devastating defeat.

Lord Methuen was a true' aristocrat, and like Buller he was not altogether happy with the unjust war being waged against a small pastoral nation.

He had been caught once expressing such doubts, and it nearly cost him his support in high places, the support of men like Lord Lansdowne, the War Minister. Butler too was not altogether happy about the reasons advanced for the war. There is some evidence that he felt very uncomfortable with the role being played by the two Jews, Werhner and Beit, whom he regarded with suspicion. Also, he did not care for falsetto voiced Cecil Rhodes.

Such ideas then, as now, he realized were best left unsaid. One thing Methuen had quickly learned since his arrival, this was a war in which the enemy was able to make himself nearly invisible. He had read the reports of previous battles in which the British soldiers complained of hardly ever being able to see their targets. “Where are the Boers” was a frequently asked question. This was no parade ground war. Drift work was of no value. Also, the new smokeless long range magazine rifles of the Boers, and the Lee Enfield rifles of the British made it a war in which the usual reconnaissance had become obsolete. So often the Boers would ride up behind a hill, dismount, and fire upon the surprised British forces, which were unable to see the khaki clad Boers taking cover on the boulder strewn slopes of the hill. They then would melt away, mount their ponies and gallop off before the British had a chance to recover. This was unlike any military manual set piece, and the British discovered to their chagrin and their cost, that the Boers were past masters at it!

Lord Methuen studied all of these problems before setting out from the Cape to cross the Orange River on his way to relieve the quavering Rhodes in Kimberley.. One of the war correspondents who accompanied Meuthuens army was Julian Ralph of the London Daily Mall At the crossing point of the Orange River he had ridden out to see firsthand the outcome of a skirmish between a British scouting party and the nearly invisible Boers. What he found did not please him.

The first sight of blood or a bullet hole in a man is always a shock. The Boers had just surprised a British scouting party under Colonel George Gough's command. A train had been sent out to bring the mauled British back across the river. Ralph saw six dead soldiers, four of them officers.

"The Boers will not play the game fairly," a fellow officer said. Ralph looking at the gleaming insignias on the officer's uniform was not surprised. The Boers had a reputation for deadly marksmanship, and shining insignias were no doubt a target too good to be missed. It was no small wonder that so many officers were casualties, usually in the opening minutes of the battles. The Boers had become strategists, their orders were "pick off the officers first." Methuen issued orders that henceforth buttons and insignias were to be blacked out before any action.

The immediate result of the loss of Gough's scouting party was more quaking, fear from Milner, and even more falsetto bleating from Rhodes.

Neither of the two great imperialists, the ardent admirers of Ruskin the old school communist, could understand how it was, that the pride of the British was suffering daily humiliation at the hands of a "backward" nation they despised so much for its religious and racial beliefs, and for its love of the land.

The main problem facing Methuen was "where were the Boers." With the Mauser's long range, scouting in the flat open country around the Orange River was impossible. So Methuen had to rely on reports brought in by blacks, unreliable at best, and sometimes pure invention.

In addition, Meuthen lacked the needed transport animals, so supplies had to be brought up from the Cape on the vulnerable single railway. Thus Meuthen had to go straight in the direction of Kimberley, following the railway line. Surprise was out of the question, it would have to be British luck which would see them through. On the evening of November Blast 1899, Meuthen's army started to roll over the Orange River towards Kimberley in a three mile long column, and reached the north bank without incident. The march continued with skirmishes at Belmont and Graspan. The casualties sickened Meuthen. He lost 297 men killed and wounded, while the Free State Boers lost 130 men. Meuthen hated the war, and he wrote to his wife to say so, "People congratulate me, and look upon me as their father, but I detest war, the more I see of it. I have already buried 13 officers and men. There is a poor fellow outside my tent, groaning and moaning, shot through the chest; he is at last silent, perhaps God has released him." The pride of the British Army, the Grenadiers lost 136 men killed and wounded at Belmont.

Poor mobility and weak intelligence was the prime cause of the British losses Fine uniforms, discipline, and plenty of food could not make, up for it. By contrast the Boer forces were showing signs of wear. At best they were very poor people. There was little money to go around. Food was always in short supply. They had to live and fight in the same clothes.

Some of them were even bare footed. Yet what they lacked in military equipment was made up by their fighting spirit, their love of the land their belief that they were fighting for their existence as a nation. Even the very young and the very old did not waver. It is a remarkable story of human fortitude and courage in the face of overwhelming odds.

At Belmont, things had gone badly for the British. The Boers, although outnumbered four to one, held good cover among the rocks and boulders of the small hills which dot the area. Once again, they were almost invisible. Their deadly accurate rifle fire was a horror not previously faced by the British troops. The short, sharp engagement put the three defensive hills in the hands of the British, but when they crested the slopes, they saw, what the British troops at Talana had seen before them; the mounted Boers melting away in the distance.

On the night of November 27th 1899, Methuen paused to take stock of his position. He did not know it, but one of the most decisive battles of the war was about to begin, one which would stun the British Empire and cause dismay and fear in the hearts of Rhodes and Milner.

The Boers had a secret weapon; the spade. Up until this war, the spade had not played a role in modern warfare. But at this point in history, it was used with remarkable success by the "stupid peasants," as Lord Milner described the Boers, to telling effect. On Saturday, December 9th 1899, General Wauchope of the Highland Brigade detailed the plan of attack to his superior officer, Lord Methuen. The British had brought up crates of champagne with which to celebrate the upcoming victory.

Incidentally, the champagne was a gift from Lord Rothschild, the Jewish banker, who was heavily involved in financing the war (and reaping huge profits) and who stood to control the goldfields if the British won.

Wauchope's plan called for a night march, followed by a dawn attack. But the British were not sure of where the main Boer forces were positioned. Using the spade, they had dug false fortifications on top of the ridge of hills, where the British could see it. They also sent Boer horsemen up along the skyline just long enough to be seen by Methuen's forces. A short sharp engagement was the way Wauchope saw it, if Kimberley was to be revealed, and the shrill falsetto of Cecil Rhodes complaints to Queen Victoria ended. Rhodes was still trapped by the Boer forces, along with ten thousand black miners, inside Kimberley, much to his rage and chagrin, at Modder river. They had dug in deep and well, using thorn bushes to completely conceal their positions. The secret weapon, the spade, was about to pay off! The Boers, under the leadership of De La Ray and Cronje waited in their trenches as the leading columns of companies A and B approached them, then when they saw the flicker of bayonets, at four hundred yards, the Boers opened fire. A sheet of flame seemed to erupt from under their feet, one soldier stated later. A sergeant of the Argyles said "It was as if a great roaring opened up” and “it was like a dam bursting its walls." The Boers poured into the serried ranks, confusion reigned, orders and counter orders flew almost as thick as the bullets. The soldiers broke and ran, trampling on each other in panic. The deadly fire mowed them down, so that they were forced to fall on their faces and lie there. Any movement brought a Mauser bullet, the Boers were deadly marksmen, and they were proving it. Even a hand reached for a canteen of water, and the soldier was instantly killed.

For hours the Highlanders were pinned down, and as the sun began to strengthen, they suffered from its piercing rays; later it beat down so fiercely that some soldiers, crazed with thirst and delirious from heat, staggered up, only to be immediately shot down. The pride of the British army, the Guards, and the Highlanders, the apple of the eye of Queen Victoria, mightiest monarch on earth, had been thrashed and humiliated by the despised Boers. Lord Methuen, stunned by the savage defeat, sat under the shade of a tree all day long, as if unable to move. Unlike the Boers leaders, General De La Ray, and General Cronje, he took no part in the fighting. Finally the British artillery was able to get a bearing and began to pound the Boer lines. Some soldiers, who had lain prone in the burning heat for 9 hours, had the skin from the back of their legs scorched off below their kilts. Eventually they could stand no more. First a few, then many, then a rush took place as the Highlanders fled back in panic.

One officer described the scene thus: "I saw a sight I never hope to see again: men of the Highland divisions running for all they were worth, Still others cowering under bushes, some behind the guns (artillery), with officers running around, revolvers in hands, threatening to shoot them, others kicking the men. Wauchope was found dead, along with 902 British troops. The Boers lost 216 men.

This battle, one of the most significant in the annals of modern warfare, has been swept under the, rug. What should be remembered is that the Boers were only civil militiamen, comparable to the men who fought in the American Revolution. Yet they were able to defeat in a resounding manner, the cream of the finest army in the world, even though outnumbered ten to one.

Their secret was their deep abiding faith in the Bible, and their love of the land. They were in short, not able to be corrupted and seduced by international Jewry. Sad to say, the same does not hold true of present day leaders in South Africa. The young Afrikaner businessman has been led astray by the machinations of Jewry, and today, the leadership lacks the old deep rooted faith in the Bible, and the love of the land. The present leadership of South Africa is not fit to stand in the same room with the Boers of 1899.

After Lord Methuen's shattering defeat which shocked the British Empire (by then there were Canadians and Australians serving with the British forces) a new spirit of ruthlessness seized the leaders of the conspiracy.

Lord Milner at the Cape advocated harsher methods, as did Cecil Rhodes.

In a very short while, the Boers inflicted further disasters upon the British forces in Natal, where the British, led by General Buller, although out numbering the Boers by as much as 10 to 1, were soundly thrashed on several battle fields. Altogether it was a stunning and astonishing spectacle, the mightiest army, fully, equipped with the most modern weapons, beaten and disgraced upon the fields of battle. Not by a regular trained army, but by a scratch force of men, looked down upon by Rhodes, and despised by Milner, poorly equipped and with little or no military experience. At Frere, and at the Tugela River, the British were repulsed with heavy loss of life. General Louis Botha, the Boer commandant, proved to be more than a match for the Sandhurst trained officers of Queen Victoria's army.

Yet the Boers were dismayed by the slaughter. The Boers heard the British general remark that he was finding himself in a position subordinate to the Boers, whom he despised and detested as inferiors.

Wauchope fell for the Boer trick. He told his commander that the main Boer position was on top of Magersfontien Hill. The three crack Scottish regiments, Black Watch, Seaforth Highlanders and Argyles, were to storm the hill at dawn. At 3 am three thousand of Britain's finest moved out of their base camp toward the Magersfontien Hill, six miles away. The African heat was fierce, and as had often happened, several of the troops collapsed from heat and sun stroke. Behind the troops came the British artillery, five batteries in all. The Highlanders had covered their bright buttons and tartan with khaki. As is common in Africa, the weather changed, and a sleety rain began to fall. The soldiers carried no coats so they got soaked. About three miles from the Magersfontein Hill, a halt was called, and camp made for the night, right out in the open, with no shelter of any kind. Wauchope rode back to give final briefing to Lord Methuen, who decided to hold back the Guards and 9th Brigade as reserves.

Meanwhile the British artillery began the biggest bombardment up to that time, against what they thought was the Boer positions on top of Magersfontein Hill. For the rest of the afternoon, the dust and red dirt thrown up by exploding shells from the British artillery, filled the sky. Later Methuen admitted that the only thing the shelling did, was warn the Boer forces of his impending attack. With the coming of night, the winds turned icy; no one who has not slept out on the African veldt at night without cover can imagine how cold it gets. The men were under orders not to make fires; they lay down to sleep in wet clothes, having eaten cold food. At midnight a strong wind sprang up, and the sky rumbled and reverberated with rolling thunder from a storm.

Wauchope compressed his men, who were woken up at midnight, into a column 45 yards wide, 30 companies, 90 files, all according to British parade ground drill. The column was about 160 yards long, joined together with knotted ropes, so that they would not lose contact in the darkness of the pitch black moonless night. The march was led by Major Benson, with the aid of a compass, a really tricky procedure to be followed by disaster. Wauchope had done night marches in the Sudan, over sand, clear of obstacles, the night sky brilliant. This was different.

The terrain over which the soldiers had to pass was strewn with boulders, holes, defiles and thorn bushes, difficult enough in daylight, but now, a nightmare. The howling wind, blue white flashes of lightning and rolling thunder made the scene one out of a Shakespeare set, only this was reality. As the sky began to brighten a bit near morning, the column was almost at the exact spot chosen by Lord Methuen, a tribute to the skill of Benson.

The column halted, Benson telling Wauchope this was as far as his men could go. The Boers were about to spring the trap. Wauchope figured that his men, having been in darkness for so long, would be able to see better than the Boer riflemen, so he decided to storm the ridge at once. The order was given to fix bayonets. What Wauchope and Methuen did not know was that under cover of darkness, for at least a week before, the Boers had dug a line of trenches and fortifications at the base of Magersforitein, extending around the only way through, right up to the banks of the river.

It was a shame that white men should be fighting each other. That indeed was the tragedy of the Boer War, which was to be repeated on a vast scale in World War 1 and 11. We Christians never seem to learn from our mistakes. In spite of winning on the battlefield, the Boers took no comfort from the losses of the British. In the meantime, the real enemy, Werhner and Belt, Cecil Rhodes and Lord Milner kept well out of sight.

Space does not permit me to go into the many battles that were fought. But the Boers proved to be more than a match for the British forces, which in 1900 numbered over 400,000 men.

One of those major battles was fought at Tugela River, near Ladysmith. Here the largest British army to march into battle since Alma, fifty years earlier, saw action against General Botha and his rag-tag citizens’ army.

Sixteen battalions of infantry, cavalry and heavy guns started out toward the Boer position. It was a David and Goliath affair, but the fearless Botha held his ground against the Irish Fusiliers, the Connaught Rangers and some of Britain's finest regiments. The outcome stunned the British public, by now somewhat accustomed to shocks from South Africa.

General Butler’s army was defeated by the Boers. A general retreat even turned to a rout. It was a great day and a great victory for the Boers. It also cost Buller his job; he was relieved of his command and sent home. His successor was Lord Roberts.

Prime Minister Balfour chose Roberts, who was a court friend, although not liked by Queen Victoria. No sooner had Roberts arrived in South Africa than he was persuaded to adopt a code of war against the Boer civilian population, the first official such action recorded. Where the British army and the foreigners who flooded the Transvaal had failed to change the ways of the Boers, Roberts thought he would do so by a direct assault on the Boer family unit. Immediate plans were laid by the High Command to implement a scorched earth policy, destroy the crops and cattle, burn down the homesteads, and put the women and children in concentration camps. Hitler has often been accused of being the man who started civilian concentration camps. The truth is, the distinction belongs to the British, who at the urging of Milner and Rhodes, saw it as a way to bring the Boers to heel. It was dirty war at its worst.

