

THE  
**CAPE**

WHY AND HOW  
**THE CAPE**  
WILL LEAVE  
SOUTH AFRICA



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# The CapeXit, Why and how the Cape will leave South Africa

This report is dedicated to:

Those still fighting for life, liberty, and the pursuit of happiness.

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## Foreword

The readers might well inquire into the basic motivation for this work, and the chances are that they would receive half a dozen different answers. But that motivation is found in Dedication, by way of that most famous exhortation for a national goal which appears in the United States Declaration of Independence: “Life, liberty and the pursuit of happiness.”

Most people do not comprehend the full import of those justly renowned words. They enshrine the right to life and personal liberty but make no promises about happiness. The keyword here is “pursuit”. In other words, the Declaration of Independence states: “You are entitled to the opportunity to attain happiness. If you have that opportunity, the rest is up to you.”

That is the bottom line. The very thought of the Cape gaining its independence is an awesome, and for many people even a frightening one – not just undertaking the act itself but its consequences, including the shape and form of the future nation. A great number would be very wary: after all, the “new South Africa” that emerged in 1994 got off to a good start, but that promise has not materialized. Independence be the silver bullet that would put all things, right?

The answer is “no”. What independence would provide would be the opportunity to create personal and national happiness in at least some of its many possible definitions. The transition process would undoubtedly be a difficult one - one has only to cast an eye over the drawn-out Brexit process – but the thrust of this report is that it is not just possible but feasible.

The wrong way to approach the matter is to say: “It can’t be done because it’s never been done like this before,” or “it’s got to be done in such-and-such a way because that’s how it has always been done.” Both are the voices of defeatism and mediocrity.

To achieve a goal such as this one it is necessary to scrutinise the past for mistakes that should not be repeated. One needs to acknowledge the present with all its imperfections - not as a permanent situation but rather as a springboard from which to leap into the future - and then take that leap into the unknown with intrepid purpose and the determination to do what needs to be done.

The renowned architect Buckminster Fuller, inventor of the geodesic dome, put it this way: “You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete.”

As to what form of rule should flow from the process, one has only to remember the basic requirements which were voiced as long ago as the 18th Century by the famed Scottish economist and philosopher Adam Smith, and which are still as valid today as was the case then: “Little else is requisite to carry a state to the highest degree of opulence from the lowest barbarism but peace, easy taxes, and a tolerable administration of justice: all the rest being brought about by the natural course of things.”

In other words, instead of ham-handed and almost inevitably doomed attempts at top-down social engineering of the Soviet type, the fundamental aim must be to create a self-adjusting socioeconomic environment which allows people to reach their own level of fulfilment. To put it more bluntly in terms of ordinary realpolitik: it would be up to the government – or rather the voters who put that government in place – to create a truly sovereign nation in which all citizens

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have a beneficial stake, risking some measure of loss if the system they have chosen were to be upset.

This report is the culmination of research and information collected over the span of more than a decade. It addresses the prospect of changing what could justifiably be described as the most fundamental geopolitical event in the history of Southern Africa, namely the Act of Union. With one stroke that act, embarked on with much expectation, locked what is now the Republic of South Africa into a highly inappropriate constitutional form. It unwittingly laid the foundation for a nation which has never been truly free of unrest and dissatisfaction because of the inherent instability of the foundation on which it was erected in 1912.

There have been at least three occasions on which that inadequate state of affairs could have been remedied: the transition from a self-governing Dominion to full independence in 1931; the proclamation of the Republic in 1961: and the Codesa negotiations in the early 1990s. But on each occasion, the time-bomb which was set in 1912 was allowed to remain quietly ticking away, biding its time to explode at the appropriate – or inappropriate – moment. Now the fourth occasion for change has arrived, and it is our conviction that it would be the last we would have to make things right for each of us personally and for the nation.

## Authors' Notes

The volume of available information on this subject is so vast and frequently of such doubtful value, that it has taken a great deal of effort to identify the relevant facts and make some well-founded deductions and assumptions. After all that, though, there remains a mass of relevant material, so that not everyone who picks it up might have the time or perhaps the inclination to adequately examine and study all the detailed facts it contains.

For this reason, we have placed a synopsis at the beginning of each chapter to allow the reader to quickly grasp the core of the subject matter, with a number of Appendices which expand on the content where necessary. We recommend that you start your reading by focusing your attention on the introduction and the chapter synopses to provide a broad overview, and then making a second pass to zoom in on the areas that moved you or require more explanation.

All we ask is that you don't just read the material, but then take the time to think about it. If what you read speaks to your heart and mind, don't just put it down and wait for someone else to do something; after all, this was written specifically for YOU. And not just for you, but for your children and grandchildren. There is an old saying that a man doesn't own his farm, he merely borrows it from his children and improves it for them. So, too, with the vision of an independent Cape. We as members of the present generations will be borrowing our children's history, and it is our duty to pass it on in the best shape on which they can build and maintain their happiness.

The way to hell, it is said, is paved with good intentions. But the road we present here is not surfaced with mere good intentions; it is cobbled with brutal and sometimes painful facts. But those facts are leavened with hope and a belief in the worthiness of the destination.

Enjoy the journey.

## Introduction

The international community was both vocally and financially supportive of the transition from the race-based policies of the apartheid era to an all inclusive democratically elected government. This support, along with the widespread desire for reconciliation and collaboration amongst the citizens in South Africa, allowed for a peaceful transition in 1994.

For many international observers, it was almost a foregone conclusion that the 1994 election would dissolve into a civil war, possibly even before all the votes had been counted. The reasonably peaceful and orderly election and the smooth transition into “the new South Africa” was hailed as a political near-miracle. There was a widespread belief that the new constitution - the best in the world, so it was inaccurately claimed - would guide the nation into an era in which all groups of citizens would unite in correcting past wrongs whilst simultaneously protecting the rights of all citizens, including the minority populations in South Africa.

It was music to the ears of many South Africans because, unlike most African states, the Republic of South Africa did not have one numerically dominant tribal or ethnocultural bloc, but consisted of a number of tribal and other communities of various sizes. The experience in Africa had often been that when a larger group enjoyed absolute dominance, the minorities suffered. Some had voiced warnings that the constitution born of the Codesa negotiations was not comprehensive enough, left several exploitable grey areas untouched and relied too much on good intentions instead of clear-cut legislation. But they were drowned out by the clamour of the general spirit of celebration.

During the initial years of Nelson Mandela’s presidency there was a widespread belief that all groups would unite in spirit and work together to realise the dream of a new and prosperous future South Africa. But the “Mandela Moment” is long gone, just like the much-lauded vision of a harmonious, all-inclusive “rainbow nation”.

Today, a mere 28 years later, those dreams and promises have been shattered, and replaced by a toxic tide of unashamed corruption and incompetence at all levels of government, seemingly uncontrollable violent crime and a return to direct race-based policies. This phenomenon bluntly contradict not only the letter of our much-vaunted constitution but also its spirit - both of which must be heeded if the democratic process is to function properly. There seems to be a lack of understanding that a constitution’s main function is not only to provide the proper guidelines for governance but to protect the citizenry from government excesses.

Most concerning of all is that virtually all the failures of the national government are increasingly being blamed on the members of the ‘White’<sup>1</sup>minority, who constitute only 8.4% of the total population and have possessed virtually no political, fiscal or military power for almost

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<sup>1</sup> Terms such as ‘White’, ‘Brown’, and ‘Black’ are extensively used by the current South African government to polarize society into groupings, liken to those used during the Apartheid years. Although despised by the authors, these terms, unfortunately, best explains the current obsessive-compulsive focus on skin colour by the South African regime.

three decades, and all the other minority groups except the Bantu<sup>2</sup> (Black) tribes have felt the pressure as well.

Widespread racial discrimination is being applied not just against 'White' people but also to the 'Coloured' or "Brown" minority, who constitute 8.9% of the total population. These communities, like the 'Whites', have lived and worked in South Africa for many generations, some for more than 300 years, but in the eyes of the ruling African National Congress – in theory but scarcely in practice a non-racial organisation – they are not even real Africans. 'Whites' are 'settlers of a special type' (whatever that is supposed to mean) and the other minority groups are 'non-African blacks' and thus also foreign second-class citizens.

As such they are all hamstrung by a series of blatantly racially biased laws, disguised as economic initiatives, that are presented as measures needed to implement Affirmative Action (AA) or Black Economic Empowerment (BEE). In reality they are anything but that.

Affirmative action, South African style, is not used to defend the rights of minorities, as is the case in all the other countries of the world, but instead to deprive them of those rights. AA laws completely ignore all regional demographics – some of them very clear-cut – and deliberately exclude minority groups from educational opportunities, engaging in business with the government, working for the government, and owning and/or working for larger governmentally contracted companies. In some cases, for example, Brown people have been specifically retrenched in large numbers to make way for Bantu persons who are 'semigrating' from one part of South Africa to another, or migrating (often illegally and in large numbers) from other African countries where socioeconomic conditions are far worse than here.

The Black Economic Empowerment laws favour only the Bantu majority. But rather than redistributing wealth to poor South Africans, they have forced companies to give up part ownership to a group of government-connected Black elites. This includes the current President, a trade union official in the early 1990s who became a billionaire in little more than a decade. This is not only fundamentally unfair, but is also based on unscientific race-classification legislation nonsense which flies in the face of the historical facts.

Afrikaans and English-speaking Brown and White minorities who are being discriminated against, collectively referred to as Capelanders<sup>3</sup>, represents more than  $\frac{2}{3}$  (two thirds) of the population of the greater Cape and are rapidly uniting behind the vision to create a pro-liberty, free market, non-racial state that is free from oppression, from socialism and CCP-driven Chinese control. This multi-state solution is the only chance that South African minorities have to avoid widespread confrontation and civil war.

We trust that this report will illuminate your mind, and inspire your personal involvement and direct commitment to join with us in this quest towards freedom.

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<sup>2</sup> Although the term "Bantu" has some negative connotations due to its usage during the apartheid period, it is the academically correct and internationally accepted term for the large group of people who originated in the Niger-Congo area and migrated southwards through Africa. The Bantu peoples now inhabit most of sub-Saharan Africa and all speak related languages. Please refer to: [https://en.wikipedia.org/wiki/Bantu\\_peoples](https://en.wikipedia.org/wiki/Bantu_peoples)

<sup>3</sup> People that have their origins from the 'melting pot' of the 17th and 18th Century Cape, roughly the Western Half of current South Africa.

## PART I: The Cape

### Chapter One: The Cape and South Africa

#### Chapter Synopsis

The Cape, situated at the south-western tip of Africa, is blessed with a history and an old-established majority population which is unlike any other to be found elsewhere in Africa, including South Africa itself; and not just unlike other African communities but a truly unique one. What makes it unique is the story of how it came about, and what the ultimate result was. It was born at the Cape of Good Hope, its ancestors an astounding array of individuals, hailing from near and far, who were propelled into a veritable melting pot by a variety of circumstances, and in less than five centuries became a new people with a distinct new culture, a new language and a lasting spiritual attachment to its small corner of the vast continent of Africa.

#### Origins of the Cape and it's People

A brief overview of the origins of the Cape and its people, and how it became part of South Africa is necessary before any discussion about the intention to secede – “Capexit” for short - from the present Republic of South Africa and march into the future as an independent nation.

The first inhabitants of the Cape were a very sparse collection of small nomadic hunter-forager family groups who probably called themselves by the click-name of “!Kung”, if anything. We say 'if anything' because the groups lived independent lives and spoke a variety of dialects. Owning nothing and yet everything, they lived for untold centuries in complete harmony with their surroundings, provided with all their simple wants and needs. They knew nothing of the outside world and it knew nothing of them, because south of the Sahara Africa would remain a mysterious place till the era of global exploration dawned only a few hundred years ago.

But all this was fated to change. Ever since the early centuries of the Christian era a mass of pastoral Black clans or mini-tribes, now known as the Bantu, set out on a slow but remorseless movement southwards from the basins of the Congo and Niger Rivers in West Africa, conquering everything and everyone in their way. It was a classic Darwinian process in which might was right and the weaker went to the wall; conquest usually meant death for the losers, the winners walking away with the spoils – land, livestock, grain and other food supplies, and sometimes young women for wives.

Then about a millennium ago, while the Bantu were still inching their way down from West Africa, a number of cattle-owning clans from somewhere north of today's Botswana started moving southwards as well, and eventually spread, albeit thinly, to many parts of the later Republic of South Africa including the later Cape.

What they called themselves – if in fact they had an overall name, given that they consisted of fiercely independent clans, with no sense of overall nationhood – remains a matter for debate. Among early European visitors they became generally known as “Hottentots”, a label of unverified origins. In comparatively modern times they received a catchall generic

name with various iterations, including “Khoi”, “Khoikhoi”, Khoekhoen and Khoina – the “Khoi”, to be accurate, being generally mispronounced as “coy” instead of “que” or “kwê”.

The widely used modern term for both the Khoi and the !Kung is “Khoisan”, a compound term for both which was coined in the 1920s by a German named Leonhard Schulze in the 1920s. It later achieved widespread use on the basis of a hypothesis that both groups were part of the same language family, although there is no anthropological or historical proof of its validity. Nevertheless, ‘Khoisan’ came into common use after the end of the apartheid era, *inter alia* as a self-designated identity to distinguish its members from the Bantu tribes after the end of the apartheid era.

Whatever the case, the result of the Khoi arrival in the far south was inevitable. The Saan or Tkung had always lived off the land with its bountiful fruits, vegetables and herds of game rather than cultivating or husbanding livestock. The Khoi also lived off the land, but in addition they were skilled herdsmen to whom livestock were not just a vital food source but also the most valuable social possession they possessed. And so there commenced a sporadic but deadly struggle for domination and simple survival that lasted for many life-times; by the 17th Century, when the systematic recorded historical record of the Cape of Good Hope begins, the !Kung had been decimated, reduced to Khoi serfs, partly absorbed or driven into the most remote areas.

