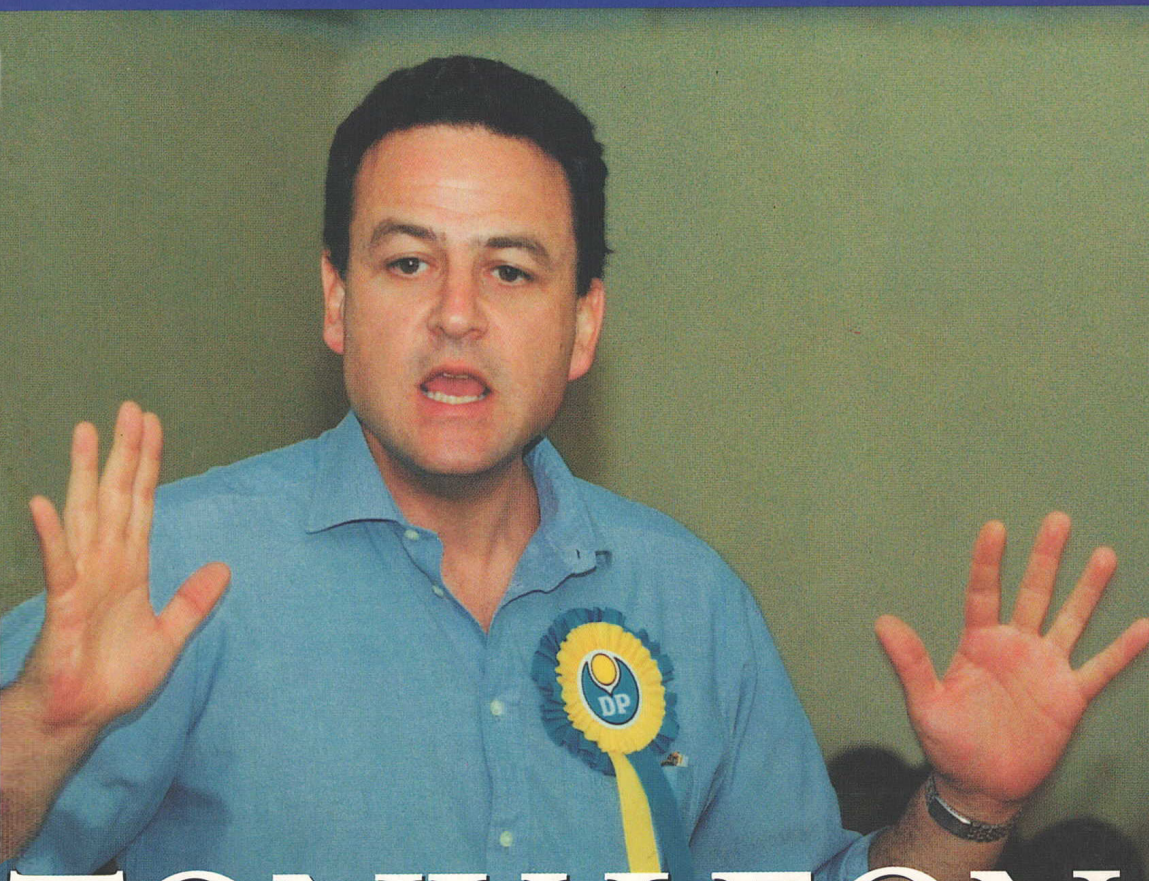
HOPE & FEAR

REFLECTIONS OF A DEMOCRAT



TONY LEON

Hope & Fear is a selection of speeches and writings by Tony Leon, former leader of the Democratic Alliance and its predecessor, the Democratic Party (DP). It records a period in which Leon took the party from the edge of political extinction to the centre of political debate and massively increased voter support. Leon speaks and writes with style, insight and candour on the critical issues involved in South Africa's transition from apartheid to democracy, including constitutional issues, the nature of modern liberalism, the power of the African National Congress (ANC), justice and policing, economic liberation, higher education and the challenge of rapid urbanisation. The entries in the book were selected and edited by Professor David Welsh, retired Professor of African Studies at the University of Cape Town, and the book includes a foreword by distinguished parliamentarian Helen Suzman.

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Reflections of a Democrat

TONY LEON

Foreword by *Helen Suzman*
Edited by *David Welsh*

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Acknowledgements

Tony Leon

I have been greatly assisted by many people in the original preparation and dissemination of the many speeches, articles and essays in this collection. I have been informed and influenced by some stellar intellects and 'merchants of ideas' who have always been unfailing in their advice and help. My special thanks to RW Johnson, the late Etienne Mureinik, David Unterhalter, Charles van Onselen, Gillian Godsell, Alec Hogg, Andrew Kenny and Zach de Beer.

David Welsh, whose quiet, loyal and intellectually rigorous contribution to the political cause we share has never been properly acknowledged, has proved as great and gentle an editor as he is a friend.

I have also been guided and aided in preparing some of these pieces by dedicated colleagues (particularly Jack Bloom MPL, Douglas Gibson MP, Peter Leon MPL, Councillor Frances Kendall, Colin Eglin MP and James Selfe MP).

The bright and enthusiastic DP parliamentary staff (present and past) who have always gone the extra mile for me in researching, formulating and disseminating many of the original pieces of this collection – Danielle Cohen, Jennifer Cohen, Ryan Coetzee, Robert Desmarais, Julia Frielinghaus, Caroline Knott, Pam Sykes and Raenette Taljaard – deserve special mention and credit.