The Boer housewife was particularly hated by Milner and Rhodes. She was the rock of the family; she did all of the domestic work. Even President Kruger's wife milked the cows. The Boer women kept the farm going and the family together while the men were away fighting the war.

In the end, they even did the ploughing and sowing of seeds.

Together these men went to work in earnest. Boer farms were destroyed and cattle killed. Women and children were herded into camps, without any proper sanitation, or shelter, other than the ordinary bell tent. It was a scene set for disaster, which was not long in coming. When the Boer women, left standing on the open veldt, their homes burning in the background, were asked about the war, by British soldiers, they said they would never give up fighting, no matter how long it took. One of the

British officers assigned to the dirty war wrote home as follows; "The worst moment is when you first come to the house. The people thought we had come for refreshments, one woman went to get milk. Then we had to tell them that we had to burn the place down. I simply don't know which way to took. I gave the inmates, three women and some children, ten minutes to clear their clothes and things out of the house, and my men fetched bundles of straw and we proceeded to burn it down. The old grandmother was very angry. Most of them were too miserable to curse. The women cried and the children stood by holding on to them, looking at the house with large frightened eyes. They won't forget that sight, I'll bet a sovereign, not even when they grow up. We rode away and left them standing, a forlorn little group among their household goods, beds and furniture strewn about the veldt; the crackling of the fire in their ears, and smoke and flames streaming overhead."

Thus did the British High command demean itself. Later the same tactics were to be used against the civilian population of Germany on a hitherto unheard of scale, like in Dresden, when 125,000 German women, children and old men fell victim to Churchill's murderous firebombing in one hellish night. This was how war was shaped, not by the Germans, but by the most civilized nation on earth, the British, and they did it to women and children, their own, kind, Christian people, so that the Jews who ran Queen Victoria, and those who had infested South Africa could take control of the largest gold mines in the world. They knew no bounds of Indecency, those blinded people, under the direction of the Jews. The Boer women and children suffered indescribable hardships in the primitive camps set up to "house" them In the end, out of the 116,572 Boers in concentration camps, some 25,000 perished from malnutrition dynasty, and exposure, as well as a variety of other diseases. It is one of the most terrible blots on the history of a civilized Christian country, and it shows one just how far we can be led astray, when our governments sell themselves to International Jewry.

Plainly the Boer War was fought because the international Jewish agitators who flocked to the Transvaal and demanded "rights” they were not entitled to were acting according to a detailed plan. It was to overrun the Boers by sheer weight of numbers, gain "voting rights" and then relegate the Boers to the background without power, once they, the Jews, gained control. But the Boers would have none of it, and rather than bow to Jewish pressure and see themselves inundated within a short period by a horde of alien Orientals, who had no love for the land, and who worshipped pagan Babylonian gods, the Boers decided to fight. Would that we in this country today would show some of that spirit! The Boers set a precedent we ought all to study, and it rocked the conspirators back on their heels and shook their foundations. The brave Boers set back Jewish plans in a very real way that frightened Rhodes and Milner, and panicked the secret Jew leaders. And when that happens, the Jew always resorts to barbaric cruelty. History is replete with examples. The Spanish "Civil" War demonstrated that as clearly as any war has ever done. Now the fury of the Jew controlled British was unleashed on the Boer women and children.

Hatred of any nation which opposes their plans for world domination always follows in the wake of a Jewish victory. Following World War One, the Jewish hordes which flocked to Versailles drew up a treaty which is noted, even today, for its utter savagery and willful misconduct toward the German people. No wonder Herbert Hoover had grave misgivings about it. Our people should have learned from the savage vengeance wreaked upon Boer women and children by the "British" Jews. But they did not. The savage conduct which they displayed in South Africa was put, into effect against a defeated Germany. I cannot go into the provisions of this infamous document, but it frightened some of the Allies. Only Wilson, the servant of his advisor, "Colonel House" (real name, Mandel Huis), a Dutch Jew thought it was "Fair" as did of so many offensive Jewish ideas. The Treaty of Versailles subsequently embodied many of the lessons the Jews had learned from their war in South Africa, and ties with their Protocols of the Learned Elders of Zion.

The British General who was ordered to carry out this devilish scheme was none other than Lord Roberts, a legend in the annals of British military history. Even he found time to praise the Boers, speaking in the most glowing terms of the exploits of General De Wet, and later almost getting into hot water because of it. There is no doubt that the Boer General De Wet was more than a match for the British. A British officer, Captain Seele, captured by De Wets men was immediately impressed by the modesty and fighting qualities of De Wet. He described De Wet as "a wonderful man." In one battle, defeat was handed to 40,000 British soldiers by 2500 men under the direct command of De Wet, an astonishing feat when it is remembered that the British had the superiority not only in numbers, but in firepower also. It was the love of the land, and a deeply ingrained sense of faith in God which carried the Boers, De Wet later explained. Many of the British officers had no desire to fight the Boers for whom they had nothing but admiration and this too, reflected in the outcome of many a battle. The British soldier ordered by Lord Roberts to make war on Boer women and children simply detested the task. This was not lost on the generation of psychologists who followed, and as a result, the attack on German civilians in the Second World War, was carried out from the air, so that the effect would be less distressing for those who were forced to do the dirty deed. This lesson was not lost on "correspondent" Winston Churchill, who later put it to good use in his war of attrition against Germany.

The Boer forces were now widely scattered. Lord, Roberts thought they were demoralized by the cowardly attacks on their women folk and children, and the destruction of their farms. He sent a cable to the British Prime Minister, Lansdowne, in which he predicted that his brutal policies against the civil population would bring the war to a speedy close. He sent the Queen a similar telegram. Roberts failed to reckon with the determination of the Boers, and the love of their land, newly ravaged and destroyed. The Boer Generals decided to carry on the fight using only guerrilla tactics from that day on. The Boers were past masters of guerrilla fighting, and from-that day on, there were no more set battles with the British.

Lord Roberts sent 3 columns against the Boers under Lord Kitchener, Lord Methuen and Smith Dorrien. An attempt was made to corral the Boers against the mountains in a wide net, drawing it ever tighter. But no matter how hard they tried, the Boers under De Wet and Steyn, always eluded capture. The Boer forces in the field suffered terrible privations.

Their families were scattered throughout concentration camps, they themselves were short of food and ammunition. Many of them had no great coats or winter clothing, some were even without boots. The cold frosty nights of the South African winter was a test of endurance. Somehow they were able to survive, and notwithstanding the boast of Lord Roberts, they were able to prolong the war for another two years, inflicting one humiliating defeat upon another on the British, who were quite unable to cope with this new style of warfare.

Queen Victoria was thoroughly alarmed at the news about the deaths of Boer women and children, who due to the unsanitary camp conditions and lack of food, were dying in ever increasing numbers. She also blamed the detention policy on Lady Roberts, who had accompanied her husband to South Africa against the wishes of the Queen. Like so many of her kind, Flora Roberts hated the patriotism of the Boers and she looked down on them in a manner which the Southern population of the U.S. would well have understood. Flora Roberts was violently hostile to the Boer women, and she made no secret of her satisfaction that so many of them were dying. Eventually the scandal reached England, and attempts were made by various groups in England to alleviate the suffering of the Boer women and children. An English nurse, Emily Hobhouse, did yeoman work in the "death camps" and she sent back hundreds of horrifying accounts to the British Parliament over the treatment of the camp inmates. However, none of this moved Lord Roberts and Lord Kitchener to do anything about the disgrace.

This policy of genocide against the Boers was fully supported by Lord Alfred Milner and Cecil Rhodes, who both expressed their satisfaction with it. The lessons learned and experience gained by Milner in South Africa was later put to use in the Bolshevik revolution in Russia.

In the field, the British suffered major reverses resulting in the sacking of two senior British commanders, Gatacre and Colville. By now Churchill had wearied of the war and went back to England, where he entered politics at Oldham. The leader of the British forces, Lord Roberts, was seldom seen during these trying times. He called the successful guerrilla strikes by De Wet and Steyn "unrest". He began to think in terms of offering a peace treaty to the Boers. Rhodes flew into a rage, his high falsetto voice raised in shrill protest to Queen Victoria. The autocratic Milner was furious, and refused to entertain the idea. Roberts wrote to the Queen saying that if Milner and Rhodes wanted to grind the Boers into the dust (their expressed intentions), then they must be prepared to spend billions more on the war. it is interesting to note that the seeds of the “unconditional surrender” mentality forced upon the Germans in World War II and the infamous Morgenthau Plan were first planted in South Africa. Truly, Jewish hatred is unremitting!

Lady Roberts in the meantime, in defiance of the orders of her Queen, arrived in Pretoria, and immediately ordered the expulsion of all Boer women and children from that city. The unfortunate civilians were herded into open cattle trucks and shipped out toward the Boer positions near the border of Portuguese East Africa. The women and children went a few days in the open trucks, without shelter or proper food and water supplies.

General Botha, who was in command of the Boer guerrilla forces in the area, called it "an inhuman act." And it was. Robert's answer was to increase the tempo of farm burning. He wrote home saying that he would "starve into submission, these banditti" as though he was fighting rabble.

Lord Milner thought nothing of the swelling protests in England over the disgraceful treatment of Boer women and children. "If we are to do anything about South Africa we must disregard the screamers" he wrote to his associate, Richard Haldane. That attitude was carried over by Milner into the Bolshevik revolution, where he disregarded the screams of the innocent, victims of his greed. Eventually the British saw that the only way to end the war was to come to all accommodation with the Boers, not the unconditional surrender demanded by Milner and Rhodes, but one which the Boers could live with. Terms were drawn up and submitted to the Boers. After months of deliberating, they agreed to meet the British in Pretoria. General Smuts and the British together hammered out a compromise document. Finally on May 31st, 1902 the two sides got together in a great marquee tent at Vereeniging and a peace treaty was signed. The Boers lost the war, but gained a good deal of freedom and independence. The only one who did not agree with the war’s end was Lord Alfred Milner. He expressed bitter shock and dismay, more so at the failure of the British Army to defeat the Boers in battle. It is said that he never forgave Kitchener for this. After the signing of the peace treaty, some 25,000 Boer Commandos came forward to give up arms, which further astonished the British. They had reckoned on only about 12,000 armed men, and were thankful that the Boers accepted the terms in view of the forces still at their command. The ordinary British soldier had no wish to continue fighting what he felt was his own kind. War correspondents recorded the following comments “We were half starved all the time.” “I never saw the point of it" "Johnny Boer used to shoot Kaffirs like you shoot a dog." "it was all for the gold mines.”

After the war the Boers struggled to put their lives together again. They returned to farms devastated and destroyed, some with their families dead in concentration camps, the country side scorched and blackened. But in a few short years those hardy men, who should be an example to us all, built the finest country on the African continent. Unfortunately they were not able to keep the Jews from entirely gaining control of the gold mines.

Nor were they able to keep the Jews from becoming citizens and voters. But they did succeed in gaining independence, and in 1910 South Africa became a self governing independent country within the British Empire.

Still the descendents of the Boers continued the struggle, and finally, under the leadership of Dr. Verwoerd, the country became a free republic, outside of the British Commonwealth. The war they had to fight was that of black nationalism. The British never won the right to vote for the blacks, but that has not stopped the liberals from going on the offensive.

If South Africa ever loses that crucial war, civilization as we know it, will disappear from the African continent. Today, the same forces are still at work, trying to overturn white Christian civilization in South Africa.

There is still hope that they will not succeed. The far reaching consequences of the Boer War showed up in the First World War. The Boer War was the testing ground for modern weapons. It was also the start of trench warfare. But perhaps the most important lesson of all was that the deep rooted faith of a small group of Christians is capable of putting back the clock the enemy plans to take over the whole world in a one world government dictatorship. The Boers showed that pride of race and belief in God can turn the tide. It is a lesson we all need to learn, for we too, will soon be faced with the choice of whether to fight or surrender.

The Boer forces although outnumbered showed that a determined people, rooted in Christianity and the love of the land can withstand the forces which seek to overwhelm U.S. and deprive us of our land and our Christian faith. The Boers are a shining example of what strength of Christian character can do. It was a lesson to the conspirators, the Illuminists, the Freemasons and the Jews, who thought that they would easily overcome a pastoral people they thoroughly despised.

UPDATE 2004:

The murder of Prime Minister H. F. Verwoerd, in the South African parliament, on September 6, 1966, was the beginning of the end, not only of White rule in South Africa, but of Christian civilization in Africa.

Nothing could better illustrate this than the recently published remarks of Moeletsi Mbeki, younger brother of the South African President Thabo Mbeki, in the Weekly Telegraph of September 29, 2004, Mbeki the younger who is head of the S. A. Institute of International Affairs, is reported as having told an audience in Durban that "Africans had been better off under colonial rule, but now, Africa was in a spiral of decline."

That decline began with John Vorster's retreat from his predecessor's policy of Separate Development. It started with the introduction of integrated Sport. From that point on there was no turning back. At last the actions of F W De Klerk ensured that the nation was handed to our communist enemies.

Mr. Jaap Marais, leader of the HNP (Reformed Nationalist Party) however, resisted to the end of his life this blatant act of treachery. In a letter to The Citizen on 8th August 1995, he wrote I am not going to apologize for the policies followed by the N.P. under Gen. Hertzog, Dr. D F Malan, Mr. J G Strijdom and Dr. H F Verwoerd. "Whether called segregation, apartness or separate development, the policies were based on the eternal truth that persons desire to have their distinctive identity recognized and respected by others.”

"Freedom of the individual may only be enjoyed if the group to which he or she belongs enjoys freedom. The freedom of the group, but attachment to the cultural prescriptions of the group, provides real freedom of the individual. This is the essence of nationalism, involving the right to preference for one's own. And this is precisely what the policies of the past were promoting, especially under the enlightened and competent leadership of Dr. H F Verwoerd.

"Under his leadership South Africa had an average rate of economic growth of six percent per annum, and an inflation rate of two percent. The nation was "suffering from a surfeit of prosperity", as the Rand Daily Mail said in July, 1966. Mr. Harry Oppenheimer admitted that the living standards of Blacks were rising at the rate of 5.4% and those of Whites at 3.7 percent per annum.