The first cracks in the veil of obscurity hiding the Cape from the rest of the world, however, appeared much earlier. By the 15th Century the Portuguese, then the world’s most renowned seafarers and traders, had begun searching for a sea-route to Asia’s riches, and in 1488 the explorer Bartholomeu Dias rounded the Cape after a long and harrowing voyage down Africa’s west coast. Dias failed when some distance up the east coast he was forced to turn back because his sailors firmly believed that the world was flat and they were about to sail over its edge. But in 1497 another Portuguese seafarer on the same quest, Vasco da Gama, arrived at the Cape and succeeded in reaching Asia.

After that, Portuguese ships called in at the Cape from time to time, and in 1510 there was a short but bloody clash with members of a Khoi clan near today’s Salt River in which the outgoing viceroy of the Portuguese possessions in India, Dom Francisco d’Almeida, was killed. This left the Khoi with an undeserved reputation for ferocity, and the Portuguese ships ceased calling at the Cape. By the end of the 16th Century, however, Portuguese influence in Asia was waning and the Dutch became dominant in the East Indian trade.

The ultimate result was the formation of the Vereenigde Oost-Indische Compagnie – colloquially abbreviated to ‘VOC’ – or Dutch East India Company, which grew into the largest commercial trading concern the world had ever seen, even though the Netherlands were still technically, albeit reluctantly, under the suzerainty of the powerful Spanish Empire. By the mid-17th Century, the Netherlands was the most prosperous country in Europe and a foremost European naval power despite its tiny size. Its wealth depended in large part on the East India trade, and various VOC (and some other) ships called in at the Cape from time to time on the long voyages – taking anything up to six months - to and from the Far East.

These sporadic contacts with the Cape’s inhabitants did not turn into any kind of permanent arrangement till 1648 after the Netherlands had succeeded in wresting its full freedom from the Spanish. Then the VOC received favourable reports about the Cape and its allegedly ferocious but amenable people from a Netherlands-bound ship. Reports by the ship’s captain and one of the passengers, a minor official named Jan van Riebeeck, persuaded the

VOC to establish a replenishment and repair facility at the Cape, a convenient halfway house along the trade route.

On 6 April of 1652 Van Riebeeck duly arrived with three small ships and a modest contingent of workers, a few soldiers and a quantity of tools, timber and trade goods. His task was to set up an outpost at which company ships could be replenished with beef, vegetables and fresh water, and necessary repairs carried out.

The proverbial winds of change now began to blow in earnest over the sparse network of independent semi-nomadic Khoi clans of various sizes. Many attempts have been made to portray Van Riebeeck's arrival as the birth-date of colonialism at the Cape, but this is incorrect.

He was not a conqueror, imperialist or colonialist, but an official with a strictly limited mandate. The company maintained a variety of remote outposts, some permanent and others temporary, for replenishment, trade or both; as a private shareholding concern whose purpose was profit rather than seizures of no man's land in the name of some European king or other (the Cape did not become a recognised Dutch possession till 1802). This being the case, the VOC did not believe in wasting money on unnecessary ventures like colonies.

Its preferred procedure was to establish a mutually beneficial business relationship with whatever ruler controlled a region where it needed an outpost. True, the Cape had no supreme ruler but had good fresh water for the ships' casks, plenty of fruit and vegetables and, most importantly, a substantial pastoral population from whom cattle were traded, slaughtered and salted down for the VOC ships' long voyages.

Van Riebeeck had been given strict instructions. Among other things he was not to establish a colony, try to convert the Khoi to Christianity or make war on them unless they broke a solemn future treaty or made war on him. They were not to be oppressed, displaced or enslaved and the Khoi were to be left to pursue their traditional semi-nomadic life-style in order to ensure a steady supply of livestock. In principle the VOC disliked slavery, yet it required a labour force.

The outpost got off to a rocky start, so much so that the company came close to abandoning its venture in the first few years. But circumstances improved, Van Riebeeck established generally cooperative relations with the nearby clans and the 'Caabse Vlek' (Cape Hamlet) began to grow because it soon became clear that the Cape outpost was essential to the company's operations. Few Capetonians realise today what a seminal role the Cape was to play in the crucially important process of opening up the social, political and economic exchange between two far-distant parts of the world.

Needless to say, the 'Cape Hamlet' grew quickly in the years after his arrival and departure. The Netherlands was so prosperous that it had a severe shortage of domestic manpower, especially of the pioneering type, and so the VOC recruited many of its soldiers, sailors, farm labourers, wagon-drivers, artisans, fishermen, wood-cutters and other workers from a variety of countries in North-Western Europe – France, the Netherlands, the plethora of small German states, Ireland, Scandinavia and elsewhere. Typically a VOC employee would take on a renewable contract of at least five years, excluding travel time to and from the Cape. Then and later, many of the contract workers came from the areas where the primary language was the Platdeutsch (Low German) dialect, which was very similar to Dutch.

In 1687, too, there arrived a batch of Huguenots, Protestant Frenchmen fleeing from Roman Catholic persecution. Slaves and freeborn craftsmen arrived from Bengal (today's Bangladesh) and other parts of India, and from what is now Indonesia, as well a small trickle from West Africa and Madagascar. Some new arrivals were seafarers who had stayed on after being shipwrecked along the dangerous and sometimes storm-wrecked Cape coast.

Yet others were people who had either ventured to the Cape for botanical, scientific or other reasons, or birds of passage who had had enough of voyaging, or favoured the Cape more than their intended destinations and had decided to remain in the Cape. There was even a small batch of exiled Chinese convicts who stayed on after expiration of their terms of imprisonment and were quickly immersed in the Cape's expanding cosmopolitan melting pot.

The incomers and the remnants of the Khoi clans were all absorbed into the broad Dutch culture of the VOC, and their offspring knew no other home than the Cape. Many Khoi, too, had abandoned their traditional clan existence and entered the VOC's service or found private employment, first as herdsmen and later also as farm- or other labourers, particularly after a devastating epidemic of dreaded smallpox broke out in February 1713.

On the 13th of that month, a VOC ship made landfall at the Cape with members of its crew suffering from smallpox which had broken out after its departure from the East Indies. The VOC had a strict inspection procedure in place to guard against such an eventuality, but for reasons now lost in the mists of time it apparently malfunctioned, and their infected clothing and other linen were sent ashore to be laundered at the VOC slave lodge.

The epidemic struck immediately and spread like wildfire, killing people from all walks of life with ferocious impartiality. Within weeks eight out of every 10 slaves who had been exposed to it were dying. The worst hit, though, was the Khoi, who had absolutely no resistance to the disease. Many of the locally resident Khoi fled inland and carried the sickness with them to their home clans, where it wreaked further havoc.

By the time the epidemic subsided a year later, a quarter of the outpost's population had succumbed, and the broader traditional Khoi community was just about decimated. Survivors reported that in the southern and western areas there had been a mortality rate of at least 90 per cent; in some cases entire clans had been wiped out almost to a man, leaving so few members still alive that they could not be re-established. As if this was not devastating enough, several years of drought and livestock disease followed, further impoverishing most of those still left.

The Khoi clan structure had been in decline for years before 1713 as a result of the innovations introduced by the more advanced VOC society, and the epidemic was, to all intents and purposes, a mortal blow, all the more so because people who contracted smallpox but survived were rendered sterile. The final coup de grace only came in 1755, however, when a second epidemic in 1755 struck amid the ever-increasing expansion of the Cape by White and Brown frontiersmen and nomadic trekboers).

Long before then the Cape people had already sunk their roots into Cape soil as the incomers and many remnants of the vanished Khoi clans were absorbed into the broad Dutch culture of the VOC; they and their offspring knew, and wanted to know no other homeland than the Cape. What it amounted to was that the Cape was now well on the way to becoming a colony – but by a process that had been dictated by changing circumstances and/or unforeseen events rather than deliberate design.

By strict definition, colonisation means the deliberate population of territory by people from elsewhere, usually to achieve a political aim. The Cape outpost did not conform to this pattern. It had started as a possible temporary commercial outpost to enhance the efficiency of ships on the sea route to and from the Far East. Because of its strategic location and several unforeseen and unforeseeable circumstances, it had grown to a far larger and more importantly - a long-term enterprise; there was no doubt that the Cape was far too important for the VOC's operations to be relinquished.

The 1713 epidemic and its after-effects had been a major milestone in the Cape's history, but not it's first. The movement towards a full-fledged permanent settlement had started – albeit unwittingly – within a few years of Van Riebeeck's arrival. The Cape could satisfy almost all of the Company's requirements except wheat, an essential element because of the need for vast quantities of the ship's biscuit, a flinty but essential part of the seafaring diet. But it was unknown at the Cape, and Van Riebeeck's solution was to create a new category of employees, the 'free burghers', Company employees who had been released from their contracts to grow wheat and other crops.

It was a significant moment. Cattle trading could be seen as something transient, easy to start and stop if the circumstances required it. Tilling the land, however, was intrinsically a more permanent process. This is not to say that the acquisition of slaughter stock had lost importance; the VOC had its own small breeding herd but it was far from able to support the ships' demand, and the main source of livestock remained the Khoi. A new class of pastoralists had also appeared, men of all kinds who roamed the outer fringes of the VOC jurisdiction. Theoretically, all their animals had to be sold to the Company, but this was widely winked at by the "trekboere", as they were later to be called.

Another milestone was passed before long when the construction of the Castle of Good Hope began in 1666 to replace Van Riebeeck's original earth-walled fort of 1652, which was now in an advanced state of dilapidation. Since the VOC kept tight control of its purse strings at all times, completion of the stone-built Castle in 1679 was an early indication of the Cape's growing importance to the Company. It was a massive construction for that time and place (the awe-struck Khoi, who had never seen anything like it in their lives, called it 'Kui keip', the 'stone kraal').

All its guns pointed seawards: It was there not to ward off the Khoi but to ensure that none of the other trading companies hijacked the outpost, which happened occasionally. But it was still not a colony of the normal type; the first deliberately planned colonisation did not start in Southern Africa until the 1820 Settlers were brought out by the British government, not for commercial reasons but as a deliberate action to form a human shield against the Xhosa along a troublesome part of the eastern colonial border.

This was to anticipate what followed. By the early 18th Century, therefore, little more than six or seven decades after Van Riebeeck's arrival, the new community had taken shape, and had even started speaking a lingua franca which had arisen as a result of the incomers' struggle to master the classical High Dutch which was the Cape's official language.

This embryonic language was still clearly descended from High Dutch but it was far from being a clone. Over time it became studded with loan words from French, German, Khoi, Malayu and other languages. Many came from the East, like "piesang" and "blatjang", for example, or from the Khoi dialects – "abba", "eina", "goggs" and "karos".

Its grammar, too, took a form of its own. Its practitioners habitually used the typical Malayu double negative (something unknown in High Dutch) and, for example, the repetition of words for added emphasis such as 'gou-gou' ("quick-quick") emerged. For many years speakers of High Dutch sneered at it as a mere pidgin tongue, but in time it came to be informally used at most levels of Cape society.

Its evolution was not a formal or ordered process. It grew by itself as the years went by, with all Capelanders sporadically contributing words, phrases and other usages. As far as is known, it was referred to as "Die Taal", but much later it would morph into the language we know today as Afrikaans. In addition, the early 18h Century saw the emergence of the term "Afrikander", meaning a person of any ethnocultural group who had been born at the Cape. Coming at a time when indigenous tribes still identified themselves only by group names, it was a significant indication of the Cape society to their new African homeland.

None of this bothered the Dutch East Indian Company, whose concerns were focused not on founding a nation but on a bottom line written in black instead of red ink. In practice, the Cape was essentially a non-racial society at almost all levels and would remain so for the 140-odd years of VOC rule. Governor Simon van der Stel, for example, was known to be of part-Indian origin, and promotion to officers' rank in the part-time citizens' defence force, the Burgher Militia, was not subject to racial restrictions. According to the renowned researcher Dr Hans Heese, colour discrimination at the Cape did not get underway until the British arrived after the first invasion in 1795.

It seems clear that in Cape society, apart from the usual social divisions found in every country, the barriers were ones of class rather than race, with free people on one side and slaves on the other (although Cape slaves were evidently rather better treated on the whole than in many other slave-owning societies).

Jan van Riebeeck set the example by taking the Khoi girl Krotoa into his household, where she was baptised as 'Eva' and later married his Danish surgeon, Pieter van Meerhof. Their direct descendants include such prominent figures of later years as President Paul Kruger, iconic Voortrekker and Boer hero; South Africa's only international statesman, Field-Marshal Jan Smuts; and President F.W. de Klerk.

The result of all the social interaction was that by the mid-1700s there was an inextricable racial and cultural intermingling taking place. The VOC addressed the perennial scarcity of European wives for its employees by facilitating marriages between them and women of colour (whether local freeborn or manumitted slaves) in the belief that this contributed to a more stable labour force. At the same, to the rigidly respectable VOC administration's disapproval, Cape Town's slave lodge also served as an unauthorised bordello, which did a roaring trade whenever a squadron of ships arrived and spent a few days loading or unloading cargo, undergoing repairs or revictualling. Since there were no contraceptive devices in those days, the results can be imagined.

The extent of the resultant intermingling probably would be impossible to chart in detail today, but generally believed to have been a common occurrence. The only way to do so would likely be using a mass DNC analysis of the gene pool of the old-established Cape's modern descendants. Nevertheless, from all indications, it is clear that the process of intermingling was more extensive than is generally believed.