Helen Suzman was my first political heroine and inspiration. In a real sense her shining example activated the aspiring liberal politicians of my generation. She has done me an enormus credit by penning the introduction to this volume.

Practically every word in the original texts which comprise this selection was typed by my long-suffering secretary – the irreplaceable and dedicated Sandy Slack.

The enthusiasm of Jonathan Ball made this project a reality: in a country of diminishing skills, we are fortunate to have such a positive, generous spirit and bundle of energy at the helm of book publishing. Francine Blum, his production manager and Valda Strauss, copy editor, have guided this book from start to finish.

I dedicate this book, with loving gratitude, to my parents Sheila Schulz and Ray Leon and to the loyal troops of the DP throughout South Africa.

Foreword

Helen Suzman

It is ironic that South Africa is now governed under a Constitution that embodies liberal principles. Democrats were delighted at the transition, for which the Democratic Party and its predecessors had striven for so long. To what extent the far-reaching protections or prohibitions of the Bill of Rights can and will be implemented, remains to be seen. Of paramount importance is the role of a free press and of a vigilant, fearless parliamentary opposition.

Tony Leon became leader of the DP at a difficult time, shortly after the crushing defeat of the party suffered in 1994. His predecessors, Jan Steytler, Colin Eglin, van Zyl Slabbert and Zach de Beer, were all outstanding South Africans. Tony was soon able to dispel any fears that he was too young and too inexperienced. He has shown himself to be a worthy successor whose stature has grown in the leadership.

I have known him since he was a young activist in my constituency and, as David Welsh's introduction makes clear, Tony and I have had our differences, mainly concerning the manner in which he was nominated as the MP for Houghton. However, I give him full credit for a splendid performance in Parliament and for reinvigorating a party that was understandably dispirited after the 1994 elections.

The speeches, articles and lectures contained in this collection give the reader an interesting account of the turbulent years that Tony's career as a public representative have spanned. The essence of liberalism is a staunch commitment to civil rights and to the rule of law, and a total opposition to racial discrimination.

Tony Leon stands squarely in this great tradition. He demonstrates an honest effort to adapt core liberal values to the challenges posed by majority rule in a deeply divided, highly unequal society. Clearly, he is a vigorous, inquiring mind at work. I commend his courage in not hesitating to meet head-on the most powerful political forces in the land.

Curriculum vitae
Anthony (Tony) James Leon

(born 15 December 1956)

CURRENT POLITICAL OFFICES

Leader, Democratic Party (1994)
Member of Parliament, National Assembly (1994)

PREVIOUS POLITICAL OFFICES

Co-Chairperson – Constitutional Assembly (1994 – 96)
Theme Committee on Fundamental Rights

Member of Parliament for Houghton (1989 – 94)

Johannesburg City Councillor (1986 – 89)

Leader of Opposition, Johannesburg City Council (1988 – 89)

Chairperson, DP Bill of Rights Commission
Delegate, Multi-Party Negotiations' Process, Kempton Park (1993 – 94)

Adviser, Convention for a Democratic South Africa (CODESA) (1991– 92)

EDUCATION

Educated at Clifton Preparatory School, Durban
Kearsney College, Botha's Hill, Natal
BA LLB : University of Witwatersrand, Johannesburg (1977 – 82)
President, Law Students' Council (1981 – 82)
Vice-president, Students' Representative Council (1979 – 80)

AWARDS, PRIZES

Claude Franks Prize for Jurisprudence and Conflict of Laws (1982)
Winner – Intermediate (1981) and Final Year (1982) Moot Court Contest
Winner – Wits Best Speaker's contest (1980)
Star of the Community, *The Star* award (1986)
J & B Rare Achievers' Award for Public Service (1988)
Finalist – Four Outstanding Young South Africans Award (FOYSA) (1990)

CAREER

Attorney of the Supreme Court of South Africa
Lecturer in Law, University of Witwatersrand, Johannesburg (1986 – 89)

BODIES

Member, Governing Council and Executive, University of Witwatersrand
Trustee, Drive Alive Foundation

Introduction

David Welsh

Much of what most politicians say or write is ephemeral – and eminently forgettable. This collection of Tony Leon's speeches, essays and papers is something of an exception that proves the rule. As the reader will soon discover, Tony Leon writes and speaks with elegance, verve and wit. He combines the erudition of a former legal scholar with the capacity for political infighting.

South African politics has always been robust, both in the 'old' and 'new' South Africa. That Tony has been able to cope admirably with both is testimony to his adaptability. Although he leads a small party, the Democratic Party (DP), he has been able to make an impact out of all proportion to the DP's size. He is widely admired, even by some of his political opponents, for his fighting spirit and for his courage in taking on major political forces, like the National Party (NP) before 1994 and the African National Congress (ANC) after 1994.

Tony Leon was born in Durban in 1956. His parents, Ramon Leon and Sheila Schulz, are both well-educated and refined people. At the time of Tony's birth Ramon Leon was a leading advocate at the Durban Bar. He took silk in 1959 and, after several spells as an acting judge, he was appointed to the Bench in 1967. Sheila is also a well-educated person with a lively interest in the arts.

The Leon household was a highly political one. Both parents were strong liberals and founder-members of the Progressive Party in 1960. From his earliest days Tony and his elder brother, Peter, grew up in an atmosphere of political discussion. Often leading Progressives stayed with the Leons and contributed further to the political education of the young boys.

The Leons were a secular family but distinctively Jewish cultural characteristics appear to have been inculcated in Tony and his brother: a deep respect for learning and wisdom (an essentially Talmudic virtue) and an enjoyment of debate and questions.