"There was law and order in the country, Jan Botha, an opponent of Dr. Verwoerd, wrote that South Africa was a "shining example of peace on a troubled continent.”

Jaap Marais ends his letter with the logical conclusion, "To apologize for the prosperity and peaceful conditions created under these policies, and conversely, promoting and condoning the mess of economic woe and lawlessness created under the new policies, is preposterous."

That "mess" to which Mr. Marais referred grew rapidly once the ANC had been handed the White's wealth, weapons and security both in variety and intensity. Newspapers abroad were not ignorant of South Africa's slide into something approaching anarchy. In 1998, a survey conducted by the British Department of Home Affairs, which included a 24 page report on South Africa, it was found that of the 29 countries examined by the survey, the murder rate in South Africa far outstripped its nearest rival, Russia. In South Africa 57.52 murders were committed per 100,000 people, whereas Russia had 20.2 per 100,000. The rate for the USA was 6.26 per 100,000. In Britain the figure was lower than 3%.

In 1998 the average crime increase of the 29 countries was 4.7% on the previous year, but South Africa's increase was 37%. From 1994, when the communist ANC took power, to 1998, crime in South Africa rose by 40%.

Tim Butcher Telegraph's representative in South Africa, wrote in its weekly issue 568 that, "The scale of South Africa's crime epidemic does not register with the outsider until they experience it. Only then is it possible to see how crime is rotting the soul of South Africa, driving good people away and threatening every corner of society."

Jani Allan, a popular correspondent for a Johannesburg Sunday newspaper, who experienced a reluctant "brief encounter" with the one-time fire-eating leader of the AWB (Afrikaner Resistance Movement) Eugene Terre Blanche, who at the time, was filling halls and stadia with his searing but empty bluster, returned to South Africa in 1996, after an absence of 8 years, and reported her experiences for the International Express on July 17, 1996. Jani says she was met at the airport by her friend Kate who was wearing a T-shirt that read, "1 serious crime is committed every 17 seconds; 1 murder every 219 minutes 12 seconds; 1 violent assault every 3 minutes 328 seconds; 1 car hijacked every 5 minutes 39 seconds, Living in hell and loving it!"

She went on to say, “In this country of 42 million (of whom five million are Whites) there are only four million tax payers. These are the most highly taxed in the world ... in Britain the inflation rate is 2.2%; in South Africa it is 16%.

"Kate is 36 and, like most of her peer group, has impeccable liberal credentials. She ardently supported the ANC during its years in exile but like most of her peer group feels the honeymoon is over. "I'm tired of the ANC making me feel guilty for being White, heterosexual and a smoker. This, “we are poor because you are rich” is something only an intellectual is stupid enough to believe. I'm tired of having to give to a different beggar at every traffic light."...My dinner companions decided that corruption is the only discernible growth industry, and that 50% of the population is unemployed."

Kate, like so many disillusioned liberals, including the irascible Dame Helen Suzman, who lately declared that the 'apartheid' government was better than the present set up, have either bolted to a safer haven or live behind burglar bars.

Anybody who still has a modicum of civilization left in them must agree with Helen Suzman. When they read the clippings I have on my desk.

"Baby raped: six arrested" reads this headline. Another baby of 9 months was tested for Aids after being raped and sodomized, a victim of the myth, that "sex with a virgin will protect a man against Aids." An Argus editorial on 3 December 2001 sounded shocked when a 5 month old baby was also raped and sodomized.

"Since democracy came to South African 1994,” runs another Argus report, “Cape Town has become a second home to ... a band of international drug barons." In February of 1996 the Argus reported that there were 278 organized crime syndicates in South Africa, who dealt mainly in drugs, diamond and vehicle theft. And listen to this, from Tony Leon, leader of the Democratic Party: "South Africa has lost three times more lives through murder in the past 10 years than the United States has lost in the whole of the Vietnam War." No wonder the streets of our big cities are regarded as more dangerous than a war zone.

Here's a little snippet to make your day. One Patrick Mbus Msani (26) told the police that he had eaten five (5) people including his neighbor. He confessed, with some regret, that he would have eaten two more, but they escaped. (Report from News 24 7/5/2001.) And just in case you were unsure, Anglican Bishop of Pretoria Joe Seoka told a conference on racism at the University of Pretoria, that "Racism is a White sin. It is impossible for a black to be racist." And so it goes in the New South Africa on and on.

Perhaps I should add some African culture to this article. Who better than the late, lamented leader of the SA Communist Party, Chris Hani, for whose demise Clive Derby-Lewis is under sentence of death in a South African jail. The following is from his poem, "Uhuru Day". "I will rape their daughters, I will kill the living, and I will murder the unborn. And curse the Whites dead. For it is they who raped mother Africa. For it is they who oppress my Black people. I will hang them on trees, I will burn ... ,I shall kill with all the strength I have. Kill! Fragment! and eliminate all that is White! For I will be paving a way for Uhuru day. The time to free ourselves has come, Blood will ooze! Blood will flow. And blood will flood the rivers of Africa. And the Black man will have his freedom."

We cannot deny that he meant what he said, nor that he was as good as his word.

The last word I bring to you is from Her Majesty Queen Elizabeth II on the occasion of her visit to this country during the 100 year commemoration of the Boer War.

"President Mbeki, Ladies and Gentlemen, I am grateful to you and your predecessor (Nelson Mandela) for inviting me to pay a visit to South Africa ... I am particularly fortunate since Prince Philip and I were welcomed here only four and a half years ago, a visit which is still vivid in our memories. No one can forget the great surge of joy and optimism, which followed the change to democratic rule in South Africa. "Since that visit, so much has improved in South Africa. So much has been accomplished: in the economy, in the lives of disadvantaged people and, above all, in the progress in this country towards a truly multiracial society. Much of this has been due to the vision and statesmanship shown in making difficult short-term sacrifices in the interest of long-term goals ...The vibrancy and optimism which Prince Philip and I met in 1995 are still here. They are now accompanied by a confidence in the New South Africa's ability to meet the challenges, which lie ahead. South Africa is set fair to become a symbol of how African countries can combine democratic accountability, economic success and improved living standards. I know, Mr. President, that your ambition is exactly that. Those values lie at the heart of an African Renaissance ... You Mr. President, are at the head of those who argue that good government is, in its principles, a universal value...Mr. President, Prince Philip and I have already received the warmest of welcomes on our arrival in South Africa. We look forward over the next few days to seeing more of your country and its people. It is a great pleasure for us both to be back here again. Ladies and gentlemen, may 1 ask you to rise and drink a toast to the President and people of South Africa."

Good Lord! Does our Queen live in a cocoon? does she never read a newspaper?

UPDATE ON SOUTH AFRICAN HISTORY

With the Boer/Afrikaners losing the war against the British Empire in 1902, the destruction of the farms and that of family life had to be built again. The assault against the Afrikaners did not stop with the peace treaty on 31st May, 1902, the British then started to Anglicize the Afrikaner. The soul of the people was not destroyed, they lifted themselves up and started rebuilding.

The British then allowed home rule and in the 1910 the Union of South Africa was born. All four provinces then came under one government with the Republics of the Orange Free State and Zuid-Afrikaansche Republic [South African Republic (Transvaal)] incorporated together with the Cape Province and Natal with General Louis Botha as the first Prime Minister. The spirit to keep fighting for a free Republic never ceased and with the outbreak of WW I, there was a rebellion as most of the Afrikaners saw England as the enemy and therefore refused to fight the Germans. The National Party was still on the sideline, but growing stronger with General J.B.M. Hertzog, the founder of the party. With the outbreak of WW II the same scenario took place with the birth of the Ossewa-Brandwag, an organization against supporting England, as the main purpose was to establish a free Afrikaner Republic.

The South African Party of General Jan Smuts was then in power and hundreds of Afrikaners were arrested and put in prison or in internment camps. Brother fought brother. Notwithstanding the oppression and hard times more organizations were born to help the Afrikaners to establish themselves in the corporate world. Banks and mining houses were in the hands of the Afrikaners.

In 1948 General Jan Smuts and his liberal allies were defeated and the National Party with General J.B.M. Hertzog as first national Prime Minister took over.

The spirit of freedom and the wish for independence from Britain never ceased and with a referendum in 1961 the majority voted for the break from England and the Republic of South Africa was born. The first President was Advocate C. R. Swart, with Dr. H.F. Verwoerd as Prime Minister.

The enemy just worked harder to try and destroy the Afrikaner and the most prosperous country on the continent of Africa was only allowed to be for 5 short years when Dr. H. F. Verwoerd was assassinated and the traitors with the leadership of Attorney Vorster took over. The undermining of the National Party then started in all earnest and the process took from the acceleration on 6 September 1966 when Dr. H. F. Verwoerd was assassinated to 2004 to completely wipe the existence of this party off the map of the Republic of South Africa.

In 1969 a son of General Hertzog, Dr. Albert Hertzog walked out of parliament with other members to found the Herstigte Nasionale Party (Reconstructed National Party) He had the vision to know that the National Party was on the wrong road and would eventually cease to exist.

<http://newensignarchive.christogenea.org/archive/Publications/Misc_B/Boer_war.pdf>

**Footnote 11: OPEN LETTER TO THE Institute for Security Studies**

OPEN LETTER TO THE Institute for Security Studies

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16 September 2003

                               OPEN LETTER TO THE Institute for Security Studies

C/o Dr. Jakkie Cilliers

http://www.iss.co.za/about/pics/staffjan2010/JCilliers.jpg

http://www.iss.co.za/show\_personnel.php?office=1

Executive Director, ISS

South Africa  JKC@iss.co.za

Dear Dr. Cilliers

I write to you on behalf of the Cultural Justice Foundation.

The good work that your organization has done has not gone unnoticed among the general public, and I wish to congratulate you on your efforts, hard work and successes. From the great number of staff you display on the home page of your Internet webpage it appears that the ISS has succeeded to obtain substantial donor funding.

However, it is also apparent from some of your publications that members of the ISS make no bones about their ideological orientation. Although everyone has the right to express such views, it raises some vital issues about objectivity and core values.

I previewed the ISS Code of Ethics, which should be kept in mind during the rest of my discussion. The Code of Ethics of the ISS says that:

·  I am committed to the pursuit of democracy, peace and justice for all Africa's people.

·  I shall respect the rights and dignity of all people.

·  I shall strive to be fair and courteous, and will undertake my responsibilities with honesty and without fear or favour.

·  I commit myself to the Institute's mission and objectives and shall strive to encourage and support my colleagues.

·  I accept responsibility for all my words, deeds and decisions.

With this in mind, it is difficult to reconcile the honorable code of the ISS with, for instance, the inflammatory rhetoric of your Mr. Boshoff, which is fanning the flames of ethnic hatred.

He seems to think that the Boers are not a people, an ethnic group, to be accorded parity of esteem, as are other ethnic groups such as the Zulus, Xhosas, Congolese, Somalians, French, Brits, the diverse American Indians groups etc.

All groups have a right to equal respect, dignity and fundamental rights. Why do the Boers as a people not qualify for respect, dignity and fundamental rights?

Judging from the published views of the ISS the Boers should not be allowed to strive to realize their fundamental group rights, as several UN charters stipulate.

They are also not allowed in any event to take a critical view of the South African unitary state they have been forced into without having been asked for their opinion, leave alone their consent. "An injury to one is an injury to all", esp. when one views matters from the perspective of group rights, is it not? Is it not true that the ISS consider all Boers as "terrorists", "extremists" and "right-wingers" when deciding to add the Boeremag to your list of terrorist organizations to be "objectively" dissected in your symposium? I am dead certain that the ISS would bend over backwards to agree with the ANC that their Mbekis, Zumas, Mandelas, Boesaks, Yengenis, etc. are innocent until proven guilty.

The same courtesy does not extend to the dangerous Boers.

It is also evident that the term "rightwinger" is, by implication, far worse than "left-winger", when is common course that these "left-wingers" have succeeded in damaging the world and its peoples with centuries of bloody revolutions, worst nightmare genocides and aggressive wars whilst hiding their desire for power and money under the chant of 'freedom'. The death of millions of his people caused by one such "left-winger", Joseph Stalin, who is so revered among the political master class of the New South Africa, is a case in point.

Please note that the correct term is "Boer nationalists" and not "right-wingers". We are not an (extremist) element on the spectrum of the South African professional party-political comedy. We wish to be no part of this "rainbow spectrum". We do not consider ourselves bound in conscience by a constitution, laws, rules and statutes made on our behalf without any form of consultation with us or consent by us.

If and when we do obey these oppressive laws, we do it out of a higher conscience, and out of respect for the semblance of the order of things. We have a right to resist an oppressive constitution and oppressive laws. Actions borne from coercion can never be interpreted as the giving of consent.

If your Code of Ethics means anything, then kindly make a sincere effort to persuade ISS members to refrain from using degrading terms in their "scientific" ISS reports, which are apparently meant to demonize and polarize the Boers by the use of such inflammatory rhetoric. In so doing, they display the inability to distinguish between a fact and a value, or more precisely, a prejudice.

The use of such rhetoric itself displays the blind ideological prejudice that the ISS uncritically copies from their Masters Voice.

All it really does, is to motivate ordinary people who daily suffer at the hands of crime terrorists, to see Boers as "freedom fighters", "heroes" and "martyrs". You must be aware of the fact that the Moslem response to the US-led attack on Afghanistan and Iraq had been: every day your actions recruit for us a hundred more young Osama Bin Ladens.

The image of hatred, racism and Boer-bashing the ISS is currently developing for itself is, I am afraid, discrediting itself as biased and thus untrustworthy. Unless your donors share the same scant respect for international conventions, they might not be pleased with this conscious and deliberate attempt to flog a horse of your own making.

Is it really so difficult for the ISS to display, as a matter of principle, a fundamental parity of esteem for the Boer people?

You profess to do so for any other people, as ethnic groups deserving of the fundamental rights provided for in the two UN charters on Universal Political, Civil, Economic and Social Rights. In terms if these rights, an instance of violation of fundamental rights against an individual member of this people is equal to a violation of the fundamental rights of the group as a whole.

Including by implication then the whole of the peaceful Boer people as "terrorists", "extremists" and "right-wingers"  (by virtue of which they could be "hunted off the face of the earth"!) during the ISS Seminar (Terrorism in Southern Africa) destined for 18-19 September 2003, doesn’t bode well for future good relations and peace on the African sub-continent.