This is not to say that the old Cape was a proverbial land of milk and honey, by any means. There was not much of a social parachute in those days, so poor people tended to remain poor, just as they did in most countries around the world, and still do. But it was a land of opportunity. A poor man with enough intelligence, energy and a little luck could achieve reasonable prosperity, even if he started as an illiterate Dutch sailor or a former slave who had been manumitted by his owner or had painstakingly saved enough money to buy himself out. One former slave from West Africa, Evert van Guinee, is known to have prospered to such an extent that by the time he died early in the 18th century he owned a farm in the Stellenbosch area.

In a nutshell, the new entity which was emerging in the early 18th century was a veritable “Cape Nation” of many varieties which exposes the ANC government’s current race classification system for the blatantly political sham that it is.

This presents an interesting paradigm. Liberals proclaim that diversity is always a good thing. It can be, sometimes - usually when the various elements have some degree of common broad social background, an example being the way the United States swallowed and more or less successfully digested an enormous flood of European immigrants in the 19th Century. This included the members of the old-established “African-American” community, socially handicapped though they were for so many years into the future.

In recent times, however, there has also been a strong revival of the concept of the ethnically homogeneous (or nearly so) nation state. One recent example is the former Soviet Union, many of whose essentially captive republics bided their time until Moscow was at its weakest and unable to intervene, and then simply declared independence. The same happened in Yugoslavia, where the demise of European communism resulted (however, after much bloody warfare in this case) in the birth of some small nation-states where the vast majority of each shared ethnological and religious background.

A wise man, whose name is unknown, once declared that there were two types of nation: the melting pot, where newcomers of disparate origins were absorbed and turned into loyal citizens of the host country; and the fruit salad, whose ingredients remained basically unchanged and sporadically clashed with one another, a current example being the native Ukrainians and the descendants of the ethnic Russians transplanted there by Josef Stalin in the 1930s.

And so the question is, where do the members of the many-hued Cape Nation fit into this spectrum?

The answer is a simpler one than might be imagined. They are cemented together by three powerful factors which transcend mere politically imposed barriers.

Firstly, an undeniable common heritage and ethnicity, so that skin colour, names or social standing are largely irrelevant as markers of anything in real terms.

Secondly, a general acceptance of similar social values. It is now mostly forgotten that during the brief rule (1803-1806) of the Batavian Republic, Cape people were governed by one of the first written constitutions in the world. It was a remarkably liberal-democratic one for those intolerant times, in which the alleged ‘divine right of kings’ was still a widely accepted doctrine; *inter alia* it required the immediate abolition of slavery, equal status for all recognised

religions, including Islam, no arrests or house-searches without a court warrant, and the eventual establishment of a non-racial qualified franchise.

Most of this was lost when the second British invasion of 1806 turned the Cape into an ordinary crown colony, directly and often autocratically ruled by a governor from London. However, the democratic footprint of the Batavian Republic with its emphasis on civil rights, freedom of worship and personal liberty had been trodden so deeply into the soil of the Cape that it did not die out, but continued to exercise an influence on South African political thought that later was frequently ignored but never extinguished.

Thirdly, a common language, today's Afrikaans, which is spoken as a primary tongue by a very large majority of so-called Whites and Coloureds in the Western Cape province, as well as a large part of the Northern Cape province and a substantial western part of the Eastern Cape province. It is also the first language of a surprising number of people of other ethnic groups, including hundreds of thousands of Blacks in the northern provinces.

This fact alone is a powerful driver for secession. Afrikaans is now a sophisticated, internationally recognised modern language, complete with extensive technical and scientific vocabularies and a considerable body of literature. Except for English, Afrikaans is the only fully developed minority South African language at this level of development.

This should be a matter of national pride, yet the ANC government appears to be hell-bent on reducing it once more to a mere dialect in what amounts to a campaign of cultural genocide, displaying disregard for the damage it would do and is already doing to the lives of millions of innocents, particularly children. It would be fair to suggest that the long-term future of Afrikaans as a full-fledged language in its own right can only be guaranteed by an independent Western Cape, where it would be cherished and fostered rather than imperilled.

It is worth noting that an earlier attempt at such cultural destruction – by the British conquerors' anglicisation policy after 1806 – failed when elements of the Cape population successfully resisted it. It would be fair also to note, however, that in the long run, this failed cultural assault benefitted the Cape. English gained a foothold as the second most spoken primary language in the Western Cape, thereby providing Capelanders with a ready-made window on the outer world without detriment to the main indigenous language. As a result, the Western Cape inhabitants have the highest rate of bilingual fluency (as opposed to possession of a mere smattering of a second language) of any of South Africa's provinces, the product of a natural cultural evolution rather than an imposed social-engineering process.

The influence of the Cape Nation began to spread in earnest during the 18th Century. Capelanders had long been irked by the heavy hand of the VOC. It dictated to the free burghers what crops they should grow and at what prices their produce could be sold, controlled immigration and monopolised all trade. Many disgruntled farmers and pastoralists responded by moving ever further inland to get out from under the heavy hand of the VOC bureaucracy.

The VOC administration did what it could to control these migrants, such as establishing a new magistracy at Swellendam in 1745 and another at Graaff Reinet in 1786 and declaring the Gamtoos River as the farthest eastern frontier of the Cape. None of these measures worked because the 'trekboers' simply ignored them almost completely. In 1780 the Great Fish River was declared the official boundary and this worked well because its eastern side was already populated by the Xhosa nation, the vanguard of the protracted Bantu southernmost advance.

In 1795 the British occupied the Cape and managed it like a crown colony, but this was merely a temporary occupation occasioned by the wars with France. In terms of the ill-fated 1802 Peace of Amiens, the Cape was handed back to Dutch control in the shape of the Batavian Republic, because the VOC had disappeared from the scene.

But the Amiens treaty was doomed to failure, and in 1806 the British invaded again, this time to stay. After a short but fierce battle at Blaauwberg, 25km from Cape Town, the Cape became a British crown colony once again. In 1814 an exhausted and financially devastated Batavian Republic was forced to cede control to the British in terms of the Anglo-Dutch Treaty of 1814.

The Battle of Blaauwberg was yet another milestone in the story of the Cape. It was the first concrete manifestation (and the last for a very long time) of the Cape Nation. The vastly outnumbered Batavian line included three units of Cape men, fighting side by side: the Swellendam Dragoons (mounted infantry), composed of nominally white men; the Hottentot Light Infantry, of coloured men and some Khoi; and the Javaansche Artillerie Corps, manned by Cape Malay light artillerymen.

All had sworn an oath of loyalty to the Batavian Republic (the Malays in the name of Allah, a most unusual phenomenon in those times). All were volunteers of some sort – the dragoons and Malays were part-time members of the Burgher Militia, and the HLI was a full-time regular regiment. They stood fast when some other Batavian units started to crumble, and fought till they were ordered to retreat, which they did in good order when it was clear that they could not hold against the two-to-one odds. Thanks partly to their dogged resistance, however, General Jan Willem Janssens could keep his forces intact and use them later to extract favourable terms of capitulation which benefitted the Cape population.

One might ask what made them fight so hard against the battle-hardened British infantry, then some of the best fighting men in the world. The answer is equally simple: One can train soldiers as much as one likes, but if lacking in spirit they will not do well in battle. The Cape men who fought at Blaauwberg had two things in common that bound them together: All of them spoke what was not yet Afrikaans, and all were born and bred members of the Cape Nation.

“We few, we happy few,” William Shakespeare wrote about the soldiers at the Battle of Agincourt in the 13th Century, “for he that bleeds with me today shall be my brother.” It is a sad and tragic thing that in later years Capelanders swiftly forgot about the sacrifice of the Cape Nation’s own band of brothers.

The Cape Colony remained part of the British Empire, eventually becoming part of the Union of South Africa on 31 May 1912. It was an unwieldy and foredoomed conglomeration of crown colonies, defeated Boer republics and stringently controlled Black tribes, all lumped together into a rigid unitary state whose inhabitants could not possibly become a true nation in their heart of hearts, and never did.

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Figure 1: The Union of South Africa and surrounding colonies (Wikipedia)

After the 1994 elections, the Cape Province (as it was known at that time) was split up by the ANC into three new provinces: Western Cape, Eastern Cape, and Northern Cape.



Figure 2: The Provinces of South Africa

## Chapter Two: The Capelanders

### Chapter Synopsis

Census statistics compiled by Statistics South Africa proves that the main characteristics of language, culture and religion of the people have remained unchanged for decades. It not only proves that Capelanders are the super majority in the Cape, but also serve as the basis for a definition of a Caplander.

### Language

Afrikaans remains the dominant language of the Cape, but not because the mother tongues of the ancient indigenous ethnic groups were suppressed in any way. Instead, the emergence of Afrikaans illustrates the evolutionary process that took place after 1652. The tongues of people of many origins became part of a new language for a new nation, just as their collective genes were the building blocks of a new gene pool – both of which formed the very backbone of the broad community that emerged from the Cape melting-pot and still represents the majority of the old Cape's inhabitants.

The evolutionary process actually benefitted the Khoi. Their various dialects were uncomplicated but simultaneously complex, with several kinds of tongue-clicks and inflexions which could give one word at least two different meanings, which meant that they were very difficult to learn unless born to them, and the vocabularies lacked words for the outside world's innovations. The !Kung dialects were even more difficult to acquire.

Considering the population losses of the catastrophic 1713 smallpox epidemic, the !Kung and Khoi dialects went into a gradual natural decline, a worldwide phenomenon, but did not, as happened so often elsewhere, die out altogether. The lingua franca that would eventually become Afrikaans provided them with the opportunity to connect with the outside world to which they had become connected by the arrival of the age of exploration.

It was a process which took place all over the world. For example, the people of ancient England learnt to speak Latin as a second language after the Roman conquest, followed by Anglo-Saxon dialects, and again followed by French after the arrival of William the Conqueror. But like the Anglo-Saxon dialects, those of the !Kung and Khoi left a lasting footprint on the evolving new languages which are still in use by all shades of the spectrum in some rural areas. In addition, the old dialects are still spoken to some extent in areas beyond the old Cape's borders, such as Namaland in southern Namibia.

Before the 1990s, it was fashionable in left-wing circles to decry Afrikaans as 'the language of the oppressor'. This was far removed from the truth, as the facts show that it was not pressed on the people by the powers that were. It would be more accurate to say that it spontaneously imposed itself on Cape society, because it was a language which was initiated by the people for the people, and eventually developed into a internationally recognized modern language.

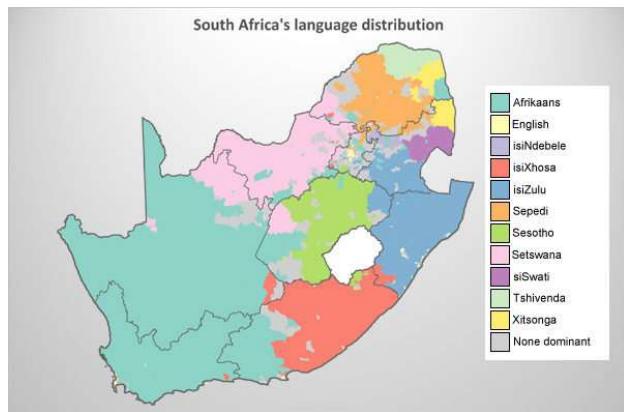


Figure 3: Language map of South Africa

## Politics

Before 1994 the Cape Province's boundaries were more or less those of the VOC/Batavian days: the Atlantic coast in the west, the Orange River in the north and the Great Fish River in the east. The Codesa negotiations resulted in this long-established entity splitting into three new provinces, the Western Cape, Northern Cape and Eastern Cape.

The division was purely a political strategy, favoured by both the National Party and the African National Congress as an opportunity to increase their electoral advantages. The National Party persuaded itself, despite the clear indications to the contrary, that it would be able to capture the Northern Cape in the projected national election. On the other hand the ANC believed it would take the Northern Cape by appealing to the Black and some of the 'Coloured' voters in the new province's area, thereby further reducing the importance of the Western Cape, the only province in which it was unlikely to gain a majority.

The result was unsatisfactory on all counts. The Western Cape lost a huge swathe of its traditional territory between the new northern boundary and the Orange River, creating an unwieldy administrative area with a weak tax base and a provincial capital (Kimberley), unsuitably located to the far east. The ANC won the Northern Province, saddling the country with a vast but scarcely populated area with a weak tax base that left it with few prospects for natural domestic development.

But all this manoeuvring did not change one simple basic fact, as one glance at any language map of South Africa shows. Afrikaans is the primary language not only in the Western Cape but also in a large part of the Northern Cape and the western most section of the Eastern Cape – in places to the point of virtual exclusion of other languages.

As a result of this unjustified amputation, the rightful heartland of the true Capelanders was reduced by a great margin. This left the Western Cape as a small minority area, vulnerable to any draconic dictates that might be proclaimed by the overall Black majority who are seated mainly in the northern, north-eastern and eastern parts of the country.

This is no mere hypothesis. The ANC has made no bones about the fact that it envisages changes to the provincial boundaries, aimed at carving off further portions of the Western Cape, regardless of the fact that it would probably destroy or cripple the vibrant heritage that has played such a large part in making the Western Cape with its free-market economy the only truly successful province in South Africa.

The truth of the matter is that the Western Cape's success derives partly from clean government and long-term planning, but above all from an electorate whose members, unlike those of the other provinces, tend to vote according to their certitude and not their tribes or the colour of their skins. They also tend to determine their representatives according to those convictions rather than the dictates of a distant central authority. This is in direct opposition of the ANC with its mania for centralisation, to the point that its head office even appoints the mayors of towns under its control, whether this accords with the wishes of the electorate or not.

## **Religion**

The population of the Cape is predominantly adherent to the various Christian churches. The map at the end of this section indicates the percentage of people who have indicated that they were purely protestant Christian, without any traditional Black non-Christian beliefs. The only significant exception to this rule in the Western Cape is the Cape Malays, who are overwhelmingly followers of Islam but are full participants in the societal mainstream – yet another indication of the success of the Cape melting-pot.