As a result of his mother's involvement with the South African Institute of Race Relations, Tony was exposed at an early age to the ravages of apartheid and saw for himself the squalor of township life. During his school years at Clifton Preparatory School (Durban) and Kearsney College (Botha's Hill), Tony stood out as a dissident who

refused to accept white South Africa's conventional wisdom about black people. Kearsney (a Methodist school, incidentally) offered a good secondary education, but its ethos was conservative. Many of Tony's peers were the sons of farmers. Nevertheless, debate and public speaking were encouraged. Tony himself pays tribute to some of the teachers and boys who upheld liberal values.

Tony matriculated in 1974, the year in which the Progressives made something of a breakthrough, winning seven seats in Parliament. Previously Helen Suzman had been the lone Progressive MP, being the only Progressive MP to retain her seat in 1961 one year after the party's formation.

Tony worked hard as a 'foot soldier' (his word) in Helen's campaign. He treasures a letter of thanks from her in which she wrote, prophetically, 'perhaps one day you will join us'. Tony and Helen became good friends until Tony's controversial winning of the nomination for Helen's constituency, Houghton, in 1989 when Helen retired.

To the extent that his academic requirements permitted, Tony remained active in the Progressive Party and its subsequent reincarnations as the Progressive Reform Party, the Progressive Federal Party and the Democratic Party. Through this experience he learned that politics is only marginally about glamorous activities like making ringing speeches. As Helen Suzman and others knew, winning a seat required lots of dreary slog work like canvassing voters, checking voters' rolls and ensuring that your supporters actually turned out to vote on election day.

Given the high regard in which they held their father, it was perhaps inevitable that both Tony and Peter Leon would follow in his footsteps and embark upon legal careers. From 1977 to 1982 Tony was a student at the University of the Witwatersrand, Johannesburg, and emerged with a BA LLB qualification. The Wits years consolidated Tony's passion for politics. He became actively involved in student politics and was vice-president of the Students' Representative Council in 1979 and 1980 and president of the Law Students' Council in 1981 and 1982.

As a law student Tony won a string of prizes: the Wits Best Speaker's Contest in 1980, the Intermediate and Final Year Moot Court Contests in 1981 and 1982 respectively, and the Claude Franks Prize for Jurisprudence and Conflict of Laws in 1982. These achievements suggest that Tony made the most of his Wits years, both academically and politically. Being offered, and accepting, a lectureship in the prestigious Wits Law School in 1986 showed that he was well-regarded by his teachers. Prior to this he had spent three years at a leading commercial law firm in Johannesburg during which time he qualified and was admitted as an attorney of the Supreme Court of South Africa.

Tony's first foray into electoral politics occurred in 1986 when he

won, by the narrowest of margins, a seat on the Johannesburg City Council. At just 30 years of age he was the most junior member of the 22-strong PFP caucus. Tony quickly learned a great deal about municipal politics. Harry Schwarz, a leading PFP member and a former Johannesburg city councillor, taught Tony some valuable lessons, including the seemingly obvious, though not always heeded one that the most important thing for a councillor to do was to stand up for the interests of ratepayers.

Tony did not hesitate to take on contentious issues. He was implacably opposed to municipal segregation and was in the forefront of the attack on segregated facilities. He also focused on the serious issue of crime. The PFP caucus was a deeply-divided one and, in 1988 its leader, Sam Moss, walked out of the party a mere seven months before municipal elections were due. The caucus turned to Tony who became leader at the age of 31.

He was not daunted by the task of moulding unity out of the fractious caucus, and he made such a good job of it that the PFP made major gains in the elections of October 1988. Since Johannesburg is South Africa's major city, Tony's success gave him a much higher profile in the PFP and brought him a measure of national recognition. It was not surprising that he was chosen to be one of the four PFP representatives on the national board of the Democratic Party which was formed by the amalgamation of the PFP and the organisations created by, respectively, Denis Worrall and Wynand Malan.

Tony's big break came in May 1989 – and evoked major controversy in the party. Helen Suzman had decided finally to retire and the nomination for the Houghton constituency which she had represented with great distinction for 36 years was to be decided. Houghton, it should be added, was the safest seat in the country for the DP, thanks to Helen's tireless efforts.

Helen was keen to see her long-time political ally and friend, Irene Menell, succeed her. Irene herself is a fine person with an outstanding record as a provincial councillor. Tony and a number of young Turks (and some not-so-young Turks), however, were determined to secure his nomination. A bitter fight ensued. Tony's team, by signing up 350 new members and ensuring that his supporters were in the majority, easily won the contest. Helen was greatly angered by what she called 'Tammany Hall' tactics and for several years her friendship with Tony was breached. Only recently has it been patched up.

In the election of 6 September 1989 Tony doubled the previous PFP majority in Houghton, thereby contributing to the climate of reformism among whites that emboldened FW de Klerk, the National Party leader and state president, to deliver his famous speech of 2 February 1990.

The newly-constituted DP soon threw up its quota of internal problems. A little more than a month after the election of September 1989

it held its congress at the Royal Hotel in Durban. Part of the founding pact had been an agreement that leadership of the new party should take the form of a 'troika', meaning that Zach de Beer, an old Progressive stalwart, Denis Worrall and Wynand Malan would share the leadership. Tony believed this to be an unworkable arrangement and said as much to the congress with characteristic forcefulness. It led to a shouting match between him and Worrall's and Malan's supporters, which ended in Tony being booed off the stage. Five years later, nearly to the day, Tony himself would be elected as the (sole) leader of the DP.