The world knows what has been happening in Zimbabwe: state-sponsored crime terrorism at its "best". Does the ISS support Mr. "Hitler Tenfold's" Politburo and his racist rhetoric too? If you didn’t notice, South Africa is already at the doorstep of the same room the Mugabe entered, and out of which he will not come.

If you perhaps have any doubt about the terrifying impact of the NSA ideology and its crime terrorists on our people, please bear with us.

We invite you to sit with us and view through long hours of video tape and bundles of documents on the ugly face of rural terrorism in Southern Africa.

These acts are NOT committed by the Boers, but by members of the Azanian, or non-Boer culture groups of the New South Africa. If the ISS had any objectivity, it would have included the ugly face of farm terrorism in its programme ! You may well agree with the "official view" of there being no sufficient proof of political organization in these acts of terror, but you only have to read the Rivonia trial documents to see how the plan is to be carried out.

You are also invited to visit with us families from among thousands of our Boer-people that were devastated by the New South African crime terrorists. Boers - men, women and their children - are tortured, slaughtered, burned, terrorized and attacked at a rate that is equal to none other in the entire world.

These brutal attacks are sending shock waves throughout the world.

Even Prince Charles has recently, in a letter, expressed his shock and dismay at the brutality of these terrorist acts. An international institute, Genocide Watch, is doing a good job to inform the world of what is really happening in South Africa. Even the UN has recently called South Africa one of the four major drug and crime areas in the entire world. So we, the Boers, are not sucking these things out of our thumb.

We, in turn, offer to accompany you to visit the one family that allegedly was devastated as a result of the alleged actions by the so-called Boeremag. One alleged death in two years of activities.

The woman concerned lived in a remote dwelling quite a distance away from where the bomb exploded at night, when a piece of railway line flew across the veldt and accidentally hit the shack two kilometers away.

If anything, her death was an unforeseen consequence. Nothing has been proven in any event, and for all we know it might be the work of some new "Third Force". It’s their style. So even that death - which is what percentage of the total? - cannot be attributed to the Boers.

But even should any so-called Boeremag member be found guilty of the accidental death of this woman, it is a far cry from the Azanians who with intention and planning, daily wait for their white victims inside their own homes to rape, rob and perhaps slit their throats, if they don’t have guns to shoot with. How many times must we relive the story of the young boy shot by robbers between his parents in their own bed?

How many times must we relive the callous rape of a baby, of the shooting of a white baby and her grand-mom, after having raped and killed her mother, in the back of the head during a broad daylight hi-jack with AK47s?

I ask you with tears in my eyes: one death out of an official count of about 26 000 p.a., which constitutes less than 0,004% and in which the persons accused have not been proven in a court of law: is that sufficient cause to blemish the Boers as terrorists? It becomes even more atrocious to comprehend this statistic in terms of foreign figures, which are at least double than those made known by the local thought police: it becomes a mere 0,002%. If one considers that the average international murder rate is at about 0,02 persons per 100 000, and South Africa is at the number one spot with an official rate of 0,25 persons per 100 000, then the Boeremag's alleged "contribution" is lower than the rate of any other country in the world ! So please, let us get real here.

Why not does the ISS, instead of being an integral part of the problem, rather play a more meaningful role as peace mediator?

We challenge you to drop the Boers from your terrorism category on the symposium programme, and instead organize a special symposium on (a) minority rights in South Africa, and (b) self-determination for any of the ethnic groups who wishes for it, especially for the Boers who have a proven record of the necessary experience and expertise to successfully run a First World country, and (c) international support measures to ensure that these issues do not merely remain "talked about"? Would such not be a conflict-reducing exercise, instead of a hatred-inflaming one? Would it not be liberating to strive for the inclusion of a statement in the ISS Code of Ethics to insist on independence from current ideological rhetoric?

What is our problem with South African "democracy" then?

We both know that the problem is not with democracy as such, but with the Uhuru version of "democracy".

By the way, the Boers are republicans, and definitely not "democrats" in the perversed sense of the term.

A republic only becomes feasible when the basic judicial attributes of citizenship can become a living reality.

Some years ago, a visiting student from the US asked me in all seriousness as her professor of philosophy: "I thought South Africa was now a democracy?" The question was prompted after her fellow Yankee students were gently persuaded (physically beaten - one broke an arm!) into joining a student protest walk about an issue they had no idea of.

The shuddering group of nine Yanks were forced, against their will, to participate in tyre burning and the holding hostage a few hundred employees. Her concluding impression was that "Africa democracy" appears to mean that everyone has the right to act in a way they see fit, as long as such action coincided with what the "majority" expects, or forces, them to do.

We cannot impress it enough upon you how unjust, demeaning and undignifying the stereotyping of the Boers are.

Adjudged by the particular rhetoric used in the Terrorism symposium of the ISS, it is not as though facts and values are clearly distinguished.

The "rightwing" and the "Boeremag" are demonized as "terrorists" (according to your Henri Boshoff). This tactic, to repeat ad nauseam the insulting stereotype of the vulgar, ill-mannered and uneducated Boer-Afrikaner, needs to be deleted from ISS rhetoric if it wishes to retain a semblance of respect in the outside world.

The Boers are a well-educated, friendly, warm and peaceful ethnic group well-liked in the developed countries; they are well-known as hard workers in every field, with brilliant scientists and innovating entrepreneurs in many fields, and are eagerly sought after employees in the advanced countries of the world.

Of course, what the ISS does is nothing new in Boer history. The famous book on the history of treacherous rhetoric and dishonest dealings of the British Empire with the Boer Republics in the century preceding the second War of Independence of 1899, translated as "A Century of Wrong", is a clear exposition of exactly the same shenanigans that the ISS is engaging in now.

Although the ISS is trying to demonize the Boers, the members of the ISS should ask themselves the following: in the day when you leave home, at night when you return, and you set your expensive security systems, and you check up on your guard dogs and have tea and sandwiches served to the extra security personnel - is it because you fear the dreaded evil-doers of the so-called Boeremag?

Or do you perhaps fear the Azanians (the ones who vote in your elections) who roam the country and rob, hi-jack, torture and kill without having to fear that they will be convicted in the courts of the New South Africa - or when convicted, won’t fear having to spend too long in the already overcrowded prisons? Little wonder, because annually about a quarter of the prison population is just let loose on the streets!

The prisons of the New South Africa are crowded to the rafters with Azanian criminals, many of whom are drug peddlers, many of whom gang-rape their fellow inmates; 150 000 criminals, nearly all Black convicts, have been released into our society since 1994; 9 000 criminals – including Black murderers – have been prematurely released in July 2003 as part of the celebrations of Nelson Mandela's 85th birthday. Interpol has recently released the figure of 50 000 murders per year committed in the New South Africa … Are these 50 000 murders per year committed by the Boers or the so-called Boeremag? If so, name one, I beg of you.

No, the Boers are not the ones raping babies of only three of four months old because they have the primitive believe that it will cure their AIDS.

And the civilized world knows this.

The Boers are not the ones slicing off bits of their victim's anatomy for 'muti medicine'.

And the civilized world knows this.

The Boers are not the ones falsifying school or university certificates and calling themselves 'doctor' without having actually studied for this degree.

And the civilized world knows this.

Does the ISS truly imagine that by trying to shift the focus, from the disaster that the New South Africa has become, to demonizing the Boers, and that the intelligent and developed international community is fooled by this for one moment?

The ISS lives in a fool's paradise if it imagines this.

Of course the ISS members are more than welcome to entertain their own views of things. At no point do we wish to change any of that.

But whatever these views, why must you negate the veracity of our historical experience and consciousness? Why do you not pay us the same courtesy and stop meddling with those views we hold dear?

The advanced nations of the world know full well what is happening in the New South Africa and where the blame for the anarchy truly lies: the present regime and other hatred groups who are trying their best to blame the sorrowful state of the country on the Boers and apartheid. The world no longer falls for this tactic.

Many people throughout the world are openly admitting that they were gravely mislead in helping to manipulate the unsophisticated

Third World in taking over this once First World country which flourished under the management of the Boers. That champion of Uhuru democracy, Mr. Mugabe's, has helped our cause a tremendous deal, as it has helped to open the eyes of the civilized world.

In your own reports you seem to be surprised that most of the members of the so-called "Boeremag" accused of "terrorism" are well-educated, professional and very decent persons. The surprise is understandable, as it doesn’t fit the stereotype of the ISS, the SACC, the professional politicians and the kings and queens of the media. Why is it so difficult to look the truth in the eye?

There are many of us who are proud to refer to ourselves by the name of Boer, the nation of pioneering farmers when our beloved country was wild, empty and young; yes, we are proud of our small and young nation that has become well-travelled and highly educated, proud of our many professional people, proud of our people's honesty and famous hartlikheid, or warm-heartedness. We have all experience many times how good African people have exclaimed that they prefer to deal with the Boers as they know exactly where they stand with them, while, when dealing with some other Europeans or Islanders they feel there is falsehood. Yes, we are proud of ourselves, the Boers, a patient people with a respect for the differing views of others, a people whose members have spent great parts of their lives and their personal resources in helping to educate, feed, house and develop persons of all races in this country.

Why then deny the Boers their God-given right, which is ironically also internationally accepted, to govern and develop themselves politically, economically, judicially, educationally, and as a society? We honestly don’t begrudge any other individual or group anything, except for the right to begrudge and deny us our fundamental rights! Or is it more important to live as if international covenants on which these fundamental rights of a people are based, and even little Article 235 of the RSA constitution is worthless.

Yes, the Boers have a proud culture of their own. We have a religious world-view of our own. We share a common language. We have a common ethnic heritage.

These are not mere arbitrary criteria, but recognized internationally as sufficient to stake a claim for self-determination as a people. We have no difficulty if other peoples in Southern Africa are not advanced to the point where self-determination is of any importance for them.

We have the right to full self-determination. This right was adopted as a matter of the greatest importance as relating to the Political and Civil (and Economic) Rights of Peoples (Volkere), by the UN, nogal on 16 December 1966. Again, the right to constitutional and economic self-determination in a territorium of their own is seen as the most fundamental freedom of a people. Do you and Mr. Boshoff deny that the Boers have that right?

The Boers never desired to have a unitary state of a one-nation South Africa.

It is sheer nonsense to allege that the so-called Boeremag wants to return to pre-1994 South Africa. Not one Boer supports the single nation-state created by the British empire after they cowardly killed nearly 27 000 Boer women and children during the Boers’ Freedom War of 1899-1902, and in this evil manner forced the small, brave Boer army made up of farmers, fighting in their Sunday three-piece suits, to relinquish their two Republics to prevent all of their women and children to be murdered; 60 000 of their farms were completely destroyed in the criminal "scorched earth" policy of the British and left the Boers deeply destitute after they were thus forced to sign the peace agreement of Vereeniging.

Is the Boers the only people in South Africa wanting self-government?

Did you know that very recently the Griqua people also rejected the territorial integrity of the unitary South Africa? So the Rehoboth Basters too with respect to Namibia.

For the Boers, it is not a matter of race. However, our language, culture, ethnicity and religious world-view do play a key role, and rightly so. If we have no right to depend on such, then please put up a fight at the UN and get them to scrap their most sacred covenants on the rights of peoples.

We mention race, because we are often accused of it. We must take this opportunity though to inform you that, if the Boers now had to choose between the devil and the deep blue sea, most Boers would prefer to suffer under Mandela's yoke rather than under De Klerk's lies.

But to tell you the truth, we are not interested to be the subjects of either Mbeki or Mugabe, of either Blair or Bush, of either Tony Leon or the "Afrikaners" Van Schalkwyk and De Klerk - the latter two least of all.

You can appreciate that as a people we are deeply disgusted by those who callously signed away the last remnants of our already dented self-determination without even bothering to consult us about the effects on us.

Another point of grotesque confusion that we need to clear up, is that Boers are not "Afrikaners". None of your co-workers seem to have any understanding of this.

All Boers are aware of the systematic subterfuge and distortion of "identity" that has been the result of the makings of the Broederbond and the National Party, based upon the then image of the British imperialist gentleman.

This artificial identity was meant to wean away the Boers from their strong identify, from their history, from their nationalism, and thus weaken them.

The ISS should take note that the Boers never wanted a singular state with a single government ruling all the peoples of the sub-continent.

The Boer Republics were taken from them with violent force.

Even the terms of the peace treaty of Vereeniging in 1902 stated unambiguously to see to the restoration of Boer independence as a people before any political rights be bestowed upon the African peoples.

But we Boers are not colonialists or imperialists. The Boers never engaged in any "Christianizing" mission work to convert the heathens as did the American, Scottish and German missionaries.

Our forebears wisely thought it best not to interfere with those values and views that other people cherish and hold sacred.

The Boers made no bones about the fact that they were not great supporters of the capitalist system, as it was seen to be nothing else than another form of Imperialism.

No wonder then that the Irish, the Russians, and so many others from Europe joined in the defense of our freedom.

The Boers never sought to "civilize" and "develop" other racial and cultural groups from a position of cultural superiority. The Afrikaners tried it for many years, and failed dismally in more than one way.

Take note that the Boers today have good reason to be immensely frustrated and angered. We have not only lost all forms of the partial self-determination we previously enjoyed, through the treacherous dealings of Afrikaner politicians, but have lost virtually all rights to make a decent living and bringing up our children with good values and good learning.  All indications are that the marginalizing of the Boer will only get worse under the present regime, which is regarded by us as illegitimate.

Even Afrikaners hostile to the Boer aspirations, like the well-known historian Prof. H. Gilliomee, has stated that De Klerk shamelessly broke his promises and public commitment to counsel with his people about changes to be introduced into South Africa and it is openly admitted that during the vote of 1994 the count of the vote was stopped midway and the ANC declared the winner, and that De Klerk's National Party was given extra percentage of the vote for allowing the ANC to be declared the winner.

During the only referendum held for the white electorate in 1992, about half of all Afrikaners rejected even the principle of

negotiations for a "new constitution".

You should know this, as it was reflected in an ISS report. It is common knowledge that the array of acts currently passed through national parliament are primarily based upon race as criterion, made possible by the RSA Constitution that

actually actively promotes racial discrimination ! Ironically, the fact that the race classification act was dropped long ago, makes no difference. The logic of it? It is simple if one understands the basics of historical-materialist dialectics: "black empowerment" as basic thesis has "white disempowerment" as basic antithesis.