This goes back to the days of the VOC, which did not accord equal status to Islam but condoned the private observance of its adherents. As a result no mosques could be built, but instead a network of private prayer rooms were established, one of which functions to this day.

This was surprisingly tolerant for that day and age. It must be remembered that during the 17th Century Western Europe was threatened by a mass invasion of the Turkish Ottoman Empire. As late as 1683, 32 years after Van Riebeeck landed at the Cape, the Austro-Hungarian capital of Vienna was besieged by a huge Turkish force of about 175 000 men, and it took over two months of bloody siege wars before the European forces managed to deter them.

By regulation, the VOC administration at the Cape was empowered to invoke severe penalties on any active adherents of Islam, but this was not applied at any stage, and the Malay population could grow and flourish. In 1802, when the British occupying force handed the administration over to the Batavian Republic, the new rulers immediately set about abolishing slavery, which was forbidden by the republic's constitution, and giving Islam the same legal recognition as the Christian churches.

This was no mere lip service. The Governor, General Jan Willem Janssens, proved that by regularising the status of the oldest Muslim cemetery, the Tana Baru, and granting the Muslim community a plot of land on which to erect its first proper mosque. More than two centuries later, the fact that Cape Muslims can be both full-fledged Capelanders while still retaining their religious and social identity is proof of how the melting-pot approach can work if sincerely applied.

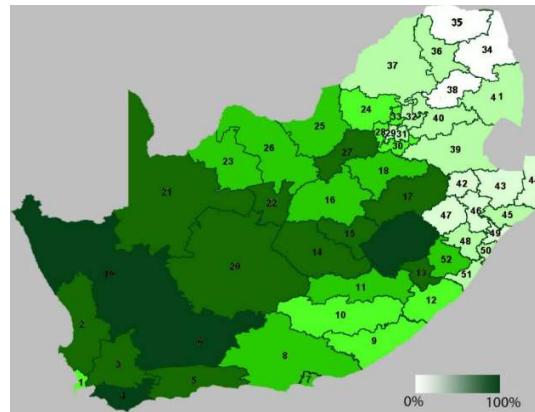


Figure 4: Percentage of protestant Christian believers in SA (Source: Stats SA)

## Politics

Cape residents are not knee-jerk voters like the inhabitants of other parts of South Africa. Like citizens of any true democracy, they support – sometimes very heatedly – any of a variety of political parties. The principle of merit, which is largely ignored elsewhere in the country, is alive and well in the old Cape so that no party is safe in the seats of power at any level of government if it does not do its job properly. The results of the 2014 general election speaks for itself.

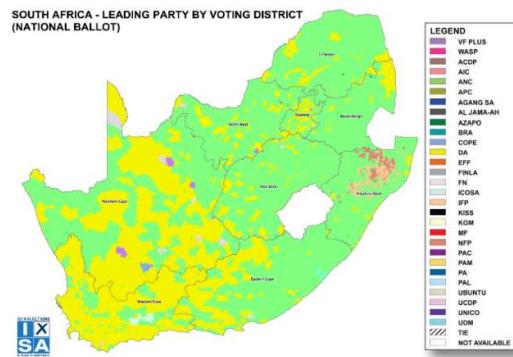


Figure 5: Political orientation, general election 2014 (IEC: [www.elections.org.za](http://www.elections.org.za))

Evidence is shown in the results of the 2016 local government election:

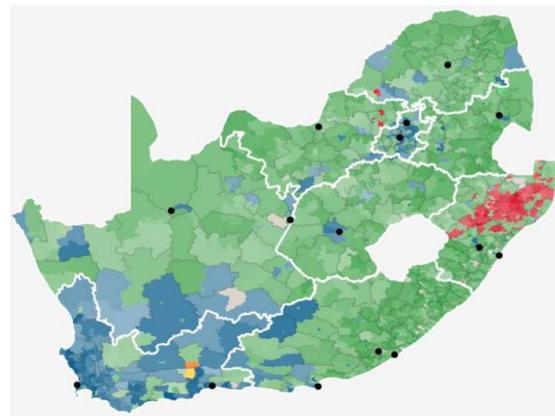


Figure 6: Political orientation, local election 2016 ([www.news24.com](http://www.news24.com))

In the 2014 election, an overwhelming 60% voted for the Democratic Alliance (DA), which had a track record of good governance. Then in the 2016 elections, its share of the overall vote grew to 63.5%. The figures in both cases proved that Capetonians were not hide-bound but voted across social/racial barriers whenever they felt like it.

If this trend were to continue, as it is indeed possible, the ANC is not likely ever to have a victory in the Western Cape, and the fact that the Economic Freedom Front – the most vociferous and radically race-conscious party – achieved only 2.8%, far below its averages in other provinces, indicates its lack of appeal in the Western Cape. It is also interesting to note that those parts of the old Cape that have been corralled into the Northern and Eastern Cape also voted predominantly in favour of the DA. In other words, the Cape Nation provided further proof of its true spread.

This is not to say that the DA has a chokehold on the Western Cape electorate. Thus far the DA has scored significantly, because it has built up a good track record of civic achievement and given the lie to the ANC's oft-repeated accusation that the DA is a 'white' party. But in an independent Cape it would have to take its chances at the ballot box just like any of the other contesting parties.

If there are any remaining doubts about the political orientation of the rest of South Africa, one glance at the appropriate maps (figures 3 and 5) tells one how closely the election results match the true extent of the Cape Nation in terms of the ethnic and language spreads. In contrast, the rest of the South African electorate voted overwhelmingly for the ANC, with the minor exception of Gauteng, where the DA is basically in similar opposition as to the ANC in the Western Cape.

## Definitions

Based on what we have learnt thus far, it is possible to draw up two tentative formulations for the definition of a Caplander:

- (1) A descendant of either one or more of the following groups:
  - (a) *the region's First Nations (Khoi or San), excluding any person who is a member of any predominantly Ba'Ntu Tribe (e.g. Xhosa);*
  - (b) *slaves and other indentured persons who arrived in the region before 18 January 1806 (the date Britain colonized the Cape);*
  - (c) *European settlers who arrived before May 10, 1994*
- (2) Any person and/or descendants of persons who legally and permanently resided in the Cape territory before May 10, 1994<sup>4</sup>. The difference here is that there are no restrictions as regards members of any permanently settled ethno-cultural groups, which means *inter alia* that the provisions of **Definition 1** above would not apply to members of the relatively small number of Bantu who have been living and working in the Cape for an appropriate length of time (to be determined), or their descendants.

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<sup>4</sup>May 10, 1994, the inauguration of Nelson Mandela, effectively marks the beginning of the ANC government's attempt to deliberately alter the demographics of the Cape by forced 'Bantu' resettlement in predominantly Caplander territory.

## Chapter Three: The Cape Economy and Infrastructure

*“It’s the Economy, stupid” – James Carville*

### Chapter Synopsis

The fundamental aspects impacting the economic viability of the Cape when carefully considered, indicates that the Cape can prosper economically should the territory become independent.

### Focus Areas

The content in this section is mainly derived from a comprehensive economic viability study that was completed in 2016 by Jacques Du Toit, an economist at ABSA Bank from 1985 until his retirement in 2021. For purposes of this analysis, we will focus on the Western and Northern Cape only. The western parts of the Eastern Cape and Free State are not included because these are relatively small areas, and because specific data is not available for current South African provinces. Moreover, the statistics and figures quoted here may seem conservative, but kindly keep in mind that the absolute decay of official agencies in South Africa has resulted in a situation where recent information is either not available, or worse yet, not trustworthy.



Figure 7: Current Western and Northern Cape provinces (Wikipedia)

### What's in it for me?

This is the sort of question a corrupt politician or CEO would ask when approached to sign off on a dodgy tender. But it is a perfectly legitimate question if the persons asking it are ordinary citizens who are pondering the pros and cons of Cape independence. It is legitimate because they have a lot to lose: their jobs, their houses, their cars, their ability to feed, clothes and schooling their children. Or it might be that bond repayment on the house or car or the rent, or any of a number of other unavoidable expenses.

It is very true that most citizens live from pay-cheque to pay-cheque, especially those who don't earn enough to save up a little nest-egg for an unforeseen emergency or a few small

luxuries. It is even worse for unemployed people, who have been robbed of the opportunity to work because of an ailing, mismanaged economy, and have to make do by scratching a living as best they can.

A vitally important question like this deserves a blunt answer. The last thing any sensible Capelander would want is to live in a pauper state which survives only because it can beg, borrow or steal from someone or somewhere else to make its wheels turn. And the short, simple answer can be found in that quotation from James Carville at the head of this chapter.

Populist politicians and various other financial illiterates believe that they can create jobs. They can't – except for make-work schemes that achieve nothing in the long run apart from flinging a temporary morsel of hope to desperate people, or burdening the national finances by needless over-staffing (the civil service and Eskom being glaring examples of this practice).

The only way that is a guarantee if anything is to build a healthy, constantly expanding economy which can generate more and better jobs for all those who are willing to work. A few years ago, adventurer Riaan Manser was cycling through Africa when he came across a sign while travelling through a Nigerian market which said NO FOOD FOR LAZY MAN. He was so impressed that he hung it on the back of his bicycle's saddle, because it said everything that needed to be said.

There is a second question hiding behind that first one: What guarantee do I have that I will still have my job after the Cape gains independence? The answer to that is a peaceful transition, backed by a healthy existing economy which will be the launch-pad for the transition. Is this impossible? No, given suitable negotiations which will profit both sides. For example, an independent Cape would be a natural market for goods and services from the remainder of South Africa, and vice versa. This could be accompanied by a sharing of certain facilities and similar co-operative arrangements. It is patently obvious that the two countries will have to have a good measure of co-operational as the only developed or partly developed ones in Southern Africa.

It is South Africa's good fortune that in spite of our tangled, often tragic colonial past there are no ancient deep-seated hatreds of the intensity that tore the former Yugoslavia apart, which included ancient historical ethnic enmities and a clash of religions between Roman Catholic Christians, Eastern Orthodox Christians and Muslims.

The events during and after 1994 proved that South Africans were capable of holding a generally orderly and credible election, in spite of the subsequent sporadic political violence between the ANC and IFP, and the fact that many Zulus, *inter alia* the king, favoured independence. Many foreign observers of the time were convinced that the election process would collapse into civil war. It did not, because the majority of the new electorate displayed a maturity that surprised the doom-sayers – the foundation of which was the yearning for peace and a better life rather than war.

## The Western Cape Economy

In 2014 the socio-economic scope indicated that: 48.2% of a total of 1,722,133 households in the Western Cape fall into the low-income category with an income of up to R96,000 per annum; 33.8% of households attain an income of R96,001–R360,000 per annum; 15.5% acquire R360,001–R1,200,000 per annum, and a meagre 2.5% achieve R1,200,001–R2,400,000 per annum.

Over a period of 10 years from 2005 to 2014, the Western Cape economy showed real growth of about 3.4% per annum, with the average real regional GDP of the province in the order of R371,4 billion over this period.

The sectoral composition of the Western Cape economy shows that the financial, property and business services sectors were the predominant sectors in 2005–2014, with an average share of 25.9% in the province's GDP. It was attributed mainly by large long-term insurers, asset management companies and media groups based within the province.

The manufacturing sector's 2005–2014 economic performance of 14.7% was followed by the large and medium retail sector's 14.5%, and the transport sector's 9.9% share.

In terms of foreign trade, the Western Cape exported goods to the value of R109,3 billion in 2014, with food products representing about 40,6% (R44,4 billion). A total of R236,2 billion worth of goods were imported via the Western Cape in 2014, consisting principally of mineral products (crude oil for refining purposes) to the value of R138,8 billion (58,8% of total imports). The importation of machinery and equipment amounted to approximately R19,6 billion in 2014 (8,3% of the total), followed by textile imports valuing R11,8 billion (5% of the total).

The Western Cape has a well-established transport system and infrastructure, which promotes and supports economic activity, development and foreign trade. Three prominent ports contribute to this, being Saldanha Bay on the West Coast, Cape Town on the peninsula and Mossel Bay on the Cape South Coast.

The Saldanha Bay port is particularly attuned to the export of iron ore mined in the Northern Cape and transported by rail to the port, handling 71,8 million tonnes of cargo in 2015. A steel plant which used to be a large producer and exporter of various steel products is located near Saldanha.

The Cape Town harbour handled cargo of 16,7 million tonnes and the Mossel Bay harbour handled cargo of 2,5 million tons in 2015. The Cape Town port is the only port in the province that can handle cargo containers, and a total of 888 976 containers [Twenty-Foot Equivalent Containers (TEU containers), which are also indicative of a ship's cargo carrying capacity] were handled in 2015. In that same year, a total of 2520 ships entered Cape Town harbour, followed by Mossel Bay with 1050 and Saldanha Bay with 618 .

Although the agricultural sector contributed only about 3,9% to the province's 2005–2014 GDP , there is still a robust focus on the grain, wine, fruit and vegetable industry, being linked to prominent export markets which contribute to increased foreign currency income.

The Western Cape has significant fish resources, and several prominent fish product processing companies are located in the province so that approximately 75% of all South African commercial fishing originates along the Western Cape coastline.

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There are several smaller ports along the Western Cape coast focused on the fishing industry; thirteen of these ports must be upgraded over the next few years to promote increased productivity, employment and tourism.

Food production, processing and fishery are important agricultural related industries contributing to increased economic activity and job creation.



*Figure 8: Typical agricultural area in Cape Town (Wikipedia)*

The energy sector similarly occupies a very important place in the Western Cape economy and is linked to an extensive infrastructure. The Chevron oil refinery (located in Milnerton near Cape Town) has a refining capability of about 100 000 barrels of crude oil per day, hence the high percentage (58,8%) of the total value of imports in respect of mineral products.

