



RAADSKOERANT

BOERE-AFRIKANERVOLKSRAAD

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Nommer 7

Saterdag 28 Desember 2013

VOLKSRAADKENNISGEWING

Korrespondensie met die President se kantoor

Die volgende briefwisseling is sedert Mei 2013 in opdrag van die Volksraad tussen die Volksraad se prokureur, mnr. Paul Kruger en die kantoor van die President gevoer:

- Op **6 Mei 2013** het mnr. Kruger 'n skriftelike onderneming van die Regering geëis om met die Volksraad in gesprek te tree oor uitvoering van die Boere-Afrikanervolk se reg op selfbeskikking
- Meer as vier maande later, op **12 September**, het die Hoof: Regs- en Uitvoerende Dienste van die President se kantoor, adv. S. Sigodi, op die skrywe gereageer en kopieë van die Volksraad se vorige kommunikasie aan die President aangevra.
- Dit is op **27 September** aan adv. Sigodi verskaf onder dekking van 'n omvattende skrywe waarin die aanloop tot die **1992-referendum en die daaropvolgende gebeure met betrekking tot selfbeskikking vir die Boere-Afrikanervolk omstandig uiteengesit word. Dié brief word hieronder volledig gepubliseer, ook ter inligting van diegene wat nie met daardie geskiedenis bekend is nie.**
- Ná 'n maand van stilswye van adv. Sigodi se kantoor is 'n aanmaningsbrief op **25 Oktober** op haar bedien. (Dié brief is volledig gepubliseer in Raadskoerant No. 6 van 5 November 2013).
- Op **18 Desember** het sy gereageer met 'n mededeling dat

"the Presidency is considering your request for self-determination.

The matter was referred to the Legal Advi-

sors to the President for consideration and instructions thereon."

Ten slotte word dan versoek dat die aangeleentheid oorgehou word tot 15 Januarie 2014.

- Sy is op 23 Desember per e-pos meegedeel dat die Volksraad tot die versoek om uitstel toegestem het.

Dié aangeleentheid sal D.V. in die nuwe jaar verder gevoer word.

A.E. BREYTENBACH
Voorsitter

Kleinfontein, 28 Desember 2013

VAN PAUL KRUGER PROKUREURS

27 September 2013

To: The Presidency of the Republic of South Africa
(Legal & Executive Services)
Attention: Adv. S. Sigodi

Our ref.: kruger/VV0010

Your ref.: 7/5/1-Boer-Afrikaner Volksraad

Madam;

1. We refer to the letter from your office in the above-mentioned regard dated 12 September 2013.
2. Copies of the correspondence as requested by yourself, are attached hereto.
3. The following background-information is additionally provided:

THE BOER-AFRIKANER VOLKSRAAD ("PEOPLES ASSEMBLY") AND ITS CLAIM FOR SELF-DETERMINATION ON BEHALF OF THE BOER-AFRIKANER PEOPLE -

1. BACKGROUND PERSPECTIVE

- 1.1 The first multi-racial election in South Africa during 1994, was preceded by great political turmoil in the country; characterised by the loss of countless lives. Dozens of organisations with predominantly Black supporters struggled against the erstwhile National Party (NP) government; some - like the ANC - fighting for a "non-racial" society; others - like AZAPO - taking a racially-based Africanist stance.
- 1.2 At the same time, the NP-government was also under attack from a significant part of the Boer-Afri-

kaner community who saw their political independence and self-determination being endangered on the road taken by F.W. de Klerk.

- 1.3 Whilst the NP still won 131 seats in the Parliamentary election of 1981, it lost ground in dramatic fashion among Boer-Afrikaner voters thereafter: In the 1987-election, it dropped to 123 seats and slipped back further to 94 elected seats in the last "White" election of 1989; whilst the "right wing" Conservative Party became the official opposition with 23 seats in the 1987-election; almost doubling to 41 seats barely two years later. Around 700 000 Whites voted "No" in the Referendum of 1992; despite a massive national- and international propaganda campaign condemning the "No"-vote, and despite repeated (false) promises by De Klerk to White voters that he would negotiate them into a position of "power-sharing" in a "one-man-one-vote"-South Africa.
- 1.4 De Klerk and his government (together with the most influential circles in the Afrikaner community, including the Afrikaner media-establishment) committed themselves – for reasons of their own – to a unitary state and scoffed Boer-Afrikaner calls for territorial self-determination simply as "right-wing racism".
- 1.5 Although racism could probably be found among all peoples and nations of the world (including among certain Whites – and Blacks - in South Africa), a strife for self-determination (being a right enshrined in International Law) can never be "racist" – otherwise, everyone on earth striving for a government composed of his own people would be "racist".
- 1.6 The same holds true of course for the average freedom-loving Boer; who rejects the notion of Blacks ever being ruled by Whites again and whose ideal of being governed by fellow Boers has got as little to do with "racism", as the average Japanese who acknowledges the authority of the Japanese Emperor; or, for example, the average Swede who desires to be governed by Swedish laws enacted by fellow-Swedes with a culturally-similar set of norms and values.
- 1.7 Nevertheless, in case of the Boer-Afrikaner people, the protagonists of "self-determination" are constantly ostracised by being tagged "racist"; not least by their so-called "liberal" Afrikaner political opponents (including the main stream Afrikaans media). This *mala fide*, vexatious behaviour – from either White- or Black South Africans – constitutes a serious violation of International Law and poses a corresponding threat to peace and stability in South Africa.
- 1.8 Resistance to the loss of self-determination continued in the Boer-Afrikaner community after the 1992 Referendum. In certain cases, it came in the form of violence.