In the exciting years after De Klerk's great speech and the elections of April 1994, Tony immersed himself in his parliamentary duties and also in the tortuous and complex negotiations that preceded agreement on the interim Constitution in December 1993. As several items in this collection show, Tony played a significant part in the drafting of the Bill of Rights and of the provisions governing judicial appointments. Overall, the DP negotiators, led by the canny veteran, Colin Eglin, played a role the importance of which was out of all proportion to the size of the DP on the ground.

The elections of April 1994 brought disaster to the DP which won a mere 1,7% of the vote, giving them seven members in the National Assembly and three in the senate. Zach de Beer resigned immediately as party leader. Its poor showing probably had little to do with his performance: it was a so-called *uhuru* (liberation) election in which race (and all that race encapsulated) was decisive. Erstwhile DP supporters deserted in droves to support the NP and, to a lesser extent, the Inkatha Freedom Party as the most hopeful counterweights to the ANC. A small number voted for the ANC.

It was a dispirited, shaken DP that emerged from the wreckage. Some even wondered whether the time had not come to call it a day and disband the party.

Tony was not among them and he energetically set about to contest the leadership. He was pitted against Ken Andrew, the former MP for Gardens. Ken, who probably has the best financial brain in Parliament, as well as being one of the wisest DP politicians, was beaten decisively by Tony, but immediately gave Tony his unstinting support for the tough task of rebuilding the shattered morale of the party.

Tony came into the leadership determined to reorient the DP to a new focus. The DP and its predecessors had fought the good fight against apartheid: with that particular dragon slain (although the stench lingered on) it was now time to work out a distinctively *liberal* approach to the problems that the new South Africa would face. The trajectory of his speeches and writings in this book shows the steady crystallisation of his and his colleagues' thinking. Core liberal values retain pride of place. Tony has striven mightily to

show their relevance and adaptability to current conditions.

Not all of his DP caucus colleagues and DP supporters agreed with Tony's muscular liberalism; but over time the muttering abated and, as his national stature grew, so his position as leader was consolidated and made unchallengeable. The sources of this 'muscular liberalism' must now be considered.

Tony's years at Wits coincided with watershed years for liberalism. Beginning in the early 1980s, a vigorous radicalism (or neo-Marxism) challenged liberal values and succeeded in nearly eclipsing them on the Wits and other South African campuses. The National Union of South African Students (NUSAS) spearheaded the anti-liberal drive. Liberalism was seen as passé, the last ideological redoubt of a failing capitalism that sought to douse the fires of revolution.

Tony found himself in the middle of this fight which succeeded in shattering the admittedly tenuous unity of the 'broad left' at Wits and elsewhere. By 1990, with the near-universal collapse of Marxist-Leninist regimes and their replacement with purportedly liberal-democratic Constitutions, liberal values appeared once again to be on the ascendant. Their critics, however, have remained vocal – and influential – inside the ANC.

The intense debates on campus and elsewhere steeled Tony. As no mean street-fighter, his liberalism became one of a muscular variety, ready to take on the hard left on its own terms. Which system offered the best hope of simultaneously securing democratic freedoms in an open society and growth, with a steadily diffusing prosperity? In Tony's mind there was no doubt about the answer which had been convincingly demonstrated, on empirical grounds, by Peter Berger, an American sociologist whose work he greatly admired.

Apart from the books and journals connected to his legal studies, Tony read voraciously, a habit he has managed to maintain even while fully engaged in politics. Apart from Berger, a number of other writers have influenced him: Gertrude Himmelfarb, the liberal historian; John Rawls, the American author of the 'justice-as-fairness' principle; Ronald Dworkin, perhaps the most brilliant liberal theorist of rights; and Jean-Francois Revel, author of *The Totalitarian Temptation* – a withering critique of Marxist pretensions.

Among those who wrote on South Africa, apart from Berger himself, the names of Merle Lipton and Etienne Mureinik (a close friend of Tony's until his tragic death in 1996) loom large. He has also enjoyed what might be called a love-hate relationship with Ken Owen, the acerbic former editor of the *Sunday Times*, whose provocative columns unfailingly challenged his readers.

Other influences reflected Tony's eclecticism and his readiness to maintain an open mind. Apart from some of the neo-conservatives like Berger and Revel, he read widely in the fields of Politics, Industrial

Sociology and Economics. He also imbibed heavy doses of Marxism without ever becoming the least attracted to the kind of systems established under its supposed banner.

As this collection will show, Tony has continued to grapple in a theoretical and practical way with many of the great issues of politics and economics, issues that remain both live and pressing in modern South Africa. Questions like: what is the proper role of the state? How much should be left to the market? And – a question neglected by liberals – what is the appropriate relationship between law and order?

Tony's critics insist on labeling him a 'Thatcherite'. As the contents of this book make clear, the label is grossly misleading. If by 'Thatcherism' is meant the enthusiastic propagation of a gradgrind kind of capitalism and the elimination of welfare for the poor – in short, institutionalised heartlessness – this is not only wrong, but also a grotesque misreading of what he actually stands for. Yes, he does indeed favour a market-driven system, with securely-entrenched property rights – but so does the rest of the democratic world and, if only reluctantly, the ANC. Yes, he does favour the reduction of the state's size and its scope – which is also the trend in most modern states. Yes, he does favour privatisation of state-owned assets where practicable – not only do the proceeds of privatisation mean a huge bonanza for the state that would enable it to pay off the national debt and underwrite costly plans, like housing the poor, it also usually leads to more efficient services.