Considering the current state of the country's fuel supply a large percentage of the processed petroleum products could be distributed to other provinces in South Africa, significantly strengthening the inter-provincial trade balance if counted as exports. PetroSA's plant located at Mossel Bay in the Southern Cape, which processes gas into synthetic liquid fuels, boasts a 45 000 barrels per day production capacity.

In terms of electricity generation, the Western Cape has South Africa's only nuclear power plant, Koeberg (located 30 kilometres north of Cape Town near Melkbosstrand on the west coast) has two generating units that contribute a net 1,860 MW (an average annual production of 13 668 GWh) to the national network.

Given the Western Cape's idilic location, climate and biodiversity, various areas in the province are regarded as sought-after tourist destinations, contributing to additional economic activity and job creation. Foreign tourism (pre-Covid) was a major source of income for the province. The vast majority of international tourists entering South Africa visit the Western Cape, Cape Town, the Garden Route and the many wine routes prove most popular tourist destinations.

The Western Cape historically has the lowest unemployment rate (19.3% in 2015) of all the provinces, proving that the Western Cape has already attained a significant level of economic autonomy and sustainability.

## The Northern Cape Economy

The Northern Cape is the largest province in South Africa, surprisingly representing 30,5% of the total surface area of the country. Yet, due to the harsh terrain it has the lowest population with an average concentration of only three people per square kilometre. Economic activity in this province is limited mainly to the agricultural and mining sectors, with strong growth in the renewable energy sector.

In terms of 2014 household income distribution, 60% of a total of 324 493 households fall into the low-income category of up to R96 000 per annum, 29,8% households in the category of R96 001–R360 000 per annum, 9,1% in the category of R360 001–R1 200 000 per annum and only 1,1% achieve R1 200 001–R2 400 000+ per annum.

Between 2005 and 2014, the Northern Cape's economy maintained an average real growth rate of 2,2% per annum, which was lower than the 3% national average over the same period. The average level of real GDP in the Northern Cape was R60,6 billion per annum during the above-mentioned period of 10 years.

The sectoral composition of the Northern Cape's economy clearly points to the importance of the mining sector, averaging 23,2% of regional GDP in 2005–2014; indicating the rich mineral resource of the province. Iron ore, diamonds, manganese, copper, zinc, granite, limestone, lead, plaster and semi-precious stones are but a few of the mined products of the Northern Cape.

A new zinc mine is planned between Springbok and Pofadder, promoting increased employment where the current unemployment rate is greater than 25%. This mine will require new housing projects further contributing to increased economic activity and additional job creation.

The agricultural sector contributed an average of 7,1% to Northern Cape GDP over the period 2005–2014 and is the second most important economic activity. Although the Northern Cape is arguably the driest province, two of South Africa's largest rivers (the Orange and the Vaal Rivers) flow through the province, irrigating thousands of hectares of agricultural land via direct river irrigation and associated canal systems which service vegetable and vineyard production. Irrigation is also supplied from the Harts, Riet and Modder Rivers.

In terms of foreign trade, exports from the Northern Cape amounted to about R13,4 billion in 2014, consisting mainly of precious metals and gemstones (R7,2 billion), followed by other mineral products (R3,7 billion) and iron ore, limestone and cement (R3,5 billion). Imports amounted to R3,5 billion in 2014, principally consisting of machinery and equipment amounting to R1,4 billion and the chemical industry providing a value of R853 million.

## The CapeXit, Why and how the Cape will leave South Africa

Although the Northern Cape does not have a large port, further development and expansion to the Port Nolloth port is required to promote trade and exports. Currently, the iron ore mined at Sishen and Kathu is re-routed and transported by rail to Saldanha Bay on the Cape West Coast, for export.



Figure 9: Sishen to Saldanha rail ([www.netwerk24.com](http://www.netwerk24.com))

Tourism is also an important economic activity in the Northern Cape, which boasts many popular destinations such as Kimberley, Upington, the Kalahari, the various national parks, the West Coast and Namaqualand. Upington is also a most popular stopover for travellers or tourists travelling to and from these national parks between South Africa and Namibia.

The Northern Cape plays an extremely important role in the renewable energy space, where several large solar installations have already been implemented. The second phase of a solar power project near De Aar was implemented shortly after the first phase came into effect in August 2014. At the height of this solar project, about 2000 jobs were created, 90% of these which were provided to the local community. Currently about 220 people work on the site, with 120 responsible for the maintenance of the solar installation. These workers earn sustainable incomes for a large number of dependents. Upon completion, this project will provide electrical power to 75 000 to 100 000 households.

The Northern Cape features prominently in the astronomy field, with several telescopes and related installations (at Sutherland) aiding mankind's study of the galaxies. These first world facilities are major tourist attractions further contributing to economic activity and employment. The Northern Cape is home to the future SKA mega-project (Square Kilometre Array), located 75 kilometres northwest of Carnarvon.

Against the backdrop of the above analysis, the Northern Cape will find it relatively difficult to function economically as an independent State without strong ties to its adjacent, economically stronger, more developed and diversified regions.

## Cape Fiscus

Currently only about 45% of the tax collected in the Cape is ever returned to the Cape government, as the national government retains the remaining 55%.

Note the Division of Revenue Act 1 (9 February 2018), where the national government ‘claims’ almost two thirds (64,75%) of the total revenue budget:

**SCHEDULE 1**  
**EQUITABLE DIVISION OF REVENUE RAISED NATIONALLY AMONG THE THREE SPHERES OF GOVERNMENT**

Spheres of Government	Column A	Column B	
	2018/19	Forward Estimates	
		2019/20	2020/21
National <sup>1,2</sup>	R'000	R'000	R'000
National	979 181 797	1 058 577 591	1 139 321 640
Provincial	470 286 510	505 019 653	542 446 855
Local	62 731 845	68 973 465	75 683 326
<b>TOTAL</b>	<b>1 512 200 152</b>	<b>1 632 570 709</b>	<b>1 757 451 821</b>

1. National share includes conditional allocations to provincial and local spheres, general fuel levy sharing with metropolitan municipalities, debt-service costs and the contingency reserve
2. The direct charges for the provincial equitable share are netted out

Figure 10: Division of the equal share

The Cape's total allocations from central government are as follows:

Instrument	Western Cape	Northern Cape	Total
Equal share	47.5	12.5	60.0
Conditional Allocations	12.8	4.1	16.9
Grants to local governments	4.8	1.7	6.5
<b>Total</b>	<b>65.1</b>	<b>18.3</b>	<b>83.4</b>

Figure 11: Division of the equal share between provinces

In the 2016/2017 tax year, the South African Revenue Services (SARS) collected approximately R1,144 billion in taxes, of which at least 16% were collected in the Western and Northern Cape (if previous years of average are taken).

Cape residents pay more than R183 billion per year to SARS, yet receive only R83 billion. The remaining R100 billion is retained by the central government, who through corruption and lack of effective management demonstrated significant abuse of these funds that were meant for the benefit of the people of South Africa.

If the Cape acquires control of its tax revenue, the funds available to the Capelanders’ governments will more than double its current allocation. Thus the government of an independent Cape will not only be able to collect sufficient taxes to cover its expenditure but will be able to function optimally after independence.

## Water

As in the case with electricity, the South African national government has ignored all warning signs relating to the country’s water supply. In 2014, 98% of SA’s total water supply was being used with as much as 37% being lost through wastage. Estimates of up to R60 billion

## The CapeXit, Why and how the Cape will leave South Africa

would be required to avoid a nationwide water crisis, relating to an approximate equivalent of twenty times the Department of Water and Sanitation's (DWS) annual budget.

The Water supply for Cape Town metropolitan area already functions independently of the rest of South Africa. Most water in South Africa is supplied by local authorities and water boards, as none of the water boards' areas stretches across Cape borders. No significant water pipelines exist between the Cape and the rest of South Africa.

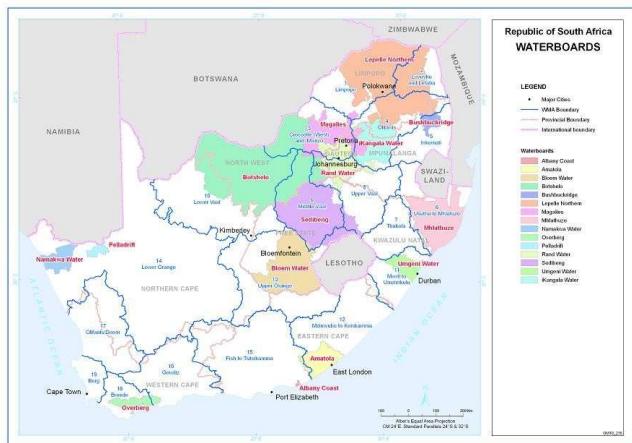


Figure 12: Water board areas and water management areas (<https://www.dwa.gov.za/io/wsimaps.aspx>)

The Western Cape, and particularly the City of Cape Town regularly suffer severe drought conditions. Although the Western Cape government is doing everything in its power to address the water crisis, the problem is that water licences and allocations are directly controlled by the national DWS, being riddled with incompetence and corruption.

The current problems could easily be solved by private water suppliers. Various local (Cape) and international companies have previously indicated their desire to erect, manage and fund desalination plants and solar power stations in the Cape. The municipalities only pay for the water produced, and not the capital to erect the plants, nor the operation and maintenance of the plants. The water tariffs offered by these companies approximate the current municipal tariffs.

Additionally, the wastewater of larger cities (i.e. Cape Town) would be purified for agricultural supply rather than being pumped and lost into the sea. This system of desalination (for human consumption) and wastewater purification (for agricultural reuse) has been a key to Israeli survival for decades.

## Food Production

Food supply is a crucial commodity and its availability and affordability are important for the survival of any community, allowing the individual and the nation to develop to their full potential. The main food sources must nutritionally possess all necessary minerals, vitamins, proteins and starches:

- meat and fish for protein,
- vegetables and fruits for minerals and vitamins,
- vegetables and cereals for starches.

## **Meat and Fish**

In terms of meat production, the Cape area is currently the prime producer of mutton and lamb meat. Chicken farming in the Western Cape supplies the entire Cape with chicken meat and can easily provide the demand for chicken for both provinces. Sufficient pork producers are functioning within the area to adequately supply in the Cape's demand.

The local beef production, however, does not sufficiently provide for the Cape region, since the largest feedlots are currently located in the northern parts of South Africa. The Cape does not have to compete with these industries, but merely requires focused input to increase productivity and output.

The Cape has 1350 km coastline with a large fishing industry. Cape Town and the surrounding coastal fishing industry currently exports substantial quantities of fish to other countries and can comfortably provide more than enough fish for local use whilst continuing to export excess product. The establishment of both seawater and freshwater fish farms provides a huge business opportunity for a more autonomous Cape, which will expand fish export opportunities and deliver affordable fresh fish proteins locally.

However, the South African National Department of Fisheries has been mismanaging the fish resources and licences for almost 15 years and in many cases fishing licences have been taken away from the traditional fishermen, only to be handed to friends and family of central government officials and the Chinese.

## **Fruit and Vegetable Production**

The Western Cape is regarded as the vegetable basket of Southern Africa, answering the supply of vegetables to the whole of the Cape without any imports. Fruit is also exported in large quantities. In 2015 more than 50% of South Africa's fruit was exported from the Western Cape.

## **Grain and Starch Crops**

Starch crops which include corn, wheat, potatoes, beans and peas are grown in the Northern Cape, but due to the much larger volume produced in the Free State, it is deemed unnecessary to increase production in the Northern Cape, however, the existing irrigation schemes of the Northern and Western Cape are fully capable of accommodating large corn farm expansion to meet the local Cape's corn demand.

The Western Cape is the principal producer of wheat for South Africa.

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The production of potatoes in the Western Cape satisfies the Cape's demand, but will require expansion as population and consumption increase.

The cultivation of beans and peas in the Western Cape has drastically decreased due to higher production in the northern areas of the country. This balance can be restored by planting enough to supply the whole of the Cape.



Figure 13: Agriculture in the Cape

## Electricity Supply

In the current dispensation, the South African Electricity Supply Commission (Eskom) has a total monopoly on the distribution and generation of electricity with no free market competition or accountability.

Unfortunately the years of poor planning, mismanagement and failure to implement its 1998 power policy, the South African Government and Eskom has plunged the entire country into a power crisis (now implementing Stage 6 level loadsheading).

The new coal-fired power station near Ellisras, scheduled to come on line in 2010, is currently twelve (12) years behind schedule. The power crisis reached a critical point when cracks were discovered in the Majuba power station's coal silo structure, and since that discovery load shedding has become a very common phenomenon in South Africa.

At the end of 2015, Eskom announced that the power crisis was a thing of the past. However, Eskom then reduced consumption due to a weakened economy, the contribution of independent power suppliers, and a lack of forward production planning, and Eskom ultimately failed to increase generation output.

The economic impact of any power crisis can never be underestimated. The current (2022) Stage 6 load-shedding are set to become the norm, potentially costing the South African economy R4 Billion per day\*. Various power-intensive industries such as aluminium smelters have collapsed, while most other industries have suffered heavy losses under this mismanagement of power.