1.9 In other instances, the strife for freedom led to negotiations and constitutional measures. In this regard, the following course was taken:

- 1.9.1 In December 1993, a "**Memorandum of Agreement**" was negotiated between the African National Congress and the AVF ("Afrikaner Volksfront"), the latter being an umbrella-organisation wherein many Boer-Afrikaner political organisations were united; under the leadership of people like Dr. Ferdie Hartzenberg (then Leader of the Opposition in Parliament) and Genl. Constand Viljoen.

Clause 1.1 of the Memorandum reads *inter alia* as follows: "(Both Parties)...*accept that many Afrikaners...have a commitment to the ideal of self-determination in a Volkstaat...*"

Clause 1.2: "*Both parties believe that the objectives stated above are attainable...*"

Clause 2.4: "(Both parties)...*agree that the aspirations of many Afrikaners to govern themselves in their own territory should be addressed. Accordingly, they agreed that a joint working group be established for this purpose...*"

Clause 2.5: "*The Parties agreed...to send a joint delegation to Switzerland and Belgium...to determine whether aspects of these systems may be helpful in the resolution of the South African conflict*".

Clause 2.6: "*The AVF, having accepted the ANC's good faith, (own emphasis) has undertaken to actively discourage any action calculated to destabilise the transitional process.*"

Clause 2.7: "*The ANC, having accepted the bona fides of the AVF, gives its commitment to promote agreements entered into with the AVF, including such constitutional and legislative agreements, which may be required for their implementation.*" (Own emphasis)

- 1.9.2 Referring to the aforesaid document in a handwritten letter to Genl. Viljoen dated 21st of December 1993, none other than Mr. Nelson Mandela wrote the following paragraph: "*Meanwhile I wish to let you know that the attached Memorandum of Agreement between the African National Congress and the Afrikaner Volksfront was discussed and approved by the officials of the ANC and it enjoys my support.*" (own emphasis)
- 1.9.3 On the 23rd of April 1994, a document titled "**Accord on Afrikaner Self-Determination between the Freedom Front, the African National Congress and the South African Government/National Party**" was signed by Mr. Thabo Mbeki (in his capacity as National Chairman of the ANC); Genl. Viljoen, and Roelf Meyer (then Minister of Constitutional Development).

Clause 1 of the said document reads as follows: “*The parties agree to address, through a process of negotiations, the idea of Afrikaner self-determination, including the concept of a Volkstaat*”. (Own emphasis)

Clause 2: “*The parties further agree that in the consideration of these matters, they shall not exclude the possibility of local and/or regional and other forms of expression of such self-determination.*” (Own emphasis)

Clause 3: “*They agree that their negotiations shall be guided by...Constitutional Principle XXXIV...*” (as contained in the “Interim Constitution, Act 200 of 1993).

Clause 4: “*The parties further agree that...the support for the idea of self-determination in a Volkstaat will be indicated by the electoral support which parties with a specific mandate to pursue the realisation of a Volkstaat, will gain in the forthcoming election*”. (The Freedom Front had exactly that mandate and obtained 424 555 votes in the following general election of 1994 – or, the fourth most votes after the ANC, NP and Inkatha and gaining more votes than the Democratic Party.)

Clause 5: “*The parties agree that the task of the Volkstaatraad shall be to investigate and report to the Constitutional Assembly...on measures which can give effect to the idea of Afrikaner self-determination, including the concept of the Volkstaat.*”

Attached to the Accord was an Appendix with five “Chapters”.