DP policy, as Tony expounds it, is not about a return to laissez-faire capitalism: it propounds the concept of the 'social market' economy which is free enterprise tempered by compassion and concern for the less well-off. He opposes a system, like Britain's in the 1970s, in which trade unions can hold the government of the day to ransom in the interests of protecting a labour aristocracy. His speeches and writings contain many references to the problems caused by rigidity of the labour market and many proposals for addressing South Africa's main problem: joblessness. Joblessness and its terrible offshoot, crime, are like Bonny and Clyde. They threaten the very fabric of our society as Tony's warnings make clear.

Tony follows events in the modern world with keen interest. He watches the debates in Western Europe about the proper scope of welfare and how welfare nets are to be organised to achieve the most effective cost/benefit ratios. He is no Neanderthal reactionary, seeking only to erect barricades around minority privileges, as his ANC critics incorrectly insist. Rather, his quest is for strategies that combine redistribution with growth and that do not jeopardise freedom in the drive for equality. The latter issue, the tension between freedom and equality, is one that has long exercised Tony's mind. The problem was identified by Alexis de Tocqueville as far back as 1835. It cannot be resolved, but it

can be managed only by means of sensible trade-offs. What exactly those trade-offs should be is an issue that crops up frequently in the book.

If Tony is not an economic Thatcherite, there is nevertheless one respect in which he does resemble the Iron Lady: he is driven by conviction – a conviction that derives from core principles that he will not compromise. It is a theme he returns to at many points in this book.

Another theme that stands out in this collection is the huge problem of securing and sustaining democracy in a deeply-divided society like South Africa. It is clear that Tony has read widely and deeply about this issue. He acknowledges the influence of consociational theorists like Arend Lijphart and other scholars like Donald Horowitz who reached the famous conclusion that an election is an ethnically-riven society is more like a census (i.e. a head-count of the respective population groups) than an exercise in free choice. In South Africa's case there is a real danger that democracy will degenerate into a 'tyranny of the majority' in which minorities are subjected to a political steamroller.

Little purpose will be served by further discussion of the issues with which Tony's restless and inquiring mind has grappled. Rare is the political leader who, here or elsewhere, keeps up with modern debates and can move with relative ease between the roles of political thinker and tough political street-fighter. Tony Leon is such a leader.

Over the past decade South Africa has experienced momentous times. The deeply-entrenched racial oligarchy has given way to a formally democratic polity. It would be naïve, however, to suppose that democracy has been consolidated for it remains a tender young plant. In his short career thus far Tony has lived through stirring events and processes and has made his own contribution. All who are interested in the gripping tale of the transition will find this collection a lively account by a participant-observer from a unique vantage point.

One of the many traditions established by Helen Suzman in her long parliamentary career was that of meticulous preparation of speeches. Tony, who learns quickly from role-models, follows in this tradition. A small team of researchers in the DP's parliamentary office assists in the collection of material, and a small network of colleagues and friends assists in the preparation of his speeches, but the final product inevitably bears his distinctive stamp.

Like all his parliamentary colleagues and other DP public representatives country-wide, Tony is run ragged by the demands of office. The seemingly glamorous role of a charismatic young leader belies the hard grind of political life. Parliamentary committees, debates and never-ending constituency work are especially onerous for a small party like the DP. The leader has all of these duties and more, since he is the party's principal spokesperson and its leading public symbol. This

means TV appearances, press conferences and frequent statements, all of which exact their toll of energy, both physical and mental. Over and above all of these obligations, fund-raising is always a burdensome necessity. The supposed 'close relationship' between the DP and business is belied by the inherent difficulty a small party has in persuading donors to give money. Unlike the ANC, moreover, the DP cannot raise money from foreign governments (and it would probably not wish to be tainted by donations from some of the tyrants who have supported the ANC).

Has Tony Leon turned the DP around in his four-year tenure of leadership? Public opinion polls put the DP's current share of the national vote at 10% (Markdata Poll, August 1998). Most of its new-found support comes from disaffected NP supporters. Even coming off the low base, 1,7% of April 1994, the rise in support has been steady and significant. There is a widespread perception, even among non-DP supporters, that Tony Leon and his team have got guts and that without their vigilance in opposition much more corruption and mismanagement would go unnoticed.

South African politics remains firmly in a racial mould and the ANC does not hesitate to play the racial card. Nor does it hesitate to accuse its opponents of 'racism', even when they criticise the ANC for reintroducing racial criteria into legislation – as in the case of the Employment Equity Bill in 1998. In one of his famously cutting retorts, Tony, adapting Samuel Johnson's remark, described these allegations of racism as 'the last refuge of the incompetent'.

For the foreseeable future, the DP's role will be one of opposition – a role it has played with distinction since 1994. All democrats, regardless of their political affiliations, should welcome this because without vigilant opposition the danger of political sclerosis is real. Democracy is ill-served by the single-party dominant system in which opposition parties are consigned to the margins of politics.

South Africa deserves better than that.

Maiden speech: a culture of rights in a climate of liberty

MR AJ LEON: Mr Chairman, for 36 years Mrs Helen Suzman spoke for Houghton. She also spoke brilliantly and persistently for the cause of human freedom and simple justice. It is therefore appropriate that I speak today of a Bill of Rights for a new South Africa.

Despite the positive events of the last fortnight we still live in a divided and troubled society: divided by differences and troubled by our failure to reconcile them. It is therefore of the utmost importance that we seize the initiative given by government in its acceptance of a Bill of Rights. A Bill of Rights, properly enacted and justiciable by an independent court, could be a bridge over the troubled waters raging in our country – a bridge over the conflicting ambitions of absolute power.