Eskom's funding shortfall in 2017 approximated R78 billion, of which R4.2 billion rand was budgeted just for annual and performance bonuses. In the 2016/2017 financial year, a R900 million payment to McKinsey and and a R495 million payment to Trillian was made, two consulting companies that were appointed without contract. It is this type of

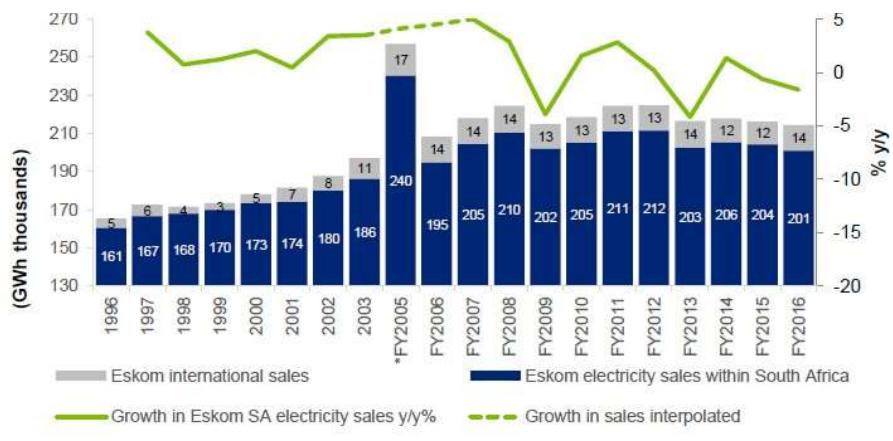
## The CapeXit, Why and how the Cape will leave South Africa

mismanagement that caused Eskom's credit rating to be downgraded to junk status by the international rating companies. Yet the government will refuse privatization of the country's electricity market or to launch serious solutions to stabilise this sector.

At this stage it is worth noting that before Nelson Mandela's political party took over the government, investment of Eskom 168 Bonds was commonly accepted as the benchmark for risk-free return on investments by the investment community.

Eskom's staff grew from 33000 in the 2007/08 financial year to 48000 in the 2016/17 financial year, while at the same time, power supply decreased nationally:

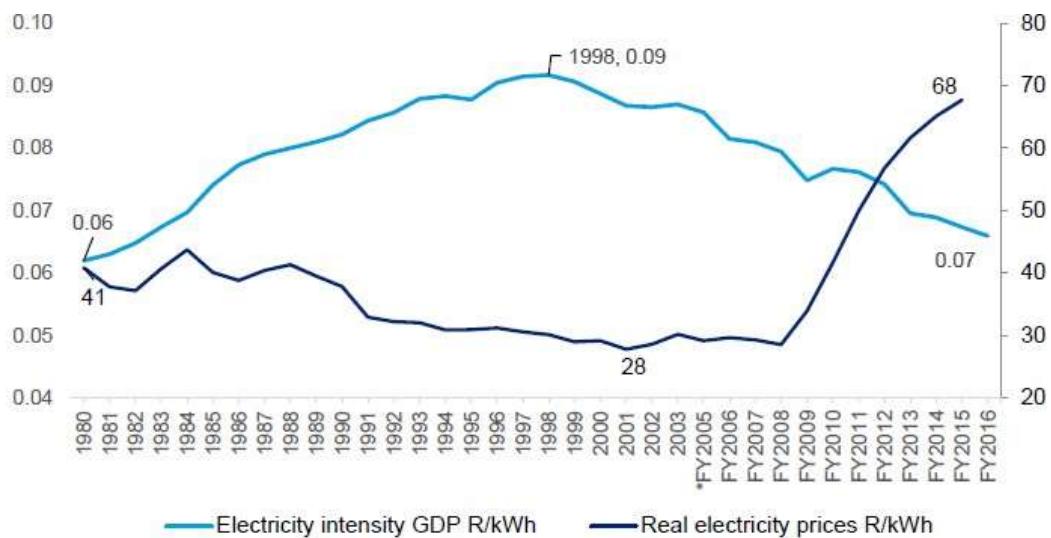
\*Sunday Times July 3<sup>rd</sup> 2022 (front page) 'ESKOM Its even worse than you think'



Source: Own analysis based on Eskom sales

Figure 14: Eskom power generation (Deloitte)

Over this same period (2008–2016), power tariffs more than doubled in real terms:



Source: Deloitte analysis, based on Eskom annual sales

Figure 15: Eskom tariff history (Deloitte)

Eskom is in a downward spiral, higher tariffs create reduced energy consumption causing reduced revenue, which further escalates tariffs for poorly delivered energy. Meanwhile, alternative/renewable energy tariff reductions (from photovoltaic solar power stations) to R0.45/kWh (Eur. 0.03/kWh) and the developer-financed power station construction could rapidly unburden Eskom allowing for focus on stabilising base power delivery.

Solar power is also cheaper than Eskom's 2018 tariffs (R0.68/kWh). This chasm between Eskom's tariffs and renewable energy tariffs will exponentially increase and accelerate Eskom's demise in the near future.

This 'threat' of renewable energy has ensured that Eskom refuses to enter into any new agreements with independent renewable energy power producers (Independent Power Producers, IPPs), even though the same IPP companies have already won the tenders. Eskom's 2018 decision to sign these IPP agreements was thwarted after a court order was obtained by NUMSA and Transform SA seeking to protect coal workers in northern South Africa at the direct expense of new (minority) jobs in Cape Town.

The unwarranted interference specifically cost the Northern Cape thousands of jobs and millions of rands in income, foreign investment and community benefit.

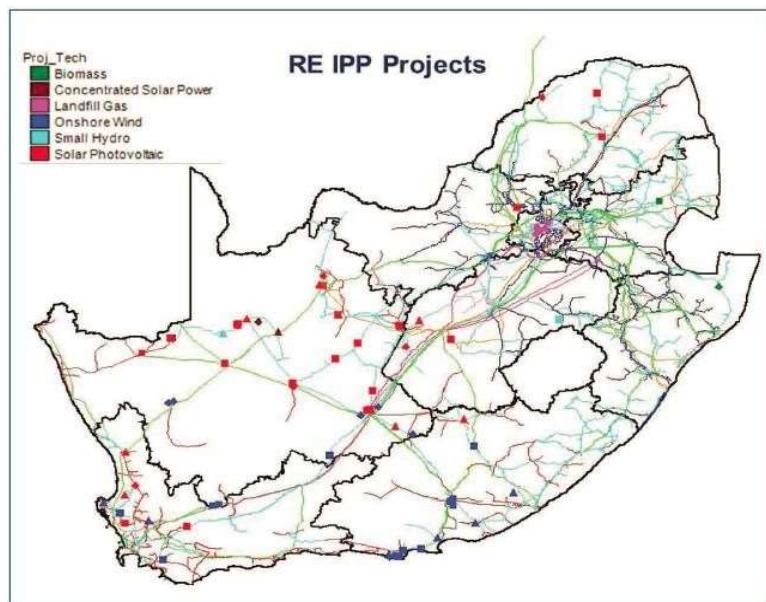
Most of these issues could be solved by the privatisation of Eskom and the establishment of a free market system. However, since 2016, the national government does the exact opposite, electing to rather amend the Electricity Regulation Act of 2006 (the so-called Draft Licensing Exemption and Registration Notice) which seeks the removal of private competition. Via this amendment, every installation greater than 1MW capacity (including private use only, which is not connected to the Eskom network) will be subject to the national integrated resource plan (Integrated Resource Plan, IRP). The amendment will determine both types of generation, and the allowed quotas for each type of power generation. Once the specific generation type quota has been reached no further installations will be allowed. Amendments of this nature allows the the national government to ensure Eskom's monopoly control is maintained whilst preventing privatisation of the South African energy market.

The Cape's 2017 network scale generation installations consisted of: The Koeberg Nuclear Power Station, delivering approximately 1860 MW; the Northern Cape Solar concentrators delivering 750MW and its hydroelectric systems delivering 250MW, wind and photovoltaic excitation installations delivering 1430 MW; and in the Western Cape delivering 670 MW. This proves that the Cape will be significantly improved once it controls its own power grid.

A further 2250 MW is available from the open cycle gas turbines at Anchor Light, Gourikwa and Acacia plus 580 MW from the Palmiet and Steenbras pump storage schemes in the Western Cape, for use during peak times.

## The CapeXit, Why and how the Cape will leave South Africa

Figure 16: Generation installations for renewable energy and Eskom network in 2015 (Eskom)



In total, the Cape possesses a substantial power generation capacity:

- Base load 2100 MW (nuclear and hydro-electricity)
- Peak generation 3335 MW (pump storage systems, solar concentrators and gas turbines)
- Varying volumes of renewable energy ± 2100 MW (photovoltaic cells and wind)

The Cape's current power consumption is estimated at an average range of 3000–3500 MW, with a peak demand of 5100 MW. Its generating capacity allows the Cape to adequately meet its electricity needs by 2020-2021, considering the time calculation of the power consumption, influx of additional population, and the fluctuating volume of renewable generation.

Eskom currently expects the Cape to become a net exporter of electrical power within years, and via its excellent solar radiation resource the Cape will be the dominant energy-producing region in Southern Africa by 2040.

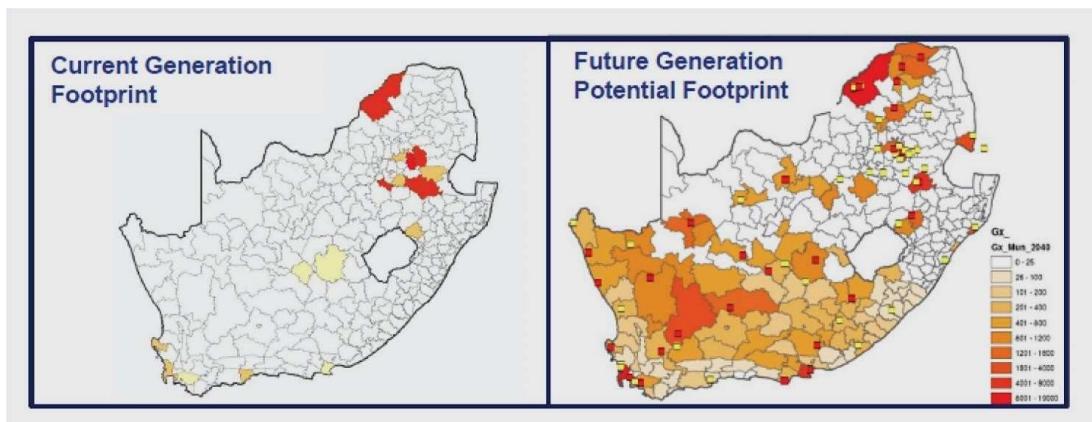


Figure 17: Energy generation in 2015 - 2040 (<http://www.ee.co.za>)

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Accelerating solar concentrators with heat storage capacity, and local energy storage capacity (for smaller towns) will shorten the Cape's electrical self-sufficiency to only a few years. Again, these projects do not require taxpayer funding, as most major power station operators provide the capital and operational expenditure.

There will be no need to disconnect the Cape grid from the rest of South Africa, as it will be beneficial to maintain the connections, especially after secession. Thereby the Cape will become a net energy producer for South Africa, and other northern Countries in Africa will benefit from our stable base load delivery and result in a valuable source of income for the Cape.

Whilst the central government places huge pressure on Eskom to build new nuclear power plants (of Russian origin, for example) it ignores the speed and economic benefit of the renewable energy sector's significantly lower capital cost when compared to nuclear power.

The cost of these new nuclear power plants will serve only to burden South Africa with additional debt that will never be repaid and is just another reason the Cape should secede.

### Fuel

The availability of petrol (gasoline) and diesel is of utmost importance in the development of any country.

South Africa has only three sources of fuel supply:

- Importation of crude oil
- PetroSA's manufacturing of gasoline from natural gas
- Sasol's manufacturing of petrol from coal



Figure 18: Milnerton refinery ([www.iol.co.za](http://www.iol.co.za))

The existing crude oil refineries in Milnerton, Cape Town, can continue processing crude oil to petrol, diesel, and all the various other by-products that are also important for a stand-alone area, such as bitumen and various plastic and chemical products. By-products such as nitrogen are important for agricultural fertilization. However, in 2017 Chevron sold the Milnerton refinery to Sinopec, a Chinese state company. The current Sinopec deal remains subject to large black entrepreneurial investment, which again excludes virtually the entire population of Cape Town.

## The CapeXit, Why and how the Cape will leave South Africa

PetroSA is currently processing natural gas to petrol, diesel, industrial alcohol and all the by-products of the above. The expansion of the gas fields at PetroSA's refinery in Mossel Bay has recently cost R9 billion for drilling three new holes. The development of additional gas fields will soon commence south of Alexander Bay on the west coast, where the estimated yield of gas production will exceed the current delivery at Mossel Bay on the southeast coast.

It is therefore clear that the existing Cape-based petroleum infrastructure and natural gas reserves are more than sufficient to meet its regional demand, and attain self-sufficiency in terms of fuel and its by-products.

## Communication Networks

The Western Cape is the main junction point for the undersea optical fibre cables from Europe, America and the Indian subcontinent. The following cables land near Cape Town:

- the South Atlantic Express (SAEx) from the USA (Yzerfontein)
- the West African Cable System (WACS) from Portugal and England (Yzerfontein)
- the SAT-3 from Portugal (Melkbosstrand)
- the Africa Coast to Europe (ACE) from Portugal and France (Cape Town)
- the South Africa Far East (SAFE) from Sri Lanka and Malaysia (Melkbosstrand)

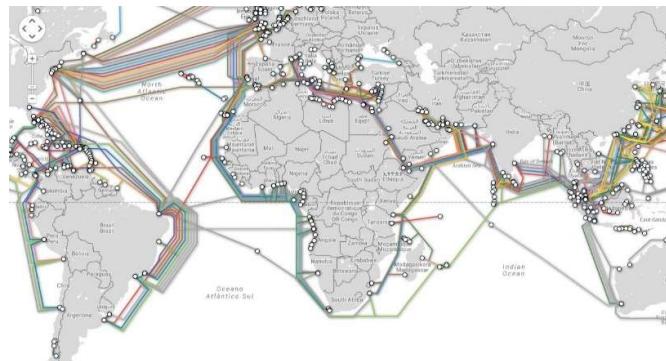


Figure 19: Global Undersea Optical Fiber Cables ([www.submarinecablemap.com](http://www.submarinecablemap.com))

The Cape therefore has excellent direct internet connections with the rest of the world, which will not be affected by independence as the Cape will remain in an excellent position to provide high-speed digital services to the rest of South and Southern Africa.