Paragraph 6 of Chapter 5 reads: “*...self-determination for a people constituting a minority should be considered with due regard to- and in full recognition of the legitimate expressed expectations of such a people so as to avoid...majority domination that may...cause conflict...*”

Paragraph 7 of Chapter 5 reads: “*...we have recognised various modes of self-determination. It may involve the negotiation of a territorial entity which may have various degrees of autonomy.*” (Own emphasis)

1.9.4 In adherence to the “Accord”, Chapter 11 of the “**Interim Constitution**” (Act 200 of 1993) was then expanded to include (alongside the recognition of Black traditional authorities with Provincial Houses of Traditional Leaders as well as a Council of Traditional Leaders) the formation of a “Volkstaatraad”, in Sections 184A and 184B of the said Act. Furthermore, Parliament approved the Volkstaat Council Act, Nr. 30 of 1994, in this regard.

Section 184A(2) of the interim Constitution ruled that the Volkstaatraad shall consist of members elected by members of Parliament.

Section 184B(1) of the interim Constitution, states the following: “*The (Volkstaat) 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...*”

Section 184B(3) states: “*The procedures provided for in this Constitution with regard to the finalisation of provincial boundaries, shall not be construed as precluding the establishment of such a Volkstaat, and in the event of the acceptance of the concept of a Volkstaat, alternative provision shall be made for the finalisation of the boundaries of any affected province or provinces*”.

1.9.5 **Constitutional Principle XXXIV** determines the following:

(1) “*This Schedule and the recognition therein of the right of the South African people as a whole to self-determination, shall not be construed as precluding, within the framework of the said right, constitutional provision for a notion of the right to self-determination by any community sharing a common cultural and language heritage, whether in a territorial entity within the Republic or in any other recognised way.* (Own emphasis)

(2) *The Constitution may give expression to any particular form of self-determination provided there is substantial proven support within the community concerned for such a form of self-determination*”. (Own emphasis)

1.9.6 Seeing that the “Constitutional Principles” contained in the Interim Constitution (and thus, of course, also Constitutional Principle XXXIV) was binding on the Constitutional Assembly (being the body which ultimately drafted the present, “final” Constitution), its provisions are being echoed in the current **Constitution of the RSA (Act 108 of 1996)**; with Section 235 of same determining the following: “*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*”.

1.9.7 The “Volkstaatraad” was duly constituted and activated on the 6th of June 1994. Over the next almost five years, it consulted and liaised with relevant role-players including the ANC, the Constitutional Assembly and other cultural groups in this country striving for self-deter-

mination; it went on fact-finding missions to various foreign countries; it held and attended numerous conferences; it collected a huge amount of relevant data by way of, amongst others, empiric research and opinion-polls; it presented information-sessions and brought out a total of eight Reports containing its findings.

- 1.9.7.1 In its **8th and final Report** (published in March 1999) the Volkstaatraad indicated 4 areas with potential for Boer-Afrikaner territorial self-determination; namely an area straddling parts of the Northern- and Western Cape; one in the Bushveld; one in Eastern Transvaal (Mpumalanga) and finally a demographically-demarcated part of the Pretoria-Centurion complex. Opinion-polls conducted in the last three of these areas during 1998/'99 indicated, as interpreted by Prof. L. Schlemmer, that more than 75% of Boer-Afrikaners in these areas supported the idea of self-determination in one or other form (showing an increase of support since the first opinion-poll which was held in the greater Pretoria-area during 1995/'96).
- 1.9.7.2 Whereas the Volkstaatraad found great acclaim among Boer-Afrikaners for the idea of territorial self-determination in the Bushveld- and Eastern Transvaal areas, it could not recommend summary constitutional proposals for these areas in this regard due to demographic reasons (the areas demarcated by the Volkstaatraad being relatively large, and therefore encompassing a huge non-Afrikaner component).
- 1.9.7.3 In case of the North-western Cape- and the Pretoria-areas however, the Volkstaatraad did recommend territorial self-determination. Regarding the North-western Cape, it found that Afrikaans is by far the most dominant language in the area among White- as well as Brown people; and that the area lends itself for purposes of territorial self-determination. Regarding the Pretoria-area, the Volkstaatraad recommended that this territory be granted regional autonomy; operating within the South African state on a federal basis.
- 1.9.7.4 On the 31st of March 1999, the Volkstaatraad was disbanded by the ANC Government – without any serious discussions between them as to the findings and advice of this body; without any negotiations howsoever regarding

its proposals. Government did not even propose or consider a cut-back form of the Volkstaatraad's proposals (for example, the geographical reduction of areas identified for the implementation of self-determination; so as to attain Boer-Afrikaner majorities in the regions concerned).