The synthesis will be a Cuban-influenced Fanagolo of rainbow tongues where everyone will be equally destitute.

The then electorate was never given the opportunity to express themselves on the undertaking of the State President, that the implementation of any substantial constitutional changes would be preceded by testing the opinion of the electorate on those proposed changes. The question was changed and an answer given that became equally meaningless. It reminds one of the beautiful description by the German philosopher, Immanuel Kant, of the ancient spectacle of one man trying to milk a he-goat, and the other man holding a sieve underneath.

That happens when someone gives an answer to a question that was not asked: De Klerk did say: we had a referendum and the electorate said yes. Half of the "Afrikaners" are definitely donkeys, one must admit.

This still means that the clear views of a substantial segment of the then electorate was totally ignored: this being at least half of the Afrikaans speaking electorate!

The Afrikaners/Boers were lied to.

 If they thought they were to give a mandate for a process that will lead to a two-thirds domination by the ANC / Communists with no security of meaningful minority/group rights, there would never have been a "Yes" vote to go ahead with negotiations.  Nobody, esp. not one Boer, accepted under any circumstance, a "mandate" that would most certainly end up in giving up our freedom in *toto*, and handing over all forms of power on all levels of existence to a group or groups that are in principle and in practice harbour nothing but ill intentions with respect to our ideals.

It is alleged that the state advocate Mr. Paul Fick, during the present High Treason trial of the so-called Boeremag, whose members denies the legitimacy of the present regime, flippantly remarked: "De Klerk lied, but so what?" He staunchly defended the view that De Klerk's testimony, as well as history itself, was irrelevant to proceedings, and therefore irrelevant to the issue of the Boers losing their freedom, however partial and watered down it had already become at that stage,

The user of the expression "so what", my professor of philosophy at university taught us, conveys a lack of and refusal to understand what a matter is about, and reflects the extreme indifference of "Das Man" - the typical mass man of today's world. By stereotyping the Boer as extremists and terrorists, Fick and Boshoff alike tell the Boer people in their striving for freedom: "You are not deserving of freedom, dignity, life and justice, and so what !"

The Boer people insist on the most fundamental right as a people: the right to freedom, to full self-determination, as contained in the UN charters.

It is our divine right as a people.

In the eyes of the world and the UN the ISS has no justification to deny us this basic right. They also have no right to even pay lip service to it, esp. when in practice they do everything they can to deny its realization.

The ISS and the world knows full well that in the past we have enjoyed a number of constitutional Republics of our own making. Torn down by the Dutch or English, we rebuilt it over and over again. This predates the time that Western books became more known among migrants from central Africa.

At the very least, you would do well to heed the Universal Declaration of Human Rights.

We, the Boers, insist on recognition of our legitimate striving for freedom as a people.

We demand that you display parity of esteem.

 As a specific people we have the right to the dignity, equality and liberty of which also the Constitution of the New South Africa speaks. Not because this constitution says so, but because international convention say so.

We call for all of the "freedoms and rights" mentioned in the said UN declarations and covenants.

We petition for the right of self-control over the vital areas of our lives.

We claim the rights to "life, liberty and security of person".

Our children of five years old know enough about rape, AIDS, assault, murder and the like to grow up with a big question: what are you doing to protect us properly? When we grew up, we slept with open windows and walked down the streets without fear. It’s all changed.

So please do not blame the Boers for having no confidence in the unitary Azanian State's ability or willingness to protect us. Don't blame us for not having any confidence in a regime that puts a racial tag on us in typical Orwellian newspeak, as members of the "Non-Designated Group".

How surreal can the Marxists ideologues get!

The ISS should have a picture of why, now even much more than ever before, the flames of Boer freedom are flaring up once more. It is not a party-political decision, but a natural move of resistance. We hate oppression and we love freedom.

Our first proposal, which is a reasonable and morally acceptable one, made in the spirit of peace, justice and conciliation, is that the ISS makes a start in the same spirit to monitor their hate inciting members and language. The ISS and especially Mr. Boshoff have a responsibility to choose their  words wisely, and demonstrate thereby that the ISS is not racial or cultural bigots, but that instead it can rise above such low levels of expression and ideals.

We are very longsuffering, but we shall not stand for Mr. Boshoff's insults.

In conclusion, we, the Boers, wish to be free of the low moral standards and racial hatred exhibited daily by the rulers of the New South Africa by ignoring the atrocities committed by the people of their own culture.

In view of the above, as well as the ISS Code of Ethics, one can justifiably ask whether the ISS is in fact even-handed in its professed striving for "democracy, justice and peace" - esp. as it rejects the Boers universally accepted right to self-determination?

Is there really any respect for the rights and dignity of the Boer people? Is it responsible, honest and fair to simply parrot the professional politician's ostensible Boer hatred? Are the individuals in the ISS actually supporting one another in Henri Boshoff's attempt to label the Boers as extremists and terrorists? Does the ISS accept responsibility for all Henri's words, deeds and actions, esp. when he so ostensibly seeks to inflame racial and cultural hatred?

You are more than welcome to disagree with us, and even to criticize our points of view. But please do not insist that we have no right to disagree with you, or with the regime imposed onto us. The irony is that, in addition to the crime terrorists, for which we both have to watch out, our people also have to watch out for the regime's forces arriving at night on our doorsteps armed to the teeth.

We, the Boers, are simply striving for liberty and justice for ourselves.

We, the Boers, will once again be free in our own peace-loving, prosperous country.

**Footnote 12: International Declaration of Intent by the Boere Krisis Aksie.**

[Boere Krisis Aksie (B.K.A.)](https://www.facebook.com/pages/Boere-Krisis-Aksie-BKA/116298045063416) THE PRESIDENT AND CABINET OF THE RSA  
UNITED NATIONS SECURITY COUNCIL  
MEMBER STATES OF THE UNITED NATIONS  
FOREIGN PARLIAMENTARIANS  
Dear sir/madam  
DECLARATION OF INTENT:  
A. Recognition of our right to self-determination;  
B. Recognition as a legitimate resistance movement;  
C. Call for financial assistance.  
In terms of the United Nations’ resolution adopted with a 143 – 4 majority in September 2007 regarding the right to self-determination we, the Afrikaner/Boer people of the Republic of South Africa, hereby give notice that we seek sanction from the United Nations and supporting organizations to declare our independence from the Republic of South Africa, after a consultation process determining our claims to all spheres of life.  
Article 1 of both the ICCPR and the ICESCR reads:  
1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.  
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.  
3.The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.  
Self-determination is also recognized as a right of indigenous peoples in the Declaration on the Rights of Indigenous Peoples (DRIP), adopted by the United Nations General Assembly in 2007.   
Articles 3, 4 and 5 of the declaration read as follows:  
- Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.  
- Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.  
- Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.  
As a signatory to this adopted United Nations Resolution of September 2007 we trust that the Republic of South Africa and the ruling ANC government will not stand in our way of preserving our own lifestyle as a unique ethnic group.  
  
We want to reiterate the following: that we, as a people from European descent, find it incompatible to align ourselves with the African culture on the grounds of language, religion, culture, history and outlook on life.  
We also condemn the statutory entrenchment of discriminatory measures against our people such as affirmative action, black economic empowerment, sport quotas, tender procedures and the allocation of funds.  
But most of all, we seek assistance and self-determination because of the disproportionate number of racial attacks and murders against the Afrikaner/Boer since 1994 and the rapid acceleration thereof during the past two years; plus the constant threat by leading government supporters about nationalization of farms and businesses.  
  
Furthermore, we seek from the United Nations support in accepting us as a legitimate resistance group, as set out in their policies: When resistance groups meet certain tests and follow the rules set out by the Geneva Conventions and other humanitarian (armed conflict) law, they are not considered terrorist organizations or mercenaries, but legitimate parties to a conflict. Therefore they have recognized legal status, granting them specific rights.  
  
Lastly, we seek financial and logistical assistance for a referendum or election among our people to determine the support for self-determination and eventual independence. In our present situation it is financially impossible to take part in any election due to the practice in the RSA that electoral political parties are financed by taxpayers’ money through Parliament, making it impossible for a level playing field for any minority group or European group consisting of less than 10% of the electorate.  
HANNES ENGELBRECHT  
BOERE KRISISAKSIE (BKA)

Presently the OASE expedition and the Freedom Front have been vocal in their calls for an independent state for the Boers and Afrikaners. The civics movement, Independence Commission Africa, are calling for the return of control to those it belonged to before 1902, and dual citizenship to be applied where necessary to avoid any displacement of people.

**Footnote 13: The OASE Expedition**

The following information is taken off the website of OASE on <http://www.oase-ekspedisie.com/regsvereistes>:

Volke of groepe se reg op selfbeskikking is ‘n onvervreembare reg wat goed gevestig is in die internasionale reg. Artikel 235 van die RSA-grondwet maak ook hiervoor voorsiening. Die huidige RSA-regering se miskenning van hierdie reg binne die eenheidstaat waarvan Afrikaners as minderheidsgroep burgerskap geniet, noop ons om ‘n debatsforum te skep vir alle Afrikaners met die oog op eksterne selfbeskikking en territoriale soewereiniteit.

REGSVEREISTES

Last Updated on Thursday, 20 October 2011 03:20Written by WebmasterTuesday, 19 July 2011 08:36

* [Inleiding](http://www.oase-ekspedisie.com/regsvereistes#inleiding)
* [Wat is selfbeskikking?](http://www.oase-ekspedisie.com/regsvereistes#watself)
* [Afskeiding (‘secession’) en eksterne selfbeskikking](http://www.oase-ekspedisie.com/regsvereistes#ekself)
* [Die RSA-grondwet en selfbeskikking](http://www.oase-ekspedisie.com/regsvereistes#grondwet)
* [Afrikaners as inheemse volk van Afrika](http://www.oase-ekspedisie.com/regsvereistes#inheems)
* [Die uti possidetis iuris-regsreël](http://www.oase-ekspedisie.com/regsvereistes#possidetis)
* [Vereistes vir die totstandkoming van ‘n nuwe staat](http://www.oase-ekspedisie.com/regsvereistes#vereistes)

**Inleiding**

Die OASE-span het reeds ‘n diepgaande studie onderneem om vas te stel wat die werklike posisie is ten opsigte van eksterne selfbeskikking, sowel ten opsigte van ons eie grondwet as die internasionale regsposisie. Die bronne wat ons geraadpleeg het is almal resent en ons sal in hierdie artikels poog om dit wat die bronne onthul so korrek as moontlik akademies weer te gee, maar op ‘n wyse wat algemeen verstaanbaar behoort te wees. Waar ons Latynse terme gebruik, sal ons probeer om dit so korrek as moontlik in Afrikaans te vertaal ter wille van toeganklikheid vir almal wat die artikels lees.

Die artikels sal opeenvolgend verskyn op ‘n wyse wat ons glo dit sinvol behoort te wees vir die meeste lesers. Ons begin deur die internasionale regsposisie ten opsigte van selfbeskikking vir volke te belig en bespreek die implikasies van artikel 235 van ons huidige grondwet waar dit ter sprake kom. Alhoewel ons op verskeie regsbronne steun soos wat sal blyk uit die bronnelys wat tot elke artikel toegevoeg word, wil ons lesers veral wys op die internasionaal gerespekteerde publikasies van prof. John Dugard:

Prof. Dugard (SC) is professor in Internasionale Reg by die Universiteit van Leiden in Nederland en ereprofessor in Regte by die Sentrum vir Menseregte aan die Universiteit van Pretoria. Hy was vir jare lank professor in Regte by die Universiteit van die Witwatersrand en is tans ere-professorale navorsingsgenoot by hierdie universiteit. Hy tree op as *ad hoc*-regter in die Internasionale Geregshof in Den Haag en is lid van die Internasionale Regskommissie en spesiale gesant by die Verenigde Nasies se Kommissie vir Menseregte. Hy is die outeur van verskeie regspublikasies.

Onderwerpe wat in hierdie reeks OASE-artikels onder die opskrif REGSVEREISTES behandel sal word, sluit die volgende in:

\* Selfbeskikking (‘self-determination’) vir volke en groepe

\* Eksterne selfbeskikking en afskeiding (‘secession’) van eenheidstate

\* Die aanloop tot en die implikasies van artikel 235 van die huidige RSA-grondwet

\* Regsteorie ten opsigte van gebiedsafbakening en begrensing met die oog op eksterne selfbeskikking

\* Territoriale soewereiniteit en internasionale erkenning (‘recognition’)

Regsgeleerdes wat addisionele bydraes wil maak tot hierdie onderwerpe of wat kritiek wil lewer op ons stellings en standpunte, is meer as welkom om met ons in verbinding te tree via die adresbesonderhede wat op hierdie blog verskaf word.

**Wat is selfbeskikking?**

Die reg op selfbeskikking is ‘n onderwerp wat betrekking het op enige gesprek wat handel oor menseregte, grondgebied en die eienskappe van state. Die reg wat volke het op selfbeskikking is ‘n wetlike reg wat lankal nie meer betwis word in terme van die internasionale reg nie. Dit word bevestig in Artikel 1 van die Handves van die Verenigde Nasies (artikel 1, 55) en dit het inhoud verkry in Resolusie 1514 (XV) van 1960, *The Declaration on the Granting of Independence to Colonial Countries and Peoples* – asook in daaropvolgende resolusies van die VN se Algemene Vergadering, spesifiek deur die *Declaration on Principles of International Law Concerning Friendly relations and Co-operation among States in Accordance with the Charter of the United Nations of 1970* (*Resolusie 2625 (XXV*).

Selfbeskikking word erken as ‘n norm vir internasionale reg binne die konteks van dekolonisasie in die Internasionale Geregshof se uitspraak in die Wes-Sahara-saak (*1975 ICJ Reports 12, 31-3*), dit is bevestig **buite** die konteks van dekolonisasie deur die *International Covenant on Civil and Political Rights*(artikel 1 (1)) en dit word erken as ‘n wetlike reg deur baie outeurs. In die Oos-Timorsaak het die Internasionale Geregshof in 1995 aanvaar dat selfbeskikking spesiale status geniet as ‘one of the essential principles of contemporary international law’ en dat dit ‘n ***erga omnes*-karakter**geniet (*128 ICJ reports 90 at 102*). *Erga omnes*-regte plaas ‘n verpligting op **alle** state. In die internasionale reg ontstaan sulke verpligtinge byvoorbeeld deur die verbod op dade van aggressie, volksmoord (‘genocide’) asook deur die beginsels en reëls wat geld ten opsigte van die basiese regte van elke mens, insluitend beskerming teen slawerny en rassediskriminasie (Dugard 2005:44).

