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R. file

MY TELNO 039 (NOT TO ALL): SOUTH AFRICA: DE KLERK'S SPEECH

1. DE KLERK TODAY ANNOUNCED THE FOLLOWING:

- IMMEDIATE UNBANNING OF THE ANC, SACP AND PAC
- RELEASE OF ALL PEOPLE IMPRISONED MERELY FOR BEING MEMBERS OF PREVIOUSLY BANNED ORGANISATIONS (EXCLUDING PRISONERS SENTENCED FOR TERRORISM, MURDER OR ARSON)
- IMMEDIATE END TO ALL EMERGENCY REGULATION RESTRICTIONS ON 33 POLITICAL ORGANISATIONS (INCLUDING UDF, COSATU AND WHITE EXTREMIST ORGANISATIONS)
- IMMEDIATE END TO ALL EMERGENCY REGULATIONS ON THE MEDIA, WITH NEW PROVISIONS TO BE MADE FOR 'EFFECTIVE CONTROL OVER VISUAL MATERIAL PERTAINING TO SCENES OF UNREST'
- IMMEDIATE END TO ALL RESTRICTIONS ON 374 EX-DETAINEES, WITH ABOLITION OF THOSE EMERGENCY REGULATIONS PROVIDING FOR SUCH RESTRICTIONS
- NEW LIMIT OF SIX MONTH'S DETENTION UNDER THE EMERGENCY REGULATIONS, WITH GUARANTEED ACCESS FOR DETAINEES TO LAWYERS AND DOCTORS OF THEIR OWN CHOOSING
- NEW LEGISLATION TO BE TABLED TO LIMIT DEATH SENTENCE TO EXTREME CASES, EXTEND JUDICIAL DISCRETION AND GIVE AUTOMATIC RIGHT OF APPEAL
- IMMEDIATE MORATORIUM ON DEATH SENTENCES ALREADY PASSED WITH INDIVIDUAL REVIEWS FOR ALL PRISONERS CURRENTLY SENTENCED TO DEATH IN LINE WITH NEW LEGISLATION
- REPEAL OF SEPARATE AMENITIES ACT IN THIS SESSION OF PARLIAMENT

2. DE KLERK SAID THAT THE SAG HAD FIRMLY DECIDED TO RELEASE MANDELA UNCONDITIONALLY AND WITHOUT DELAY, BUT THERE REMAINED SPECIFIC FACTORS INCLUDING HIS PERSONAL CIRCUMSTANCES AND SAFETY. A FINAL DECISION ON THE DATE WOULD BE TAKEN SOON.
3. DE KLERK SAID HE INTENDED TO END THE STATE OF EMERGENCY AS SOON AS CIRCUMSTANCES JUSTIFIED IT, BUT VIOLENCE CONTINUED IN NATAL. THE CABINET'S DECISION TO LIFT RESTRICTIONS ON POLITICAL ORGANISATIONS DID NOT MEAN THAT LAW AND ORDER WOULD BE JEOPARDISED - VIOLENCE FROM WHATEVER SOURCE WOULD BE FOUGHT. HE APPEALED TO ALL OTHER PARTIES TO HELP HIM GET TO A SITUATION IN WHICH THE EMERGENCY COULD BE LIFTED ENTIRELY.
4. DE KLERK SAID THAT THE DEATH OF STALINIST COMMUNISM IN 1989 MEANT THAT THOSE WHO SOUGHT TO IMPOSE SUCH A SYSTEM ON SOUTH AFRICA HAD TOTALLY TO REVISE THEIR VIEWS. DEVELOPMENTS IN EASTERN EUROPE MEANT THAT AFRICA WOULD BE RECEIVING RELATIVELY LESS ATTENTION. SOUTHERN AFRICA HAD A HISTORICAL OPPORTUNITY TO SET ASIDE ITS CONFLICTS AND DRAW UP A JOINT PROGRAMME OF RECONSTRUCTION - WITHOUT A JOINT APPROACH THEY FACED DECLINE AND RUIN.
5. DE KLERK SAID THAT TODAY'S ANNOUNCEMENT WOULD SHAPE A NEW PHASE FEATURING A MOVEMENT AWAY FROM CONFRONTATION AND VIOLENCE. THERE WAS NO TIME LEFT FOR ADVANCING NEW CONDITIONS TO DELAY THE NEGOTIATING PROCESS. THE SAG HAD PROVED ITS GOOD FAITH BY THESE MEASURES WHICH WENT TO THE HEART OF WHAT BLACK LEADERS HAD BEEN ADVANCING FOR YEARS AS THEIR MAIN REASON FOR RESORTING TO VIOLENCE, NAMELY THAT THE SAG WOULD NOT TALK TO THEM OR ALLOW FREE POLITICAL ACTIVITY. THIS JUSTIFICATION FOR VIOLENCE NO LONGER EXISTED AND THERE WAS NO LONGER ANY REASONABLE EXCUSE FOR CONTINUING VIOLENCE, AS ALL ORGANISATIONS COULD NOW PURSUE POLITICS EQUALLY AND FREELY. THE TIME FOR NEGOTIATION FOR A NEW DISPENSATION HAD ARRIVED. THE AGENDA WAS OPEN. THE OVERALL AIMS SHOULD BE ACCEPTABLE TO ALL REASONABLE SOUTH AFRICANS AS THEY INCLUDED A NEW, DEMOCRATIC CONSTITUTION: UNIVESAL FRANCHISE: NO DOMINATION: EQUALITY BEFORE AN INDEPENDENT JUDICIARY: THE PROTECTION OF MINORITY AS WELL AS OF INDIVIDUAL RIGHTS: FREEDOM OF RELIGION: A SOUND ECONOMY BASED ON PROVEN ECONOMIC PRINCIPLES AND PRIVATE ENTERPRISE: DYNAMIC PROGRAMMES DIRECTED AT BETTER SOCIAL CONDITIONS FOR ALL.
6. DE KLERK SAID THAT RE-INCORPORATION OF THE FOUR INDEPENDENT HOMELANDS INTO SOUTH AFRICA WAS A POSSIBILITY, BUT WOULD REQUIRE LEGISLATION IN BOTH THEIR AND THE SOUTH AFRICAN PARLIAMENTS.

7. DE KLERK SAID THAT PROTECTING THE RIGHTS OF 'INDIVIDUALS, MINORITIES AND NATIONAL ENTITIES' HAD TO FORM A BALANCED WHOLE: THE FORMAL RECOGNITION OF INDIVIDUAL RIGHTS COULD NOT WISH AWAY THE PROBLEMS OF A HETEROGENEOUS POPULATION. NEVERTHELESS NO GROUP, HOWEVER DEFINED, SHOULD HAVE A FAVOURED POSITION. THE GOVERNMENT ACCEPTED THE PRINCIPLE OF THE RECOGNITION AND PROTECTION OF FUNDAMENTAL INDIVIDUAL RIGHTS AS THE MOST PRACTICAL WAY OF PROTECTING THOSE RIGHTS WAS A DECLARATION OF RIGHTS JUSTICIABLE BY AN INDEPENDENT JUDICIARY. THE LAW COMMISSION WAS ALSO BEING ASKED TO LOOK AT THE MAIN TYPES AND MODELS OF DEMOCRATIC CONSTITUTIONS, ANALYSE THE WAY RELEVANT RIGHTS ARE PROTECTED AND EXAMINE WAYS IN WHICH SUCH CONSTITUTIONS MIGHT BE MADE TO SUCCEED AND BE SAFEGUARDED IN A LEGITIMATE MANNER.

RENWICK

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