- 1.10 Thus ended the sole statutory body which resulted from negotiations and the relinquishing of violence, as a means of preserving self-rule, by Boer-Afrikaners during the transition-process. Thus ended the faith with which they embarked on a constitutional process in order to obtain self-determination.
- 1.11 By 2007, the Boers striving for independence were divided in several organisations, without unity in action and leadership. This problem was overcome when an electoral commission – the *Volkstaat Verkieping Kommissie* or "VVK" was set up in that year under the chairmanship of this writer. The purpose of the VVK was to facilitate the election of a "Volkstaat" (in English: Peoples Assembly) amongst all Boer-Afrikaners who claim territorial self-determination and across their organisational divides – clothing such *Volkstaat* with a legitimate mandate to act on behalf of them all. As in the old Boer Republics, the election facilitated by the VVK was not fought among political parties – rather, leaders were nominated by their supporters and contested the election in their personal capacity.
- 1.12 The *Volkstaat*-election had to be facilitated with the minimum of (private) funding and by officials performing this work in their spare-time. The VVK could afford only one full-time official. Although the mainstream Afrikaans media largely refused the VVK any coverage (*Beeld*-newspaper even refused to publish its advertisements, despite being offered standard tariff-payments), the VVK still managed to register roughly 36 000 voters (of 18 years and older) and went ahead with the election of a *Volkstaat* on the 23rd and 24th of September 2011. No doubt that, should the VVK-election had been granted a fraction of the media-coverage being enjoyed by other elections in South Africa; with a fraction of the personnel and funding involved in IEC-elections, the VVK-voter's roll could have comprised hundreds of thousands of people. The *Volkstaat* as elected can thus, for all practical purposes and intent, be accepted as the current legitimate representative body of all Boer-Afrikaners claiming territorial self-determination.
2. PROBLEM-STATEMENT AND SOUTH AFRICA'S INTERNATIONAL OBLIGATIONS
- 2.1 Political developments in South Africa since the 1994-election proved that the concerns and arguments put forward by Boer-Afrikaner proponents of self-determination, are valid.

- 2.2 Although general elections every five years grant the broader South African population democracy, the Boer-Afrikaner population completely lost effective *representivity* in Government. Boer-Afrikaners completely **lost any effective influence** upon both the *compilation* of Government and Government-*policy*. **Consequently, although many members of the Black majority-community might experience South Africa as a democracy, the Boer-Afrikaner community lives, de facto, in a majority-dictatorship.**
- 2.3 The many detrimental effects of this manifest themselves in, for example, national legislation which prejudice Boer-Afrikaner norm- and value systems and religious beliefs; jeopardise its labour-market opportunities; reduce its tertiary educational-opportunities on a racist basis; destroys many of its business- and entrepreneurial opportunities; etc.
- 2.4 In addition, the current Government continues certain racial-policies of the *Apartheid*-system for the benefit of Black ethnic groups, but without any reciprocal gesture towards Boer-Afrikaners – thus, for example, land-ownership is (still) reserved for Blacks in the former Black homelands; whilst Boer-Afrikaners are excluded from any likewise situation.
- 2.5 The South African government, in the premises, breaches several of its international treaty-obligations.
- 2.6 One example in this regard, is the United Nation's (UN) *International Covenant on Civil and Political Rights*. This Covenant is binding on all member-states of the UN which have signed it (as South Africa has done on the 10th of December 1998; also signing the "Optional Protocol" to this Covenant on the 28th of August 2002).
- 2.7 **Section 1(1)** of the Covenant determines the following: "*All 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.*"
- 2.8 **Section 2(2)** determines further: "*Where not already provided for by existing legislative or other measures, each State party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant*". (own emphasis)
- 2.9 **Section 2(3)** determines: "*Each State Party to the present Covenant undertakes:*

b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

c) to ensure that the competent authorities shall enforce such remedies when granted". (Own emphasis).

2.10 Although it was sometimes argued from the 1960's onwards that the right to self-determination clings to a country's population in broader sense and not to cultural communities *within* a country, that view had since been clearly refuted in International Law.

2.11 This was unequivocally demonstrated by the ruling of the International Court of Justice (ICJ) in the following case: *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo, Advisory Opinion, ICJ Reports 2010, p. 403.*

3. PROPOSAL AND REQUEST

3.1 International Law prescribes the routes to be followed by all role-players in case of a violation of the right to self-determination.

3.2 From a logical perspective, the first prerequisite is a body which can claim to act on behalf of a people affected by such a breach. The *Volksraad*, being a democratically-elected body as explained above, is such a body. It was specifically mandated by its voters to enter into discussions with Government in order to remedy the said breach.