Artikel 1(1) van die *International Covenant on Civil and Political Rights* gee die volgende breë definisie vir selfbeskikking:

*‘All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.’*

Artikel 19-22 (hoofstuk 1) van die African Charter on Human and Peoples’ Rights bevestig ook volke se reg op selfbeskikking.

Volgens Stavenhagen (1996:2), soos aangehaal in Xanthaki (2005:21), word selfbeskikking in die konteks van basiese menseregte gesien as sowel ‘n algemene regsbeginsel as ‘n basiese mensereg:

*Self-determination is an ideé force of powerful magnitude, a philisophical stance, a moral value, a social movement, a potent ideology, that also may be expressed, in one of its many guises, as a legal right in international law*.

**Bronne:**

Dugard, J. 2005. *International Law – A South African Perspective.*Lansdowne: Juta;

Xanthaki, A. 2005. *Minorities, Peoples and Self-Determination*. Leiden: Koninklijke Brill NV

**Afskeiding (‘secession’) en eksterne selfbeskikking**

Volgens Dugard (2005:106) verkry verskillende volke/groepe binne ‘n eenheidstaat normaalweg nie die reg op *eksterne* selfbeskikking oftewel die reg om af te skei van hul eenheidstaat nie. Hulle verkry egter wel die reg op *interne* selfbeskikking: dit is die reg om hul eie politieke status te kies, om vrylik hul eie ekonomiese, sosiale en politieke status na te streef en om te kies vir en deelname te hê aan die regering van die eenheidstaat. Die Kanadese Hooggeregshof het egter in *Reference re Secession Quebec* ((1998) 37 ILM 1340) die reg op eksterne selfbeskikking, oftewel afskeiding (‘secession’) in uiterste gevalle van onderdrukking van ‘n volk afgelei van die voorlaaste paragraaf ten opsigte van selfbeskikking in die *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations of 1970*. Die frase*territoriale integriteit* is ingesluit by die *Friendly Relations Declaration* van 1970; die betrokke klousule lees soos volg:

*Nothing in the aforegoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour*.

Hierdie betrokke paragraaf beskerm die territoriale integriteit van ‘n eenheidstaat slegs indien die betrokke staat homself gedra ‘in compliance with the principles of equal rights and self-determination of peoples ….. and belonging to the territory without distinction as to race, creed and colour’. Volgens Johanson (2004:70) kan die onbetwisbare gevolgtrekking hieruit gemaak word dat, waar selfbeskikking ernstig geskend word, so ‘n staat geen beskerming geniet ten opsigte van territoriale integriteit of politieke eenheid nie. Volgens Dugard (2005:107) bestaan daar sterk ondersteuning vir die gedagte dat hierdie paragraaf minstens ‘n gekwalifiseerde reg van afskeiding (‘secession’) van die eenheidstaat erken.

Volgens Dugard (2005:107) het David Raic in sy boek *Statehood and the Law of Self-Determination* (2002:332) ‘n diepgaande ondersoek gedoen ten opsigte van die voorbereidende werksaamhede (‘*travaux préparatoires*’) van bogemelde Deklarasie en bevestig laasgenoemde dat daar ‘n gekwalifiseerde reg vir afskeiding bestaan. Raic stel dit soos volg:

‘Within the framework of the qualified secession doctrine, there is general agreement on the constitutive parameters for a right of unilateral secession which may be summarized as follows:

(a) There must be a people which, though forming a numerical minority in relation to the rest of the population of the parent state, form a majority within an identifiable part of the territory of that state;

(b) the people in question must have suffered grievous wrongs at the hand of the parent state from which it wishes to secede consisting of either

(i) a serious violation or denial of the right of internal self-determination of the people concerned (through, for instance, a pattern of discrimination), and/or

(ii) serious and widespread violations of the fundamental human rights of the members of that people; and

(c) there must be no (further) realistic and effective remedies for the peaceful settlement of the conflict.’

Soos Dugard (2005:108) dit stel: ‘While it does not authorize the right of secession, the right of self-determination does not prohibit secession’. Voorbeelde van gevalle wat suksesvol afgeskei het van eenheidstate is:

Bangladesh van Pakistan in 1971

Eritrea van Ethiopië in 1993

Slowenië, Kroatië, Bosnië-Herzegowina en Macedonia met die ontbinding van Joegoeslawië

Kosovo van Serwië in 2010

Suid-Soedan is in die proses om af te skei van die eenheidstaat van Soedan.

In belang van wêreldvrede en stabiliteit behoort waar moontlik die verdeling en fragmentasie van bestaande state vreedsaam te geskied deur middel van onderhandeling. Volgens Dugard (2005:108) aanvaar die internasionale reg dat, waar so ‘n vreedsame proses faal, geregtigheid en respek vir minderhede voorrang geniet bo die beginsel van territoriale soewereiniteit. Dugard meld ook dat erkenning vir ‘n groep of volk se afskeiding deur soewereine state van die internasionale gemeenskap en toelating tot die VN dit sal bevestig, en verwys in hierdie verband na Dugard, J. & Raic, D. *‘***T**he Role of Recognition in The Law and Practice of Secession’ in*Secession: International Law Perspectives* (2005:94).

**Bibliografie**:

Dugard, J. 2005. *International Law – A South African Perspective*. Lansdowne: Juta;

Johanson, MC. 2004. *Self-Determination and Borders – The Obligation to Show Consideration for The Interests of Others*. Abo: Bo Akademi University Press.

**Die RSA-grondwet en selfbeskikking**

Ingevolge die ooreenkoms van 21 Desember 1993 tussen die African National Congress en die Afrikanervolksfront, wat Afrikaners ten gunste van selfbeskikking verteenwoordig het, is daar soos volg ooreengekom:

“In our considerations we have recognised various modes of self-determination. It may involve the negotiation of a territorial entity which may have various degrees of autonomy. This may be augmented by constitutional devices securing various degrees of autonomy over the specific affairs of that community at one or more levels of government…”.

Die sterkste verpligting tot implementering van regionale selfbeskikking is egter te vinde in die tussentydse Grondwet 200 van 1993 wat die produk van onderhandelinge was tussen die voormalige regering en die ANC. Die tussentydse Grondwet is gewysig deur wet 2 van 1994 om voorsiening te maak vir politieke ooreenkomste wat deur politieke partye gesluit is. Volgens hierdie wysiging was dit duidelik dat die bedoeling van die wetgewer was om die gedagte van ‘n Afrikanerstaat op territoriale gronde te akkommodeer en dat die grense van die nuut ingestelde provinsies aangepas kon word vir sodanige akkommodasie.

Die instelling van territoriale selfbeskikking is egter nooit ernstig oorweeg deur die Grondwetlike Vergadering wat die nuwe grondwet van Suid-Afrika moes optrek ooreenkomstig die tussentydse Grondwet se bepalings nie. Van die moontlike instelling van regionale selfbeskikking vir Afrikaners is in die finale Grondwet 108 van 1996 niks te vinde nie. Omdat die instelling van territoriale selfbeskikking vir die Afrikaners nie ernstig oorweging geniet het by die daarstelling van die nuwe grondwet nie, is daar al op gewys dat goeie trou afwesig was in hierdie verband. Die Afrikaner se wetlike aanspraak op territoriale outonomie kan egter nie weens hierdie versuim nadelig beïnvloed word nie.

Artikel 235 van die finale Grondwet 108 van 1996 maak wel voorsiening vir selfbeskikking, alhoewel die inhoud daarvan beperk is:

*“The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic****or in any other way****, determined by national legislation”*(ons beklemtoning).

Die gerespekteerde en Suid-Afrikaans-gebore John Dugard SC, dosent in Internasionale Reg aan die Universiteit van Leiden in Nederland en ad hoc-regter in die Internasionale Geregshof in Den Haag, stel ‘n ope vraag oor die beklemtoonde gedeelte wat hy onbeantwoord laat in sy boek *International Law – a South African perspective* (2005:109): “Does it mean that all options – including secession – remain open, provided they are determined by ‘national legislation’?”.

**Afrikaners as inheemse volk van Afrika**

Afrikaners kan met reg beskou word as ‘n inheemse volk van Afrika. Die Afrikanervolk het sy beslag op Afrikaanse bodem gekry, soos wat duidelik blyk uit die gedeelte op OASE se blog onder die kategorie: **Ontstaan van die Afrikanervolk**. Lees gerus verder [hier…….](http://www.oase-ekspedisie.com/category/ontstaan-van-die-afrikanervolk)

Sowel oudpresident Mandela as president Zuma het al in die openbaar erkenning gegee aan Afrikaners se inheemsheid.

Lees gerus wat die **VN se**[***Declaration on the Rights of Indigenous Peoples***](http://www.hreoc.gov.au/social_justice/declaration/assembly.html)te sê het.

**Die uti possidetis iuris-regsreël**

‘n Kundige op die terrein van die internasionale politiek, Johan Wiggill, het in sy relatief onlangse ondersoek na die moontlikheid van eksterne selfbeskikking vir Afrikaners gestuit teen die betrokke regsreël in die internasionale reg wat bekend staan as die *uti possidetis iuris*-regsreël. Johan Wiggill het dit ook onder die OASE-span se aandag gebring in kommentaar wat hy op hierdie blog gelewer het. Flip Buys, uitvoerende hoof van die Solidariteit-beweging het dieselfde beswaar teen moontlike eksterne selfbeskikking vir Afrikaners geopper in sy kommentaar op ‘n artikel wat relatief onlangs op Solidariteit se blog geplaas is, naamlik:

<http://www.solidariteit-blog.co.za/the-independence-of-kosovo-and-the-links-with-south-africa/>

Die artikel is ook beskikbaar by:  <http://www.neo-genocide.com/afrikaner-genocide/the-independence-of-kosovo-and-the-links-with-south-africa>

OASE se span het egter onomwonde vasgestel dat die betrokke regsreël geensins meer ‘n struikelblok hoef te wees in terme van minderheidsvolke of -groepe binne eenheidstate se strewe na eksterne selfbeskikking nie. Ons verduidelik soos volg:

Die volledige Romeinse regsreël lui: *Uti possidetis iuris, ita possideatis*, oftewel “soos wat jy in die reg besit gehad het, so sal jy (in die toekoms) besit hê”. Hierdie regsreël, wat verwys na staatsgrense, was in die verlede deurslaggewend by die argumentering oor die regsgeldigheid van eksterne selfbeskikking en afskeiding, omdat dit in die verlede die regsbasis gevorm het vir die handhawing van eenheidstate en hul grense binne ‘n koloniale konteks.

Reeds teen die einde van die vorige eeu bespreek Steven Ratner in: *Drawing a better line: uti possidetis and the borders of new states*(1996), bogemelde regsreël en wys hy daarop dat die menings van besluitnemers in die internasionale gemeenskap met betrekking tot afskeiding dubbelsinnig en inkonsekwent is. Hy wys daarop dat lidstate van die Verenigde Nasies die belangrikheid van die handhawing van eenheidstate beklemtoon, maar dat hulle daarteenoor wel die soewereiniteit erken van sekere state wat afgeskei het van die eenheidstaat en dat die lidstate van die VN boonop aandring op die beskerming van minderheidsregte binne eenheidstate.

Märta C. Johanson in haar doktorale proefskrif: *Self-Determination and Borders – The Obligation to Show Consideration for The Interests of Others*(2004), stel dit baie duidelik soos volg:

“Applied as a rule of international law not requiring the consent of all parties for application, *uti possidetis*has proved to reduce the options for settlement to either acceptance or the use of force. As a rule it does not harmonise with the primary goal of peace laid down in the UN Charter, and in that light can have no impact on self-determination, other than as one option to be applied in boundary disputes by the consent of the parties. The denial of ‘*uti possidetis* as law’, that consideration of the interests of all groups within a state entity, not the subjection of the minority by the majority, is fundamental to peace within and between states, provides one of its most important flaws.”

Sowel Steven Ratner as Helen Ghebrewet in:*Identifying units of statehood and determining international boundaries: a revised look at the doctrine of uti possidetis and the principle of self-determination*(2006), bespreek die toepassing van die regsbeginsel van*uti possidetis iuris*binne ‘n koloniale konteks. In die relevante saak van Burkina-Faso v Mali (1986) plaas die Internasionale Geregshof in Den Haag die toepassing van hierdie regsbeginsel in dieselfde konteks. Hieruit blyk dit duidelik dat hierdie regsbeginsel deurgaans toegepas word in koloniale konteks. Waar gemelde regsbeginsel tot op hede van toepassing gemaak is binne so ’n konteks, word die nuwe onafhanklike staat se landsgrense vasgestel soos wat dit was onder koloniale besetting. Suid-Afrika was teen 1994, toe die huidige Grondwet onderhandel en deurgevoer is, lankal nie meer onder koloniale besetting nie. Enige poging deur Afrikaners om op hierdie stadium van die geskiedenis eksterne selfbeskikking deur middel van afskeiding te kry, het dus niks te make met koloniale grense nie.

Alhoewel teenstrydige opinies in die internasionale gemeenskap bestaan het, het dit toenemend duidelik begin word dat volke of etniese groepe se onvervreembare reg op selfbeskikking die gees van ons tyd kenmerk. Die meeste internasionale regskenners was dit teen 2010 eens dat die *uti possidetis iuris*-regsreël nie meer toepassing het in die moderne wêreld nie, deels omdat dit ontwikkel het uit die koloniale era van die Afrika-kontinent en omdat daar in die moderne wêreld ‘n beduidende toename is van volke/groepe wat van eenheidstate wil afskei dwarsoor die wêreld. Bogenoemde en ander internasionale regskenners se standpunte is inderdaad ook korrek bewys in die Kosovo-uitspraak in Julie 2010 van die Internasionale Geregshof in Den Haag. d.w.s. twee jaar ná die aanvaarding van die Algemene Vergadering van die VN se resolusie waarna Johan Wiggill in sy kommentaar op OASE se blog verwys, en welke VN-resolusie volgens Wiggill die toepassing van *uti possidetis*sou probeer handhaaf het.