## Roads and Transport

The vast majority of roads in the Cape area are already under provincial control, with the exception of the national roads network.

### National Routes

The National Road system is a network of roads between all major population centres in South Africa being constructed and mostly completed in the 1970s. It is designed off the American Interstate Highway system which was designed off the German Autobahn (that President Dwight D. Eisenhower established after he traveled through Germany post World War II).



Figure 20: National Road Network (Wikipedia)

The national routes are currently managed by SANRAL, who in recent years have actively attempted to transform all national routes into toll routes to increase their revenue for large-scale mismanagement of a failed e-toll system.

National routes currently represent a small percentage of the area's total current length of road network. This network will comfortably resort under the control of the Cape, where substantial savings on maintenance of these national routes will occur once under management of the new Cape government.

### Airports

The Cape Town International Airport is the second largest airport in South Africa and the 3<sup>rd</sup> largest in Africa. In 2016, 10 million passengers were served by this airport, currently belonging to the national Airports Company of South Africa (ACSA).

Several international destinations are directly serviced by flights out of Cape Town. It is reasonable to expect that significantly more international flights will be introduced to Cape Town International upon independence, and will create an increased source of economical growth.

## The CapeXit, Why and how the Cape will leave South Africa

In the interim the Cape Town International Airport will remain the main airport for passenger, freight, and intercontinental flights.



Figure 21: Departure room of Cape Town International airport (ACSA)

The Upington International Airport features one of the longest runways (4.8 km) globally, and has already served as an emergency landing strip for NASA's space shuttles. It is used to export hundreds of thousands of tons of grapes to Europe in the southern summer. Some European manufacturers (BMW and Mercedes-Benz) use Upington to test their vehicles in the heat, flying these test vehicles and test teams in directly from Europe. The Upington Airport has the potential to develop into an important air cargo node in the future.

Ysterplaat Air Force Base may be repurposed to handle short-haul flights.

There are still several other airports that can be used for both short and long haul flights, including:

- George
- Overberg Airforce Base
- Langebaan Airforce Base

## Harbours

The Cape has three of the current eight South African commercial ports, namely Cape Town (Table Bay), Saldanha and Mossel Bay. These ports will meet the import and export needs of an independent Cape in the future.

## The CapeXit, Why and how the Cape will leave South Africa

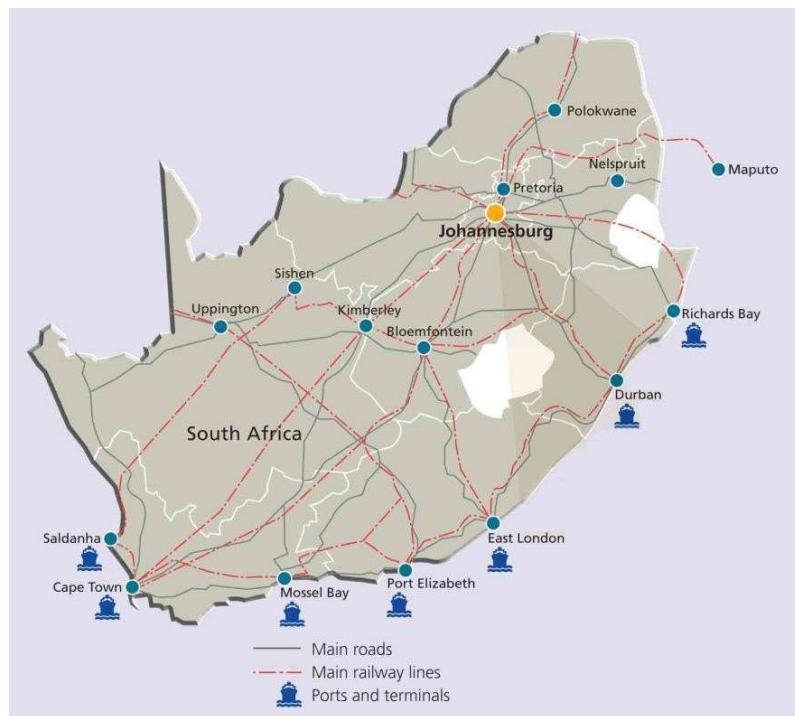


Figure 22: Main ports of current South Africa

Thanks to the natural port of Table Bay, Cape Town, this harbour has been in use since 1652 and has been known as the 'Inn by the Sea' since Jan van Riebeeck first set foot in Table Bay.

Table Bay harbour boasts a total water area of 112,7 hectares, services the Western Cape's local produce export market, aided by the largest pre-cooling facility in South Africa, adequately handling the country's soft fruit exports. The port of Table Bay, on one of the world's busiest trade routes, features five deep sea container endpoint terminals. The drying docks feature the Sturrock drying dock, the largest in the southern hemisphere with dimensions of 360 x 47.5 x 13.7 meters). The drifting docks provide for large repair and maintenance facilities to the West African oil rigging industry and large fishing crafts.

Thanks to numerous tourist attractions in and around the harbour, the port of Table Bay attracts the attention of many cruise liners as an ideal stopover destination.

Table Bay harbour services more than 2500 ships, processes close to 900,000 Twenty-Foot Equivalent Containers (TEU containers) annually, and was recently upgraded to enable the processing of 1.4 million TEU containers. Clearly this Cape Town port will remain the most important import and export, high capacity location for the foreseeable future.



Figure 23: Table Bay Harbour

Saldanha Bay is the largest and deepest natural port in the southern hemisphere, primarily used to export minerals. Two docks are specifically dedicated to the iron ore export from the Sishen mine. Its multipurpose cargo dock services the Saldanha steel plant, and a dock is dedicated for fuel tankers transporting fuel to and from the West Coast strategic oil store (currently being upgraded at a cost of R9 billion).

Its proximity to the Langeberg Air Force Base, with good rail and road transport connections, allows the Saldanha port to be developed into a second import and export node in the future.

The Mossel Bay harbour is far too small to accommodate container cargo ships and is essentially used for fishing purposes and services the Mossgas platform. The port has two docking stations to anchor large ships, one of these docking stations features a petroleum tanker terminal connection point.

## Other

For brevity, the many other advantageous aspects of the Cape are not included in this chapter. For recognition, we consider the University of Stellenbosch, the University of the Western Cape, (Rhodes University), the University of Cape Town (which were once ranked among the very best in the world); the Groote Schuur Hospital (made famous by Dr Chris Barnard's first human heart transplant); the Cape's tourism industry; its financial impact; nature conservation, and one can only begin to establish the entire socioeconomic value of the Cape.

## **PART II: Why the Cape will Leave South Africa**

Most people living outside of South Africa are shocked to hear that there is a secession movement in South Africa actively working on exiting the Cape from South Africa. To understand why a CapeXit, one must first consider the many compelling reasons. By analogy, we look to the example of a battered wife living with a spendthrift. Whilst she is being emotionally and physically abused, her husband squanders their household resources. When confronted with such a case, most would rapidly advise marriage counselling, failing which, to separate or file for divorce. Very often, when nothing is done to remedy such a marital situation, it will result in violence.

Secession is effectively a divorce, an act of last resort when legitimate community grievances cannot be resolved by natural dialogue. In the chapter ‘Nation Formation and International Law’, we shall learn that there is no specific criteria of what does or does not constitute a grievance, as it spans from a lack of meaningful participation to gross human rights violations. In the following chapters, we shall dig a little deeper into the grievous wrongs the minorities have already suffered at the hands of the current South African Government.

## Chapter Four: Discrimination and Human Rights Violations

*“If you see something that is not right, not fair, not just, you have a moral obligation to do something about it.” John Lewis*

### Chapter Synopsis

Since it took power in 1994 the ANC-led South African regime has escalated the implementation of oppressive and race-based legislation and measures, far exceeding the number of measures implemented during the Apartheid regime. These measures - seemingly a retaliatory act for the wrongs perpetrated by the apartheid regime - are not only gross transgressions of human rights but also bear the consequences of a “slow war” and cultural genocide of the Caplander.

### Broad Based Black Economic Empowerment (B-BBEE)

The South African regime has deceptively sold Black Economic Empowerment under the banner of “affirmative action” as the remedy to address the so-called wrongs of the past. The ANC thereby created the concept of ‘collective punishment’, ‘generational guilt’, and ‘racial guilt’, which fundamentally undermine the basic individual rights and their internationally contracted responsibilities:

- (1) the agreements made to end the system of Apartheid;
- (2) the South African Constitution; and
- (3) all civilized societies in the world.

In their quest to curb the participation of the minority groups (a mere 17% of the population) in favour of the black majority under the guise of restoring the imbalances of the past, they have enshrined Broad-Based Black Economic Empowerment (B-BBEE) by proclaiming no less than **114** race-based laws and regulations, in stark contrast to the Apartheid era’s **17** race-based laws which the world deemed an ultimate immoral system.

The current government found it necessary to tightly control, directly limit and purposely exclude those that are either not ‘black’ enough or are too ‘white’ from meaningful participation in the country’s economic, political and police or military environments.

By authoring and implementing these 114 race-based laws and regulations, the South African Regime has transformed itself into the most successful race-hustling syndicate on planet earth. They imposed the most blatant racial discrimination and human rights abuses by grossly overstepping the powers of government and flagrant dismissal of the constitutional foundations the world has ever recorded.

This Black Empowerment system is fundamentally unfair, morally repugnant, and entirely racist, discriminating solely upon skin colour to punish specific individuals for wrongs committed by others. Black Empowerment favours only the descendants of the Bantu tribes (representing the vast **majority** of South Africa) who currently possess complete political, fiscal, and military control.

Black Empowerment created a class of super-wealthy black elites who ignore the overt suffering of the poor masses. Patently racist laws and subsequent policies have placed unskilled incompetence into official positions that ultimately hastened the demise of the South African economy.

The South African regime demands total compliance with this racism. It extends to the point where every institution of society is forced to formulate their own internal 'race laws', setting out corporate policy to achieve these enforced racist goals, and then submit these results through an annual report to the Department of Labour. This is transforming every business into a racist institute, even to the extent of discriminating against themselves.

In 2019 the Department of Labour received 58 of these reports from the national government, 133 from the provincial government, 184 from local government, 133 from state-owned enterprises, 298 from educational institutions, 566 from non-profit organisations, and **26 113** from the private sector.

Article 19 of the African (Banjul) Charter of Human and Peoples' Rights states that *"all peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another."*

## **Expropriation without Compensation (EWC)**

As an additional means of depriving a small group who find they are not 'black' enough or are too 'white' of their constitutional right to own property, the current ANC-led South African government embarked on a program of Expropriation without Compensation (EWC).

At the ANC's 54th National Conference of December 2017 President Cyril Ramaphosa stated that:

*"South Africa could turn into the ultimate paradise if the implementation of the policy of expropriation of land without compensation leads to higher food production".*

At the World Economic Forum in January 2018, South African President Cyril Ramaphosa blatantly lied to international investors claiming that property rights will remain protected and there will not be expropriation of land without compensation in South Africa.

Yet on 30th July 2018, Cyril Ramaphosa confirmed his government will go ahead with their attempt to change Article 25 of the South African Constitution to expropriate property without compensation as an ANC-driven wealth redistribution program.

It is imperative at this junction to note that this unconstitutional motion was tabled before parliament by none other than the overtly racist leader of the Economic Freedom Front (EFF), a political party boasting a history of violent and destructive racist protests.

This EFF leader, Julius Malema, also a former leader of the ANC youth league, openly urged his supporters to forcibly and violently take land from its owners, directly instigating several farm murders, further fueling racial attacks on white farmers through widely publicised threatening racist hate speech (based on his twisted perception of history) in statements such as: *"..colonial genocide by Van Riebeeck"*, *"..anti-black land dispossession"* and *"..the black people have been living on the land for more than a thousand years"*.

An explicit threat to white farmers was also expressed when David Mabuza, the Deputy President, publicly warned that a 'violent takeover' of farms will take place if farmers refuse to voluntarily give up their land (to them).

When implemented, the land expropriation policy will supposedly ensure that more black people can own property. However, in the final analysis it became evident (from both the ruling ANC and its supporting EFF's distributed policies) that the intention was never for

black private individuals to own the property but that the property was intended to remain under state ownership.

Here the B-BBEE policy and unparalleled corruption enter into that unholy marriage, as historically the state-owned land which was earmarked for transfer to private black ownership, while it was sold off to international Chinese enterprises, bolstering the Chinese Communist Party's economic acquisition of South Africa's mineral-rich land. It is with comical irony that we are reminded that people of Chinese descent are classified as 'black' in South Africa.

Expansion of the land expropriation program is designed to extend well beyond just the farmlands, the intention of this draconian legislation is to ultimately include all property, whether physical or intellectual, and implies the inclusion of pension funds and personal savings.

Fortunately, fierce and sustained opposition by several political and civil organizations within the legal, private, agricultural and economic sectors resisted this draconian policy. In December 2021 government were forced to abandon this attempt to unconstitutionally alter Article 25 of the South African Constitution, electing to "resort to using regular legislation to advance their agenda".

Considering the track record of the ANC government, their development of unconstitutional legislation (alongside) the Constitution, and their common practice of depriving the minority peoples of their human rights, this outright legalized theft of peoples' property will continue to be pursued as part of a relentless strategy of dispossession.