Simply put, a Bill of Rights will ensure that the individual is free because the state is restrained. It will limit power and the abuse of it. It will be the constitutional holy grail which will shape the very basis of relations between the state and its citizens. It will be a neutral arbiter in whose favour each side, the majority and the minority, could safely relinquish its claims to absolute power since the Bill of Rights will embody a set of even-handed rights and principles impartial as to whether the government of the day is the ANC or the AWB or any other party.

A Bill of Rights, more importantly, would restore the majestic empire of Roman Dutch Law and its English common law adjunct to their rightful place which unbridled parliamentary sovereignty has removed and eroded. As Mr Justice Didcott noted:

> 'We have mutilated and crippled the body of Roman Dutch Law. Our politicians appear not to have learnt the lesson of history that, just as liberty is indivisible, so is the protection of the law. Weaken it today, when it protects others against you, and it will be weak tomorrow when you may require and want it to protect you against them.'

A Bill of Rights requires, however, a real commitment by Parliament and politicians that the people have certain rights against both Parliament and the politicians. It would guarantee that for so long as

constitutional government survived, so would the rule of law.

Legitimacy is an essential precondition for this Bill of Rights. The Olivier Report of the Law Commission says that things being what they are, the South African Constitution cannot currently accommodate a Bill of Rights properly so called. Its introduction would require the wholesale scrapping of the racial and security statutes which would be repugnant to it. Given that much of this legislation will be the subject of the sensitive negotiation phase which we are soon to enter, it is unlikely that a Bill of Rights
can be imminently enacted.

However, what government and all politicians can create is a culture of rights in a climate of liberty. Perhaps the most obvious reason for the failure of a Bill of Rights throughout Africa was the absence of this culture. But Parliament stands historically poised to nurture a culture of rights.

Twenty years ago, on 20 August 1970, the Hon Minister of Foreign Affairs said in his maiden speech:

> 'I should like to make the plea that South Africa should, to a greater extent, identify itself with the Universal Declaration of Human Rights today.'

We squandered a golden opportunity when we declined to heed the Hon the minister's call to acknowledge affirmatively the declaration which in itself would have created an impetus for the reception in our country of an indigenous Bill of Rights. However, the government could still salvage this omission and endorse the declaration. The government can today go much further.

Firstly, South Africa can, by a simple act of the executive, accede to very important international conventions which it declined to sign at the time of enactment. This would send a powerful signal abroad and foster the right climate at home. South Africa could, without any difficulty, sign the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 which would commit us to prevent positively the intentional destruction of any national, ethnic or racial group.

Secondly, we could speedily become a state party to the Convention Against Torture of 1984. This enacts the Universal Declaration of Human Rights, Section 5, which prohibits torture and other cruel and inhuman punishments.

Thirdly, we should work towards the day when we can become a state party to the International Convention on the Elimination of All Forms of Racial Discrimination. This convention is based on the premise that there is no justification for racial discrimination in theory or in practice.

By my calculation all South Africans currently enjoy 18 of the rights mandated by this convention. There are three critical rights which still have to be accorded, namely equal justice before the law, political rights based on universal and equal suffrage and the right to freedom of residence anywhere in the country. When these rights are accorded, we will have established the brave new republic of which Vaclav Havel, president of a free Czechoslovakia, spoke only last month when he said:

> 'I dream of a republic, independent, free and democratic; of a republic economically prosperous and yet socially just; in short, of a humane republic which serves the individual and which therefore holds the hope that the individual will serve it in turn.'

The candidate for Houghton

It is a great honour for me to address my first public meeting in the Houghton Constituency as the parliamentary candidate for the Democratic Party. Our campaign thus far, led by the magnificent and dedicated teams of workers in the Norwood election headquarters, has proved what my fellow candidates in Walmer, Nelspruit, Waterkloof and Umbilo are showing: that democrats are winning everywhere, and that our party has lit the fires of imagination and kindled a new spirit in South Africa.

The Houghton Constituency represents a magnificent mosaic which reflects the strength and diversity of our country. The breathtaking view from Houghton Ridge casts its gaze upon the natural beauty of our environment. The splendid past is reflected in Houghton Estate and Waverley which generated much of the wealth and growth that first built Johannesburg. The superlative architecture in Norwood and Oaklands reflects the innovation, creativity and determined drive of our people. Snaking northwards is the midpoint of our constituency and, indeed, the heartland of middle South Africa – Highlands North, Orchards, Savoy – where the values of neighbourhood, community, family and religion have been nurtured and strengthened.

Going down the Johannesburg Road are the residential growth points of the future South Africa – Lyndhurst, Glenhazel, Kew, Corlett and Crystal Gardens. These are the homes of young South Africa where, to quote Robert Kennedy, 'youth is not so much a state of age but a quality of the imagination'.

Thus Houghton is in the crucible of Johannesburg and the PWV region – the most highly-urbanised part of South Africa and its most productive. It produces 43% of our GDP with only 24% of our population from less than 5% of the land. The powerhouse of Africa. The treasure house of the world. The flight path of our jets from Jan Smuts directly traverses the north-eastern boundary of this constituency at Corlett Gardens. Looking from above, you see no walls or boundaries or divisions which divide that suburb from its neighbour, Alexandra. The divisions which do exist are those we have made ourselves. They are the great divides of fear, uncertainty, unemployment and our distorted past. Our task in this election and in the future South Africa is

to bridge the great chasm which separates us from our neighbour by embracing a new vision for South Africa and her cities. Someone who has done more than most South Africans to turn that vision into a reality, by word and by deed, is the retiring Member of Parliament for Houghton, Mrs Helen Suzman. Mrs Suzman has operated under an administration which has not been squeamish about detaining up to 50 000 people during five states of emergency and has sat for 36 years in a Parliament which has been gutted of much of its democratic accountability. Yet she has always served notice that a concern for human rights and the qualities of civilised existence count far more than using race and repression as the only binding factors in South Africa.