Kosovo het ná uitgerekte onderhandelinge met die Serwiese eenheidstaat, wat nie tot die Kosovare se eksterne selfbeskikking wou instem nie, ‘n eensydige onafhanklikheidsverklaring (UDI) uitgeroep in 2008. Serwië wou dit uiteraard nie erken nie en het die saak na die VN verwys, wat dit op hul beurt na die Internasionale Geregshof (International Court of Justice, of in Engels afgekort: ICJ) in Den Haag verwys het. Serwië het geargumenteer dat hulle territoriale integriteit geskend word deur Kosovo se optrede, d.w.s. dat die *uti possidetis iuris*-reël deur Kosovo oortree word. In Julie 2010 het die ICJ in ‘n meerderheidsuitspraak van 10 teen 4 bevind dat daar geen beletsel in die internasionale reg bestaan wat Kosovo verbied om eensydig hul onafhanklikheid op te eis nie. Selfs meer insiggewend is die feit dat Kosovo, op grond van hul UDI wat reeds in 2008 uitgeroep is, *locus standi*(verskyningsbevoegdheid) kragtens Statuut 66 van die ICJ geniet het in die saak wat voor die Hof gedien het.

Die Kosovo-uitspraak was ‘n keerpunt in die internasionale reg wat betref die kwessie van die territoriale integriteit van eenheidstate en dus van die *uti possidetis*-reël. Suid-Soedan is besig om die volgende voorbeeld hiervan te word, en soos wat gebeure tans in België ontwikkel kan Vlaandere dalk die daaropvolgende voorbeeld word. Intussen het die VSA reeds die referendum-uitslag in Suid-Soedan erken waardeur hulle by voorbaat Suid-Soedan se territoriale soewereiniteit erken. Bowendien smeek die internasionale gemeenskap die Jode om die Palestynse staat ook te erken en weet ons teen hierdie tyd dat dit waarskynlik die enigste werkbare oplossing is vir daardie midde-Oosterse krisis; dit sal dan nóg ‘n voorbeeld wees waar die *uti possidetis iuris*-reël nie toepassing geniet nie. Dit is duidelik dat die spanning wat daar in die internasionale reg bestaan het in die feit dat – aan die een kant – volke of groepe se reg op selfbeskikking *per se*‘n *erga omnes*-karakter ontwikkel het, soos wat die ICJ in ‘n uitspraak dit duidelik gestel het in die Oos-Timorsaak (1995) en dat – aan die anderkant – daar allerlei beperkinge (bv. die *uti possidetis iuris*-reël) in die internasionale reg bestaan vir minderheidsgroepe in eenheidstate wat eksterne selfbeskikking wil opeis, dus uiteindelik verlig is met die Kosovo-uitspraak.

Afrikaners se moontlike toekomstige eis op eksterne selfbeskikking sal gevolglik nie meer stuit teen die *uti possidetis iuris*-reël nie. Wat egter vasstaan is dat enige eis vir eksterne selfbeskikking op vreedsame wyse en deur middel van onderhandelinge moet geskied tussen die groep wat wil afskei en die eenheidstaat. Eers wanneer hierdie proses deurlóóp is en daar nie meer moontlikhede oorbly om eksterne selfbeskikking deur middel van onderhandelinge te verkry nie, aanvaar die internasionale reg in beginsel dat die groep wat wil afskei geen alternatief het as om eensydig hul onafhanklikheid op te eis nie.

**Vereistes vir die totstandkoming van ‘n nuwe staat**

Die aanvaarding van ‘n nuwe staat in die internasionale gemeenskap deur erkenning (‘recognition’) van so ‘n staat se soewereiniteit word meestal beïnvloed deur politieke oorwegings, alhoewel sekere vaste kriteria in die internasionale reg ontwikkel het waaraan ‘n nuwe staat behoort te voldoen ten einde erkenning in die internasionale gemeenskap te geniet.

Die tradisionele kriteria vir die totstandkoming van ‘n nuwe staat word soos volg omskryf in die Konvensie van Montevideo van 1933 (Dugard 2005:82):

*‘The state as a person of international law should possess the following qualifications:****(a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states****.’*

Bogenoemde vereistes soos uiteengesit in die Konvensie van Montevideo is ondersteun in Opinie 1 van die Arbitrasiekommissie van 1991 onder voorsitterskap van mnr. Badinter van Frankryk, waarin die Europese Gemeenskap geadviseer is oor regsprobleme voortspruitend uit die ontbinding van die voormalige Joegoeslawië. Die Kommissie het bevind: ‘*that the state is commonly defined as a community which consists of a territory and a population subject to an organized political authority; that such a state is characterized by sovereignty*’.

Sedert **menseregte** en **selfbeskikking** belangriker geword het in die internasionale reg, word die hoop gekoester dat ‘n nuwe staat ook aan die standaarde en verwagtinge van die internasionale gemeenskap sal voldoen wat betref hierdie sake. Hierdie verwikkeling het ondersteuning geniet in die*Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union*, soos uitgereik deur die Europese Gemeenskap in 1991 en uitgebrei na Joegoeslawië.

Ons bespreek vervolgens al bogenoemde vereistes:

1. **Permanente bevolking (‘Permanent population’)**

Daar bestaan geen regsvoorskrifte oor die grootte van die bevolkingsgroep wat wil afskei nie. Daar is vandag meer as vyftig erkende state met minder as een miljoen inwoners, terwyl die staat Nauru (21 vierkante kilometer) met minder as 10 000 inwoners reeds in 1968 onafhanklikheid verkry het. Mikrostate veroorsaak probleme vir die Verenigde Nasies, aangesien Indië met sy meer as een biljoen inwoners dieselfde stemreg het as die Seychelles met minder as 80 000 inwoners. Pogings om hierdie wanbalans reg te stel is egter laat vaar en vandag word mikrostate aanvaar as volwaardige lidlande van die internasionale gemeenskap (Dugard 2005:83).

2. **Afgebakende gebied (‘Defined territory’)**

Kragtens ‘n uitspraak van die Internasionale Geregshof is dit nie ‘n voorvereiste dat ‘n staat duidelik gedefinieerde en onbetwiste grense moet hê ten einde internasionale erkenning te geniet nie (*North Sea Continental Shelf*-sake 1969 ICJ Reports 3 par. 46). Israel se grense is byvoorbeeld reeds vir langer as veertig jaar die onderwerp van ‘n geskil. ‘n Staat moet egter ‘n stabiele gemeenskap hê binne ‘n spesifieke gebied waaroor sy regering beheer uitoefen; die gebied hoef nie beperk te wees tot een enkel gebied nie. Alaska word byvoorbeeld van die VSA geskei deur Kanada (Dugard 2005: 83).

3. **Regering (‘Government’)**

Ten einde aan hierdie vereiste te voldoen moet ‘n staat ‘n regering hê wat in effektiewe beheer is van die betrokke gebied (‘territory’) en welke regering onafhanklik is van enige ander owerheid. Die erkenning van Kroasië en Bosnië-Herzegowina deur die Europese Unie in 1992 en hierdie lande se daaropvolgende toelating as state tot die Verenigde Nasies druis in teen hierdie vereiste, aangesien beide lande in ‘n staat van oorlog was terwyl daar geen regerings was wat effektief beheer uitgeoefen het oor hierdie lande ten tye van hul erkenning as state nie (Dugard 2005:84).

4. **Vermoë om verhoudings met ander state aan te gaan (‘Capacity to enter into relations with other states’)**

Die vermoë van ‘n staat om verhoudings met ander (soewereine) state aan te gaan is ‘n gevolg van onafhanklikheid. Solank as wat ‘n entiteit ondergeskik is aan die gesag van ‘n ander staat wat betref die hantering van buitelandse aangeleenthede, voldoen so ‘n entiteit nie aan hierdie vereiste nie en kan dit nie beskryf word as ‘n onafhanklike staat nie (Dugard 2005:84).

5. **Respek vir menseregte en selfbeskikking**

Demokratiese geregtigheid word beskou as ‘n opkomende norm in die internasionale reg en dit bied ondersteuning vir die verband tussen ‘n effektiewe regering en die handhawing van menseregte. Daar bestaan nietemin spanning in die internasionale reg oor hierdie vereiste. Eerstens, indien die voortgesette miskenning van basiese menseregte ‘n struikelblok vir erkenning van state sou word, sal dit meebring dat baie state wat reeds erkenning geniet hierdie erkenning sou kwytraak. Dit sal nie regverdig wees indien hierdie vereiste slegs van toepassing is op die totstandkoming van nuwe state deur van sulke nuwe state te verwag om ‘n hoër morele standaard te handhaaf as ander lande wat reeds erkenning geniet in die internasionale gemeenskap nie. Tweedens ondersteun staatspraktyk nie die gedagte dat die handhawing van menseregte en selfbeskikking nuwe vereistes is vir die totstandkoming van nuwe state nie. Die Europese Kommissie het self nie eers daarin geslaag om sy eie riglyne vir die erkenning van state by die ontbinding van Joegoeslawië na te kom nie, of om die advies van die Arbitrasiekommissie waarna hierbo verwys is te volg nie. Staatspraktyk in hierdie verband is grootliks beperk tot die politieke organe van die Verenigde Nasies (Dugard 2005: 89-90).

Die Verenigde Nasies pas die beginsel van nie-erkenning (‘non-recognition’) van ‘n nuwe staat toe ooreenkomstig ‘n stel norme wat soos volg opgesom kan word:

(a) Die verbod op aggressie.

(b) Die verbod op verkryging van grondgebied met geweld.

(c) Die verbod op stelselmatige rassediskriminasie en die onderdrukking van menseregte.

(d) Die verbod op die ontsegging van selfbeskikking.

Soewereine state is dus verplig om bogenoemde norme te gehoorsaam en om nie erkenning te gee aan nuwe state wat tot stand kom deur die verontagsaming van een of meer van hierdie norme nie (Dugard 2005:100).

*Ons volgende artikel bespreek die kwessie van grondgebied as regsbegrip vir territoriale soewereiniteit*.

## Die etniese identiteit van Afrikaners

Last Updated on Monday, 3 October 2011 03:48 Written by Webmaster Thursday, 28 July 2011 01:54

In voorafgaande artikels op hierdie blog is die woord ‘volk’ telkens gebruik, maar lesers moet daarop let dat die begrip ‘volk’ as sodanig nie meer inslag vind in die moderne antropologie en sekerlik ook nie meer in die moderne wêreld nie. Ons hoef net dit wat rondom ons afspeel waar te neem, dan sal ons besef dat daar selde nog gepraat word van die Engelse, Skotse, Ierse, Walliese, Britse, Duitse, Franse, Joodse, Palestynse, Sjinese of Japannese volk. Die gebruik is lankal aanvaar om bloot te praat van Engelse, Skotte, Iere, Walliesers, Britte, Duitsers, Franse, Jode, Palestyne, Sjinese, Japannese, ens. Daarom verkies ons om net te praat van Afrikaners eerder as van die Afrikaner-volk.

## Ontstaan van die Afrikanervolk: Deel 1

Last Updated on Thursday, 28 July 2011 01:28Written by WebmasterTuesday, 19 July 2011 11:43

**Wat is ‘n volk?**

Volgens Coertze (1973:43) is ‘n volk, ook die Afrikanervolk, ‘n etnosverskynsel of te wel ‘n sosiaal-organiese menslike eenheid wat deur ‘n groeiproses tot stand gekom het, wat voortdurend aan groei onderworpe is en wat deur ‘n besonderse eie kultuurpatroon onderskei word van ander dergelike sosiaal-organiese eenhede. Mense wat van verskillende oorde afkomstig is en onder besondere omstandighede in noue en intieme aanraking met mekaar bly voortleef, ontplooi uiteindelik ‘n eenvormige lewens- en denkwyse, ‘n eenvormige kultuur waardeur ‘n nuwe etnos of volk ontstaan.

## Ontstaan van die Afrikanervolk: Deel 2

Last Updated on Thursday, 28 July 2011 01:27Written by WebmasterWednesday, 20 July 2011 11:42

**Die aard van die Westerlinge wat in die 17de eeu na Suid-Afrika gekom het en hul lotgevalle in die 18de eeu.**

Volgens Coertze (1974:49) was die **Hollanders** – soos wat destyds na hulle verwys is, aangesien die Koninkryk van die Nederlande eers in die 19de eeu tot stand gekom het – wat hierheen gekom het eenvoudige mense met hoofsaaklik ‘n Calvinisties-Protestantse geloofsoortuiging. Hulle was die burgers van ‘n staat wat vir tagtig jaar lank (1568 tot 1648) geveg het teen die leërs van Filips II van Spanje ter wille van die behoud van hul geloof en die verkryging van hul vryheid. Hierdie oorlog is beëindig vier jaar voordat Van Riebeeck in die Kaap aangekom het en nadat die Hollanders hul vryheid verower het. Ten spyte van hierdie uitgerekte oorlog, het die Hollanders verskeie hoogtepunte in dieselfde tydperk beleef. Hulle was handelaars en seevaarders wat groot roem verwerf het. In 1618 het die Sinode van Dordrecht die grondslag van die geestelike erfenisse vir die Calvinisties-Protestantse wêreld gelê. In dieselfde tyd het die Universiteit van Leiden tot stand gekom en ‘n sentrum vir groot wetenskaplike bedrywighede geword. In 1642 het Rembrandt sy bekende Nagwag geskilder en in 1654 het Vondel se Lucifer verskyn. Hugo de Groot (Grotius) het roemryke werk verrig op juridiese terrein.

## Ontstaan van die Afrikanervolk: Deel 3

Last Updated on Thursday, 28 July 2011 01:38Written by WebmasterThursday, 28 July 2011 01:38

**Die kultuurpatroon van die Afrikanervolk**

Volgens Coertze (1973:71) bestaan kultuur uit ‘n verskeidenheid kulture wat die lewensgestalte is van ‘n verskeidenheid volke, versprei in ruimte en mekaar opvolgend in tyd, alhoewel daar groot ooreenstemming is in algemene struktuur en vorm van die kulture van die wêreld en vermoedelik ook van alle tye. Hierdie fundamentele aspekte van kultuur word kulturele universalia genoem en is kortweg die volgende: ‘n godsdiens van een of ander vorm en die daarmee samehangende verskynsels, ‘n ekonomiese organisasie en aktiwiteite, ‘n regering- en regstelsel, ‘n sosiale organisasie, ‘n opvoedkundige stelsel, ‘n filosofiese en kennissisteem, ‘n taal en letterkunde voortbrengsels van een of ander aard, tegniese skeppinge en skoonheidskeppinge as kuns in een of ander vorm wat betrekking het op skoonheid van klank, kleur, lyn en ritme en wat deur ‘n verskeidenheid media tot uiting kom.

