

WEEKLY MAIL QUESTIONNAIRE

15 November 1985

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1. *Do you believe it is possible to find an accommodation in South Africa without having one-person, one-vote?*

There is no way in which a constitution can be negotiated in which any member of any population group has to accept that his or her manner of participating in the government be inferior to any other person, purely on the grounds of race or ethnicity. However, accepting the principle of one-man, one-vote, in this fashion or principle of universal franchise, does not mean that one accepts simple majoritarianism, or the tyranny of the majority. There are a whole range of constitutional mechanisms which can be used in which the decision making process prevents the domination of any particular group or any particular majority over the rest.

2. *Would you accept a form of federalism (as in Nigeria, for example) or do you believe a unitary state is an essential part of a political solution?*

A federal structure of government happens to be a unitary state as well, in the sense that the federal government in a federation takes binding decisions on all the subjects of that particular state. I therefore do not draw a distinction between a federal and a unitary state. I do draw a distinction however between a Westminster unitary state where you have simple majority decision making on a first-past-the-post principle, and a federal unitary state in which you can have a multiplication of sites of decision making. I personally favour a federal structure of government for South Africa, but a geographic federation, not a racial federation, or a communal kind of federation.

3. *Do you believe the independent homelands should be accommodated as separate units in a solution, or do you believe they would have to be reabsorbed into South Africa?*

I believe that the independent homelands must be given the choice of being re-absorbed within the new constitution for South Africa. I cannot see them continuing in their present composition and form, precisely because they are not geographically viable as a constitutional entity.

4. *Is there any other country which you see as a model for South Africa? Why?*

I believe as far as constitutions are concerned that we can learn a great deal from the Swiss, West German, United States and the Nigerian constitution.

Equally as far as the politics of negotiation are concerned, there is a great deal that we can learn from the period in Lebanon between 1946 and 1973.

5. *Do you believe steps should be taken to redistribute the country's wealth? If so, what would be the best way to achieve this (for example, through taxation, the nationalization of industry or the redistribution of land)?*

This question is a very controversial one and leads to a whole new debate on the most appropriate economic ideology or philosophy that should obtain in South Africa. Having said this, I believe that we have to have an active programme of redistributing wealth, but this should be done through the educational system, it should be done through taxation and this should be done through the creation of wealth rather than distributing the available wealth amongst the people.

6. *Do you believe a new constitution should offer protection to minorities or individuals (e.g. through a Bill of Rights)? How should this be done?*

I believe that a new constitution should offer protection for the civil liberties of individuals through a Bill of Rights and an independent judiciary. And that minorities can have additional protection for their cultural, and I stress, cultural rights, like language and religion through representation on a Senate, for example. But I do not believe that you can make constitutional provision for, as it were, compelled or compulsory minorities in a South African constitution. This is a fundamental flaw of the Apartheid approach.

7. *Do you think a new constitution should allow for separate schools, hospitals, group areas or any other amenities? On the other hand, do you believe a new constitution should specifically outlaw racial separation?*

I believe that there should be no compulsory segregation of any kind, and that whatever kind of separate institutions, facilities develop should be of a purely voluntary nature as one finds in most countries throughout the world.

8. *Would you ban the Communist Party? Or any other political organization?*

I believe that no party which uses violence or subversion in order to promote its ideals should be allowed to operate. I have always argued that it is pointless to say you will ban "the Communist Party" if a communist party which supports violence and subversion simply re-emerges under another name. The test should be to what extent a political organization or movement is prepared to participate in constitutional politics or not.

9. *Are you in favour of censorship over the press, literature, cinema and theatre? If so, what form would this take?*

I am not in favour of censorship.

10. *What flag and national anthem do you think South Africa should have?*

I have no problem with the existing flag or national anthem, provided all South Africans can commit themselves to it with equal loyalty and dedication.

11. *Would you maintain detention without trial for certain offences?*

No.

12. *Do you believe there are any circumstances under which police should be permitted to use third degree interrogation methods?*

No.

13. *Would you support a programme of affirmative action to overcome discrimination in South Africa? If so, can you suggest what form this should take.*

Affirmative action can be useful provided it does not develop into a process of counter-discrimination or simply becomes a form of tokenism. Affirmative action can be taken as far as community facilities are concerned in the provision of education, welfare, health services etc. Affirmative action can also be taken in the area of literacy, job training etc.

14. *Would you cut the military budget in favour of spending the money elsewhere, or do you think the security situation precludes this?*

The first step I would take would be to talk to the Generals in the Police and the Defence Force and to explain to them very clearly and unambiguously what kind of reforms I have in mind. And part of those reforms must be the complete abolition of Apartheid, the restoration of freedom of association, the right to allow people to organize peacefully and to choose their leaders and the removal of all forms of statutory and racial discrimination.

Once these Generals have understood what it is all about, they can then approach their task of maintaining stability with a view to achieving these goals far more consistently, rather than allow a situation to develop where stability and its maintenance becomes a goal in itself. Then I would still negotiate behind the scenes and talk to such community leaders and political leaders that are available and explain to them what the goals of reform are.

After this has been done and I have established a certain degree of co-operation from them, I would immediately publicly state that the State of Emergency is going to be lifted, that political detainees and prisoners are going to be released and that they are going to be allowed to organize peacefully for the purposes of participating in the process of negotiation and in the process of dismantling Apartheid.