In fact, were it not for Helen Suzman's life and work, then these two negatives would be the cross or star, the distinguishing feature and highest value of white South Africa.

It would indeed be perverse for the Houghton Constituency, which has become the centre of enlightenment in South African politics, to reject its legacy and support the National Party. Some would argue that the National Party today is a benign creature which bears little resemblance, except in name, to the blunt instrument which came to power in 1948. There was a time when membership of and participation in the National Party was regarded as a source of shame and embarrassment by any individual or group professing some allegiance to human rights or who were themselves the historic or religious victims of the absence of the protection of such rights. Today, however, some regard National Party membership as a badge of respectability, if not honour.

The reality is that those people should be as ashamed of themselves now as others were 20 or 30 years ago, for participating in a party or government which has perpetrated massive frauds and injustices against the people of South Africa. The reform of the last 10 years has, with certain important exceptions, been the stuff of the illusionist – introducing change with smoke and mirrors and unintelligible abracadabra.

What is true today of the National Party, however, is that it has no principles of government. It is an uneasy alliance of shifting loyalties and a coalition of personalities masquerading as a political party. If you think that the NP has modernised itself and has rejected its crude and extremist past, simply look at its recent advertising campaign which has attempted to demonise patriotic South Africans of the ilk and calibre of Wynand Malan and Sampie Terreblanche as being fellow travellers with the ANC and apologists for violence and terrorism. What mighty evidence do they produce for this fatuous proposal? Nothing more than a photograph of the two DP members with Joe Slovo. You might recall a very famous photograph to emerge at the end of the Second World War – it was taken on the island of Yalta and it consist-

ed of a smiling Joseph Stalin, Franklin Roosevelt and Winston Churchill. Only a distorted, deranged and historically-illiterate political party would dare to have suggested that Winston Churchill was a communist. The Democratic Party approach to the question of negotiations is a very simple one. It is this: we will stand up to our opponents and enemies wherever necessary and we will sit down with them wherever possible. It is time to remind our fellow countrymen that the extremism of the ANC has been created by the extremism of the South African government and that is why real negotiations with real leadership for a peaceful future cannot be delayed, deferred or postponed. It must begin here and now, without delay, because we have our eyes on the prize – the prize of a South Africa at peace with itself and the world. A postponement of this could remove that prospect both now and forever.

However, I am very pleased that the Nats have now embarked upon their campaign of fear, smear and loathing because until now their election effort has had all the ferocity and effect of being savaged by a dead sheep.

The National Party speaks of freeing the South African economy, but fails to tell you of the pensions and gratuities to retiring cabinet ministers which, this year alone, will amount to R1,7 million, including no less than a R361 000 tax-free golden handshake to Mr Chris Heunis as a reward for designing the constitutional mess and political paralysis South Africa finds itself in. It has distorted the concept of the public service by making service to the state a means of enrichment. Not an enrichment for the ordinary teachers, policemen and nurses who provide essential services but a means of indulging the champagne and caviar tastes of the super-bureaucrats.

The National Party and the Conservative Party are always imploring white South Africans 'to look to the north of us' if you want to see how not to govern a country. I say to this constituency, 'I agree.' Look to the north of us but look no further than Pretoria to see how to misgovern a country and single-handedly wreck one of the greatest economies in the world. I know that in this constituency alone, those of us who are first-time home-buyers or simply housewives cannot make ends meet. We all know how the bond rate has increased by nearly 50% in a year, petrol by 40% in the same period, food in the same range of increase, and how the government with a single-mindedness today taxes everything that moves – on the roads, in your pocket and in your shopping basket. One of my constituents is in the process of drawing up a petition to demand that consumer protection be established in an attempt to bring down sky-high inflation which has seen the cost of food rise by 1000% in the last 17 years.

The National Party has the hypocrisy to offer you security. It has always spoken long and loudly about security but has failed to provide

it. We ask the voters of South Africa one simple question: do you feel more secure today than you did two years ago when you voted for the National Party? If you do not, then you belong with us, to a party which is committed to the concept of a municipal police force and to doubling the size and strength of the SA Police so that crime can be taken off the streets of Johannesburg where it has been allowed to remain for too long. You belong in a party which in this city at least has introduced the concept of providing shelter to the vagrants and the homeless who add to the social problems which give rise to conditions of desperation and poverty. This country spends over R12 billion per annum on the defence force and the police force, yet we are told that it is impossible to find and reallocate resources for the purposes of neighbourhood crime prevention.

But crime is largely a result of unemployment and that is why our country and our city urgently need democratic solutions to the economic problem by slashing the growth of money supply, reducing inflation, strengthening the rand, eliminating the protection of too many industries and magic circles and agricultural monopolies, deregulating and privatising our economy, and stripping our large and costly public sector and all the complex and extensive structures which pass for reform in this country, but which highlight the quadruplication of services and facilities.