**Footnote 14: The Struggle for Boer Self Determination and Independence is not division**

We quote the article by Ben Muller titled “The Struggle for Boer Self Determination and Independence (and from the Afrikaner) is not division”, as follows:

“During some of the various posts I have contributed here & elsewhere there have been those who sought to impugn or marginalize the discernment & insight I have gained from the many years I have spent looking into & reading up on the Boer people.

Westerners often do not realize & even refuse to acknowledge the Boers as a people indigenous to the African landscape that were formed in an era preceding the arrival of the Colonial powers.

Certain non-White racial Nationalists cannot see beyond the general paleness of their skin as though their color disqualifies them from being a homegrown people tied to the African continent. Then there are those who ignore the anthropologically distinct origin of Boers on the Cape frontiers & refuse to recognize the Boers as a distinct entity from the bulk of the macro Afrikaner population.

The advocating of self determination for an ethic / cultural group is not about "dividing" the said ethnic group from any other related ethnic group but rather about empowering that ethnic group in question.

All throughout history whenever an ethnic or national group wanted freedom from oppression & to find self determination for itself: they have often had to do so on their own as many others [even closely related groups] refused to support them or even wanted freedom for themselves.

Just as when the Boers were seeking self determination on the Cape frontier & later beyond: the Cape Dutch did not support such moves & refused even to struggle for their own freedom from Colonialism.

The long standing anti Colonial outlook of the Boers' & their centuries long struggle for self determination has always been one of their most striking & contrasting features when juxtaposed next to the pro Colonial & anti-independence Cape Dutch / Afrikaner population.

The pro status quo sentiment of the latter & their modern descendents is the consensus outlook within the bulk of the macro Afrikaner population while a significant portion of the Boer descendents have never abandoned their republican & independent outlook nor their long standing desire for self determination.

While there are of course exceptions to this generalization [i.e.: Cape Dutch descendents looking for independence & some pro status quo Boer descendents] due to basic numbers: the Boers [& others] looking for independence will always be outnumbered within the macro Afrikaner designation by those who are not in favour of independence or of secessionist proposals.

The notion of intermarriage is a moot point because individuals often assimilated into the culture they live among just as no one would dispute that former President Vicente Fox of Mexico is a Mexican despite having an American grandfather. When the Czechs & Slovaks opted for independence in 1993 no one asserted that they were "diving" the West Slavs because the point of the secession was not division but self determination.

Czechoslovakia was a macro State which lumped two related but distinct groups together. I set out over 15 years ago now to learn about the Boer people in particular [which by its very nature entails sifting them out from the bulk of the macro Afrikaner population] & to research their history & the context in which they exist in the modern era.

The Afrikaner domination of the Boers is a discernible reality which one inevitably will encounter while investigating the topic & cannot be ignored for whatever reason as it plays a significant part in the suppression of the Boer people in their continuous efforts at finding self determination.

The main reason I ever started pointing out the valid distinction of the Boers from the Afrikaners was due to being constantly exposed to Westerners' total ignorance on the topic & their irritating / unjust & continuous erroneous assertions that the Boers were "responsible" for the behaviour & laws which were enacted in the 20th century by a people who in fact marginalized the actual Boers.

This ignorant behaviour is tantamount to accusing the Acadians of passing Bill 101. [The French language law in Quebec.] based solely on an erroneous assumption that all French speakers in Canada "must be" Acadian.

It is evident that many people have a glaring blind spot when it comes to the actual Boer people because a lot of folks make sweeping presumptions based solely on the fact that the folks who ran South Africa in the 20th cent were generally White & Afrikaans speaking & automatically presuming [or rather jumping to conclusions] that these White Afrikaans speakers were all descended from the Boers while never once taking the time to discern that this is mathematically impossible as the actual Boer people have always been outnumbered by the erstwhile Cape Dutch: the Afrikaners of the Western Cape who have had a totally different outlook to the Boers who developed on the frontier.

When I note the Boers as distinct from the bulk of the Afrikaners: I am not trying to "divide" [as though a marginal blogger such as myself even has the power to do so] them from anything they do not wish to be divided from [in fact it is totally their own decision even if they should all wish to remain part of South Africa & hope for the best] because I am trying to do justice to the actual Boer people & their centuries long just struggle for self determination.

The problem is that a lot of people forget or do not realize that the Boers have had to struggle not just against the Dutch & British powers in the past for self determination but they have also had to struggle against the Afrikaner power as well.

The first notable example of this was with the Maritz Rebellion of 1914 but the most blatant example of this was during the 1940s when the drive to restore the Boer Republics was popular among the Boers [massively so] & was only stopped because the Afrikaner establishment broke it up fearing it as a threat to their control & even later when Robert van Tonder left the National Party in 1961 in order to advocate for the restoration of the Boer Republics as he felt that they were being betrayed under Hendrik Verwoerd who created a nominal republic for the macro State of South Africa that exact same year. Boervolk Radio Chairman Theuns Cloete noted publicly that key Afrikaner leaders [even those who were political opponents] organized & broke the Boer Republican movement of the 1940s down to nothing. Therefore to simply ignore the Afrikaner dynamic in the subversion of the Boer people is to perpetuate a grave injustice against the Boers as the Afrikaner establishment has routinely worked against Boer aspirations of independence & self determination.

It has been repeatedly observed that the erstwhile Cape Dutch have never had a struggle for freedom. This is due to the salient fact that they were often quite content with Colonial rule & could not understand why anyone would want to be independent from the Colonial powers they admired.

While the Boers on the other hand have had numerous freedom struggles & have had a strong desire for independence from the start & were formed as a distinct people on the Cape frontier over this independence desire when they trekked out of Colonial society & into the Cape frontier during the late 17th cent & were initially known as Trekboers.

The Boers therefore have a long history of anti Colonialism. A sentiment which eventually led to the establishment of upwards of 17 Boer Republics from 1795 to the late 19th cent.

When the macro State of South Africa was created & the Boers were subjugated & forced into it: the Boer Republican outlook was soon replaced by the neo empire building of the Afrikaners who institutionalized laws which are often ignorantly blamed on the actual Boer people who had a very minimal role in the implementation of the said laws ergo any conflation of the subjugated Boers with the larger Afrikaners only further perpetuates an injustice against the Boer people who were now under the domination of the Afrikaner network.

No people anywhere on Earth can ever hope to find authentic self determination if they are forced to be tethered to another ethnic / cultural group [particularly one which is either unsympathetic to them or might even work against them] even if they might happen to share a language. It is for that reason why there exists separates states / collectivities / provinces for the Germans & Austrians. The Serbs & Croats. The Romanians & Moldovans. The Canadians & the Americans. The Quebecois & Acadians. Etc. Few would tell the Basque people to give up their struggle for self determination just because they are under the Spanish State or have "intermarried" with the Spanish people.

The only way for the Boers to find self determination is to do so as Boer people because anything else is just a license to dispossess them further under a macro designation which was only ever used in the first place in order to achieve such a goal.

Few would assert that the Coloureds are all one nation or not recognize the Cape Malays as a distinct group from the Griqua & recognize that they are both distinct from the macro Colored population. Few would argue that Xhosas & Zulus no longer exist & that they are all one nation. Despite their common Nguni origins. But for some strange reason there are those who would deny the Boers their distinct nationality & argue that they are not distinct from the bulk of the Afrikaner population.

The point of pointing out this valid distinction is not about "dividing" but rather about raising cognizance of the fact that the Boers cannot find the self determination that they seek & have been struggling for centuries now so long as they remain under the tutelage of a powerful & well funded Afrikaans speaking network which works hard to keep them on the Afrikaner reservation which works at maintaining the Boers as a colonized people under the suzerainty of the macro State of South Africa & at the mercy of its neo colonial surrogate ruling regime which is in fact tied to the Afrikaner financial power.

Not enough generations have passed to have merged the two groups as the different political outlooks between the two are still evident.

All one has to do is to contrast the sentiments of the mainstream Afrikaans media outlets with that of the actual Boer people.

Afrikaner academics even use crafty techniques when they assert that the independence outlook of the Boers is not within the mainstream of Afrikaner thought." [direct quote]

Well no kidding genius because the Boers are only a segment of the macro Afrikaner grouping - ergo even if every single Boer were to stand up & say they want independence [or even just like the color blue for that matter] the Afrikaner academics could still claim that Boer thought "is not within the mainstream of Afrikaner thought" thereby marginalizing them as though they are just some fringe movement that "average" Afrikaners need not pay any attention to.

Are the anti-Boer neo Afrikaner Nationalists starting to wake up to the danger of the proposed "unity" they seek to propagate? Do they not consider just who will ultimately control such a language based union?

Consider also the fact that if White Afrikaans unity becomes such an "important" political goal: then what is to stop the natural progression & calls for White "unity" / South African "unity" / African "unity: / Global "unity"! [As is already happening] Notice more dangers to ethnic / national independence?

Do not be fooled that you can call for one type of "unity" & be able to refuse the others because as history has clearly shown [especially in South Africa] one call for "unity" will only embolden & "legitimize" [there is the real danger as even the illegitimate macro State of South Africa has an "air of legitimacy" as a result of just such "unity" behaviour] other calls for "unity" until everyone will be dispossessed of their inherent national [or folk] right to self determination.

Furthermore an eclectic range of personalities & vast array of sources have noted this distinction as well.

The following notable folks ALL recognize the distinction between Afrikaner & Boer: Theuns Cloete of Boervolk Radio & Boer Separatist / Adriana Stuijt: a Dutch born former South African journalist / the late Robert van Tonder of the Boerestaat Party & founder of Randburg / William McWhirter of Time Magazine / Noel Mostert former Canadian journalist. Arthur Kemp former South African policeman / author. Fred Rundle long time Boer self determination activist. Malcolm & Debbie Wren of Stop Boer Genocide.com. Professor Tobias Louw. Frank / John & Peter of the Right Perspective radio program. Louis Pepler aka Bok van Blerk & Johann Botha commenting on the De La Rey song.

Theuns Cloete notes that: "we are being told that we're Afrikaners & that has been our death". The Unrepresented Nations & Peoples organization has accepted the Boers into the organization & separately from the Afrikaners they accepted into the organization prior further demonstrating recognition of the distinction.

One can propagate the dangerous & insidious meme of "unity" with all Afrikaans speakers all day but what point is there to such a mindless action when such an association will only come to the great detriment of the Boer people [& anyone attempting to find self determination] who will be represented by the Afrikaner leadership who are by their very nature totally against any notion of any authentic form of self determination.

I have tried to understand what possible benefit could ever come from advocating that the Boers must submit or continue to submit to the Afrikaners just for the sake of a dangerous "unity" with the very forces which work so hard at undermining & subverting Boer self determination. This act simply makes no sense at all & is suicide for Boer freedom. I however do favour unity in the name of Boer independence [& ethnic / national independence in general] but one must be careful about simply aligning with everyone just for the sake of increasing numbers when many among those numbers might simply be adamantly opposed to the goal of Boer self determination. None other than Paul Kruger himself was rather wary of allowing too many of the Cape Dutch into the ZAR as he felt that they were too influenced by the British [pro British]  & would work to undermine the independence of the ZAR. Just as their descendents are today too influenced by the current & past South African regimes & could threaten the independence of any future Boer republic.

Theuns Cloete of Boervolk Radio has noted that the Afrikaner financial elite are adamantly opposed to Boer independence & spend lots of money against it & that they would not want to live in a Boer republic because "they do not accept that they are Boers" [as Cloete noted] & would be forced to go back to the Cape & Natal.

Therefore to those who falsely accuse [or rather to the individual who has] please cease with the shortsighted & erroneous allegation that any recognition of Boers as distinct from the bulk of the Afrikaners is "divisive" when in fact any ignorance to or dismissal of such an inherent & documented distinction is dangerous to the cause of Boer self determination. Because the Afrikaner political elite KNOW that Boers are a distinct entity from themselves & work hard & have worked hard in the past at preventing the Boer from reclaiming their self determination. Just remember that the term Afrikaner is a macro term / label which was applied to all Afrikaans speakers & includes two main ethnicities / cultural groups within the White population in the same way the term Colored includes numerous ethnicities / cultural groups.

The term Afrikaner just means African therefore everyone in Africa is an Afrikaner therefore this term spells even more trouble for those of Boer descent [& even Cape Dutch] as it has the potential to dispossess them even further as more & more ethnicities claim the Afrikaner designation.

Ron.

http://www.iluvsa.blogspot.com/2010/02/struggle-for-self-determination.html;

http://enationalist.com/forum/showthread.php?p=231270#post231270;

<http://www.stormfront.org/forum/t752047/>.

ATTACHMENTS AVAILABLE IN BOOK FORM:

BUNDLE 1: Attachments 1 - 3 <https://www.createspace.com/4392573>

BUNDLE 2: Attachments 4 - 8 <https://www.createspace.com/4398589>

BUNDLE 3: Attachments 9 - 10 <https://www.createspace.com/4416061>

BUNDLE 4: Attachments 11 - 14 <https://www.createspace.com/4400727>

BUNDLE 5: Attachments 15 <https://www.createspace.com/4415962>

BUNDLE 6: Attachments 15a <https://www.createspace.com/4497969>

BUNDLE 7: Attachments 16 - 18 <https://www.createspace.com/4415984>

BUNDLE 8: Attachments 19 - 26 <https://www.createspace.com/4416010>

BUNDLE 9: Attachments 27 - 30 <https://www.createspace.com/4416021>

BUNDLE 10: Brief <https://www.createspace.com/4437109>

BUNDLE 11: Brief Concordance <https://www.createspace.com/4497991>

BUNDLE 12: Attachment 15b, update of

genocide records, 2013 will be available

during April 2014 on <https://www.createspace.com/4498007>