3.3 Therefore, subsequent to its inauguration on the 10th of October 2011, the *Volksraad* served 5 letters on the Presidency dated 25 October 2011; 17 November 2011; 8 February 2012; 5 June 2012 and 17 October 2012 respectively. Receipt of only the third letter (dated 8 February 2012) was acknowledged on behalf of the Presidency by a letter from Mr. Robert Ngobeni (Administrative Secretary: Presidential Support Services) dated 17 February 2012. Copies of all the said letters are attached hereto; as requested by yourself.

3.4 The request of the *Volksraad* in these letters is discussion with the President and representatives of Government; so as to reach a peaceful settlement in terms of territorial self-determination for the Boer-Afrikaner people. It is further proposed that such discussion be conducted through international mediator/s to be mutually agreed on and with international stature.

3.5 Such a process would continue a long tradition of land-negotiations between Black leaders of southern Africa and the Boer-Afrikaner people. Although history is clear that the latter fought back when attacked, they always preferred a peaceful co-existence with Black peoples subsequent to ne-

gotiated land-settlements. Examples of these include land-treaties with Kings Dingane, Mpande and Dinizulu of the Zulu nation; Chief Makwana of the Barolong; King Umbandini and other members of the Swazi royal house; and the Tswana-chief Moshete.

- 3.6 Up until date hereof, the Presidency did not heed the *Volksraad's* request. A complaint at the SA Human Rights Commission led to a report by the latter containing *inter alia* the following remarks:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

29 August 2013

"... *No comprehensive assessment on the substantive merits was engaged...*

There remains a need for these issues (i.e. of origin, history and claim to land) to be more fully substantiated and tested particularly because of their intrinsic connection to characterisation and as a basis to establish unique separateness from other groups...

In having considered the matter, the Commission is also mindful that the complaint is brought on behalf of a substantial number of people who are deserving of a finding regarding their claim.

The basis for the Commission rejecting your matter is premised on the provisions of Article 12(8) (a) of Chapter 4 of its Complaints Handling Procedures, which provides as follows:

12 8 (a) If the Provincial Manager makes a finding that the complaint does not fall within the jurisdiction of the Commission, or could be dealt with more effectively or expeditiously by another organisation, institution, statutory body or institution created by the Constitution or any applicable legislation, the complainant ... must be notified thereof, in writing:..." (Own emphasis)

In the circumstances the Commission will proceed to close its file on this matter.

CHANTAL KISOON

PROVINCIAL MANAGER

GAUTENG

- 3.7 International Law prescribes that, when national remedies had been exhausted, a people suffering a breach of the right to self-determination should approach the international community for assistance in terms of a peaceful solution. The *Volksraad* submitted a first report in this regard already to the UN and certain foreign embassies in South Africa during November 2012.
- 3.8 Should neither national- nor international efforts bear any fruits, the *Volksraad* is under the mandatory obligation to refer the matter back to the people on the VVK voter's roll for a populist decision by the latter on what the next step would be. That point in the cycle, according to the *Volksraad's*

mandate, should in fact have been reached already. It is thus confirmed that, should Government contemplate heeding the *Volksraad's* request for discussions, time is of the essence.

Yours sincerely

Signed: Paul Kruger

VOLKSRAADKENNISGEWING

Beraad, Volksraadvergadering en Verootmoedigingsdiens

Nberaad tussen die Volksraad en die VVK word vir Vrydag 24 Januarie te Orania beplan om sake van gemeenskaplike belang te bespreek.

Die kwartaallikse vergadering van die Boere-Afrikanervolksraad sal D.V. op SATERDAG, 25 Januarie 2014 om 09:00 in die Gemeenskapsaal van Orania plaasvind. Tydens die geleentheid sal openbare terugvoer oor die werksaamhede van die Volksraad gegee word. Lede Van die publiek is welkom om dit by te woon.

Op Sondag 26 Januarie om 08:00 sal 'n **openbare dank- en verootmoedigingsdiens** in dieselfde Gemeenskapsaal gehou word. Dit sal gelei word deur ds. Ferdie Devenier. Volksgenote word uitgenooi om daarin te deel.

A.E. BREYTENBACH

Voorsitter

Kleinfontein, 28 Desember 2013

Die Vaste Fondament

"Verneder julle dan onder die kragtige hand van God, sodat Hy julle kan verhoog op die regte tyd.

Werp al julle bekommernisse op Hom, want Hy sorg vir julle.

Wees nugter en waaksaam, want julle teëstander, die duiwel, loop rond soos 'n brullende leeu en soek wie hy kan verslind. Hom moet julle teëstaan, standvastig in die geloof..."

1 Petrus 5:6-9