Only a government with a special genius can create 14 Ministries of Health in one country, but ensure that 833 of 1 600 beds in the Johannesburg Hospital remain empty, and waste R800 million every year on maintaining apartheid divisions in health. Only a government with a special talent can ensure that between them 14 Ministers of Education can provide only 3% of Sowetan matriculants with pass marks in Physical Science and Mathematics.

But we have it in our power to begin the world over again. In the next few weeks you are going to be subjected to a barrage of propaganda. Certain parties in this election will ask you to do your worst and to vote your fears and not your hopes.

We appeal to you to vote your hopes and not your fears. We ask you to do your best and not your worst. We have a practical, political and economic plan which will transform this country from the base of the valley to the summit of splendid opportunities. Every strand of our manifesto – equal rights, simple justice, economic growth, minority protections, care for the elderly – radiates from a single point: respect for the individual and the determination to move South Africa forward and to leave no-one behind. Our constitutional vision looks to a secure South Africa based on individual choice. It consists of eight aspects:

1. A Constitution which will free the citizens by limiting the state.
2. A rejection of the contention that no society is democratic unless its

Parliament has unchecked power based on crude majoritarianism; an equal recognition that every citizen is entitled to vote, participate in society and maximise his or her life chances without reference to race.

3. The negotiation of an inclusive system of democratic bargaining to achieve an acceptable dispensation.
4. The protection of fundamental freedoms and human rights – rights which have forever been denied, but are now – with justice – being demanded.
5. Proportional representation as an alternative to domination and the spectre of the one-party state. Our commitment to a multi-party democracy recognises that the diversity of political (and even racial) interest should be reflected and protected in Parliament on the basis of voluntary association backed by a voting system that allocates seats according to percentage support.
6. An entrenched Bill of Rights to protect the fundamental freedoms from the whims of parliamentary alteration and abandonment, tested by an independent judiciary.
7. The protection of democracy through the maintenance of law and order and security, and the proscribing of violence as a means of achieving political ends.
8. The genuine devolution of power and the dispersal of authority from central government to the regions and the cities. A federal, rather than a unitary state is the only basis for successfully achieving this division.

Our message is that democracy is working elsewhere – in Warsaw, in Budapest, even in Moscow – where the people demand there, as they do here, democracy and liberty.

For those of you who doubt that this system of apartheid can be changed, think back 10 years when all the wise and prudent observers in the West could only foresee that a quarter of mankind would continue to live under communist dictatorships. If you think that the crisis in South Africa is a result of inevitable processes of historical forces which cannot be altered by individuals and human intervention, then you need to come with us and be among those who believe that our future is our own to make. You need to become a shareholder in the South African dream – a dream so powerful that no political flaws such as reform, revolution and resignation can stop it. The democratic message says to every child in these suburbs – aim high; to every citizen – you count; to every voter – you can make the difference; to every South African, regardless of race, ethnic origin or language – you are a full shareholder in our vision.

The South African dream we speak of says: get rid of apartheid and choose the road to democratic liberalism; realise that there is nothing

that the citizens of Taiwan, Korea or Singapore can do that we cannot match and better; that we will again be a great engine of growth and renewal; and that our country will in deed and name be as a shining city upon a hill.

OPPOSING APARTHEID

Tony Leon cut his political teeth opposing the National Party's apartheid policy. By the time he entered Parliament apartheid was in terminal decline. He was fulsome in his praise of FW de Klerk's historic speech of 2 February 1990, but he remained convinced that de Klerk's party had played out its historic role and should now fade from the political scene. He was highly critical of the Nationalists' performance in the Constitution-making process and also of its efforts to deny responsibility for the dark deeds being uncovered by the Truth and Reconciliation Commission.

FW de Klerk: the politics of enigma

Review of *FW de Klerk: The Man in his Time*. WJ de Klerk: Jonathan Ball, 1990.

A brother's view of a pragmatic president

Everyone remembers *that* speech. Where they were, what they were doing at the precise moment when President FW de Klerk turned his back on a lifetime of conviction and altered the course of our politics.

My back row seat in the carpeted football stadium known as the 'Chamber of Parliament' allows a certain perspective. Shortly after 11h00 on February 2 1990, FW de Klerk was standing three paces from my seat, as he momentarily paused before striding down the aisle to deliver his momentous address. He seemed remarkably ordinary – no chest full of medals, no homburg, no overbearing sense of self-importance.

His remaining grey hairs reinforced his grey, lined countenance. Yet there was also a confidence and a certainty in the expression. At first sighting I was struck by FW's lack of height. Yet, somehow, when he stood behind the podium of Parliament and, in increasingly assertive cadences, buried the apartheid way of doing business, he seemed immensely elevated, strong and assertive. There was no winged oratory, no finger-waving. Simply cold logic delivered with stunning conviction.

There have been other important speeches and debates. But February 2, 1990 will not be surpassed.

John Major, on his elevation to the premiership of Britain, was described as having 'the charisma of a suburban bank manager'. With his election, the age of the grey man had arrived. But such descriptions flatter only to deceive. It is precisely the absence of messianic zeal, hyperbolic flourishes and overwhelming righteousness which starkly contrasts Major with Margaret Thatcher.

De Klerk, on assumption of office, was also seen as conformist. However, his 'regular guy' demeanour was a special counterpoint to PW Botha's bluster and bullying. Shell-shocked survivors of Botha's imperial presidency confirm the divergence in approach. 'It's like a pleasant summer after a long winter,' a young rising star Nationalist MP told me recently. Where PW used to subject his caucus to a weekly lecture, terrifying his MPs into cowed silence, FW apparently encourages free-ranging debate. Another member tells how his two years under Botha's