## Depriving People of Citizenship

Section 20 of the South African constitution clearly states:

***"No citizen may be deprived of citizenship".***

The South African government, however, enacts other laws such as The South African Citizenship Act of 1995 Article 6:

***"(1) Subject to the provisions of subsection (2), a South African citizen shall cease to be a South African citizen if—***

***(a) he or she, whilst not being a minor, by some voluntary and formal act other than marriage, acquires the citizenship or nationality of a country other than the Republic; or"***

***"(2) Any person referred to in subsection (1) may, prior to his or her loss of South African citizenship in terms of this section, apply to the Minister to retain his or her South African citizenship, and the Minister may, if he or she deems it fit, order such retention."***

To retain one's fundamental right of citizenship as granted by the Constitution (the highest law of the land), anyone not asking for permission from the government will lose their citizenship when accepting citizenship from another country. This is an attempt to deprive the diaspora of citizenship by preventing their return, to advance the regime's policy to 'blacken' South Africa.

## **Disarming the People**

The regime openly admits that its police force is incapable, unable and incompetent to protect the citizens, resulting in the need for the average unarmed citizen to take full responsibility for his/her safety, the protection of their property, and the defence of their family. Meanwhile, the regime desperately focuses its energy to alter and instil crushing laws aimed solely at limiting the public's ability to defend their property and family, exerting greater gun control measures and hindering the process to register and legally own a firearm.

The South African government is actively working to change the Firearms Control Act to specifically remove self-defence as a reasonable motivation to possess a firearm whilst simultaneously blaming the significant increase in firearm-related crime on law-abiding citizens.

The South African Police Service (SAPS) is complicit in the 're-distribution' of illegal firearms. The vast majority of all weapons used in violent crimes are identified as weapons seized from military bases or police stations where it supposedly should be in safe custody. These cases prove that little or no legal consequences follow after the arrests.

If this blatant drive to disarm law-abiding citizens is viewed in the light of the ANC's tyrannical push for land expropriation without compensation, the historical consequence of mass murder of the citizens after disarmament such as: Turkey (1911); Russia (1929); China (1935); Germany (1938); Cambodia (1956); Guatemala (1964); and Uganda (1970), it must be understood that the privately owned weapons of the law-abiding citizenry offers that last barrier preventing complete government tyranny.

The repeated chant of "Kill the Boer, Kill the Farmer" at ANC governmental gatherings is a clear call to genocide. When combined with the rampant crime rates it clearly emphasizes the need for citizens to be able to defend themselves and their families against an openly criminal and governmental threat.

## **Police Brutality**

The South African Police Services are under leadership of the Minister of Police, Bheki Cele, who in 2011 was personally implicated in several alleged acts of criminal activity, drug dealing and corruption. This appointment supports the ANC regime's police force transformation from protector to predator who now actively participate in organized crime, gang activity and human trafficking.

Members of the SA police force have been directly implicated in organised crime, unjustified use of force on peaceful protests of the 'not black enough' or 'too white' minority group, whilst failing to act during incidents of violent riotous destruction, looting of property, disruption of services and the direct threat to the lives of residents by the black (majority group) striking factions.

## **Impairing Free Speech**

Free speech from minority groups is actively policed and punished by the government, as members of the South African regime, police and defence forces regularly and openly use hate speech and support the calls for the murders of our minority people. Daring to respond (within the law) is met with excessive, publicised crimen injuria trials, a crime under South African common law, defined as "unlawfully, intentionally and seriously impairing the dignity of another."

To safeguard their own interests and prevent open display of their incompetence, the ANC regime has stepped up efforts preventing negative opinion about government, introduced and applied the Cyber Crimes Act and Film and Publications Amendment Act, prohibiting and prosecuting anyone from discrediting the government.

## Prohibition of Official Languages

The freedom to practice one's own language is a human right afforded to all in international and local law, as is clearly stated in Chapter 1 of the Founding Provisions of the SA Constitution under Languages (6)(1):

*“The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu”.*

Another legal guideline is in the Bill of Rights under the Equality Section 9(3) where it is stated:

*“The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”*

The ANC government orchestrated the removal of Afrikaans as educational language at the University of Pretoria and UNISA, institutions historically founded by Afrikaners on the premise of offering tertiary education in their mother tongue. The South African government has launched a full-scale attack against Afrikaans schools, claiming they are not representative of the country's population. Government are overstepping their authority, openly ignoring SA Constitutional law and international law which protect these very rights.

## Deliberately Changing the Demographics of The Cape

Since the 1994 elections, the ANC has never governed the Western Cape, forcing a concerted effort by the regime to change the demographics of the western half of Southern Africa. They are allowing, encouraging and facilitating non-resident Bantu descendants and illegal north African aliens, of which most are unskilled, illiterate and unemployed, to settle in the Cape. This strategy is sustained by social welfare financed by South African taxation and the reallocation of governmental housing earmarked for Capelanders.

The intention behind this ANC strategy is to strengthen the footprint of black occupation of the Cape territory.

These deceptively aggressive campaigns offer only empty job and housing promises, luring illegals from many African countries who flock to the Northern, Western, Eastern Cape, and the Freestate. When reality strikes, the majority of these migrating people end up erecting self-constructed, unsightly, informal housing that has transformed the once picturesque Cape landscape into unsightly 'shanty towns' of poverty and squalor, and subjecting these deceived migrants to unsafe and unsanitary living conditions.

Misappropriation of taxpayer funds funneled into the South African government's Social Security (SASSA) grants system now supports this continually growing number of illegal dependents, directly accounting for the the ever increasing crime rate. It also contributes to the astronomically high unemployment rate of 34.5% official rate as reported by Statistics South Africa in the 1<sup>st</sup> quarter of 2022 (or the estimated expanded rate of 45.5%).

## Chapter Five: Unfair Failed Captured State

*“A State that needs protection from its own citizens is a ‘Failed State’; one that has perhaps ceased to exist, only it doesn’t know it yet.” —Mamur Mustapha*

### Chapter Synopsis

The current South African regime’s rule demonstrates poor governance, scandalous corrupt activities, uncontrolled levels of crime, bankruptcy of State Owned Enterprises and misappropriation of funds. This happens to the extent that South Africa has accumulated irreversible debt, while facing the threat of total economic collapse, inevitably resulting in catastrophe for its citizens.

### Failure to Ensure Safety and Security

Direct, blatant, public calls for acts of genocide (“kill the Boer” or “one settler one bullet”) by government representatives is evident from the extremely high rates of murder, rape, and torture in our minority communities.

The sustained campaign against farmers over the last 20 years has established statistical evidence that a South African farmer is at four times greater risk of being murdered than the average South African.

The regime is on public international record denying farm killings and torture, but fails to explain how these perpetrators are caught on camera brandishing highly specialized military equipment only available to members of the South African armed forces.

The South African Police Force is incapable of performing its duty and do not have the capacity or competency to ensure safety, strangely claiming that farm murders are not acts of racial hate crime, but form part of South Africa’s overall crime problem.

While it may be true that all types of crimes are committed within every ethnic group, the statistics do not reveal that the total murder of white farmer murders are hidden within the total 7.8% of the murdered white population. Being a white farmer is now the most dangerous occupation on earth.

### Lack of Immigration Control

*“A nation that cannot control its borders is not a nation” - Ronald Reagan*

There is no border protection in South Africa. Border control has failed to stem the overwhelming influx of illegal northern African immigrants through porous borders (to settle in the Cape) en masse.

It is argued the government lifted South African border control measures to allow this illegal migrant phenomenon, intending for these invading groups to become an additional support base for the ruling party. Rather reminiscent of the southern border of the United States. Interestingly, both countries are ruled by liberal Democratic Parties.

In 2020 it was estimated that as many as 4 million international migrants have obtained false SA citizenship, and therefore no official tally of illegal immigrants or ‘international migrants’ in South Africa exists.

A porous border is devastating to any country's economy resulting in increased unemployment, depletion of local resources, and the exacerbation of violent xenophobic unrest, often with the gruesome, barbaric execution of illegal immigrants by disenfranchised mobs.

Additionally, illegal aliens are contracted into crime syndicates doing the dirty work of extremists' groups. Evidence has emerged proving that illegal-alien gang members receive payment for every successful farm murder. Originating from poorer war-stricken countries, the relatively small income they receive for these heinous criminal acts secures their livelihood and protects them from imprisonment and deportation.

The South African Border Management Authority Act was signed into law by President Cyril Ramaphosa in July 2020. His aim was to monitor and manage the movement of people and goods in and out of the various border control points to improve border security.

The estimated budget for this newly established Border Management Authority (BMA) would be R8 billion and require the appointment of a "battalion of competent border guards" to reverse this totally mismanaged, largely incompetent, and corrupt sector the police and military services have neglected. Considering the ANC historic incompetence this new 'presidential initiative' will just become another source of funds to be misappropriated.

## **Out of Control Spending and Debt**

The national debt of South Africa in April 2022 was fast approaching the R4T (4 Trillion Rand) mark, accumulating an interest payment of R192,569,476,513 per annum or R73,100 per citizen.

Unfortunately this almost R4T does not express the full extent of the reckless lending and spending cycles undertaken by the ANC government because national pension fund debt obligations and state-owned enterprises (SEOs) loans are specifically excluded. Additionally, the day-to-day government department debts and unpaid third party agency invoices are also strangely excluded from this 'national debt'.

The government fails to stem the tide of widespread corruption, where no fewer than 32 major financial scandals have occurred during their 28-year rule, with 4 of these occurring in the 2021 year period.

A minimum of 60 ANC party officials are allegedly involved in criminal dealings. The police are so overwhelmed by the sheer magnitude of these unsolved cases that it serves only to highlight the depth of ineptitude and uncontrolled internal rot of the ANC regime, which has gently slid South Africa into junk status with no feasible economic strategy to turn back the debt clock.

The rather appealing aspect of secession is that as the seceding minority departs the acquired debt remains with the mother country – in other words – a debt free extraction to freedom.

## The Unequal Burden

In March 2022, South Africa achieved global infamy being rated the top **most unequal country** by the World Bank, measuring income per capita, and the disproportions between income and consumption (based on the Gini coefficient above 60).

The unfettered ‘plunder and squander’ of state resources by the ANC government has directly created persistent inequalities effectively perpetuating the ‘unfair legacy of apartheid’ the ANC specifically promised to terminate.

President Cyril Ramaphosa’s promise that “government will create jobs” - often fondly quoted by his ANC party leadership - is simply hot air. These promises can never be fulfilled, as the government’s primary role is *to create the ideal conditions within the country*, particularly political and economic stability, safety, a free and equal society for economic prosperity, bolstering the business community, who in turn will create more jobs.

South Africa employs a residence-based taxation system, taxing residents on worldwide income, and non-residents on South African-sourced income. Currently only 23.9 million (40.5%) of its 59 million-strong population are tax payers. Most of the state’s income comes from personal and corporate tax. Indirect taxes, such as Value-Added Tax (VAT) account for nearly a third of the government’s income.

The 2020/21 fiscal tax revenue of R1 249.7 billion confirmed an annual income decline of R106.1 billion (7.8%); Personal Income Tax (PIT) still remains the largest contributor of tax revenue with a contribution share of 39.1%.

Only about 45% of the tax collected in the Cape is ever returned to the Cape. The remaining 55% is retained by the South African government, illuminating the vast fiscal disparity for the very few services they provide to the Cape.

**Table W1.5 Total transfers to provinces, 2021/22**

R million	Equitable share	Conditional grants	Total transfers
Eastern Cape	68 060	13 296	81 357
Free State	29 055	8 459	37 514
Gauteng	111 429	24 968	136 398
KwaZulu-Natal	107 126	22 734	129 861
Limpopo	60 028	10 523	70 551
Mpumalanga	42 828	8 913	51 741
Northern Cape	13 919	4 685	18 604
North West	36 793	8 222	45 014
Western Cape	54 448	13 530	67 978
Unallocated		451	451
<b>Total</b>	<b>523 686</b>	<b>115 783</b>	<b>639 469</b>

*Source: National Treasury*

## State Capture

State capture is defined as the actions of individuals or groups in both the public and private sectors who, for their own sinister advantage, influence the formation of the country’s laws, regulations, decrees and governmental policies. Essentially, state capture occurs when those representing the people are actually controlled by other individuals or corporations.

State capture is especially evident when the corruption is coordinated, it is primarily visible when a state is guilty of paying more for outsourced goods and services than it should; it provides poor quality services for public goods supplied by incompetent benefactors; it's financial resources are redirected towards servicing the patronage network, and the appointing of incompetence to key positions which weakens the state's financial and political capacity.

The former president Jacob Zuma institutionalized oligarchical greed that subverted entire municipalities for self-enrichment suppressed the independence of strategic institutions, and stole national resources for the Premier League, filled with loyal crony appointees.

The regime's 28 years of corrupt activities have indebted a once vibrant country to foreign agents like the Gupta Brothers and the Communist People's Republic of China, creating the environment for large-scale economic colonization-type enslavement of the people. These illicit acts of corruption, nepotism and greed include criminal dealings with Eskom, the major electricity provider, the Free State Housing Project, the Asbestos Audit Project, the State Treasury and the project of Land Expropriation Without Compensation (EWC).

The most recent investigative reports of the ongoing State Capture ("Zondo") Commission have strong indication that the current President Ramaphosa and members of his Cabinet are either acutely aware of external control, or are currently being controlled.

## PART III: Secession and the Law

### Chapter Six: The Creation of New Nations

*"No people and no part of a people shall be held against its will in a political association that it does not want." - Ludwig von Mises*

#### Chapter Synopsis

Over centuries the undying pursuit for self-determination of people became the driving force of changes brought about by the establishment of new sovereign countries. As this change gained momentum during the era of decolonization after WWII, it resulted in the founding of the United Nations, which facilitated the formulation of international law about the rights of self-determination and independence. After the decolonization era, the desire for self-determination did not end, and secession became an accepted international norm as the method for the creation of new nation-states.

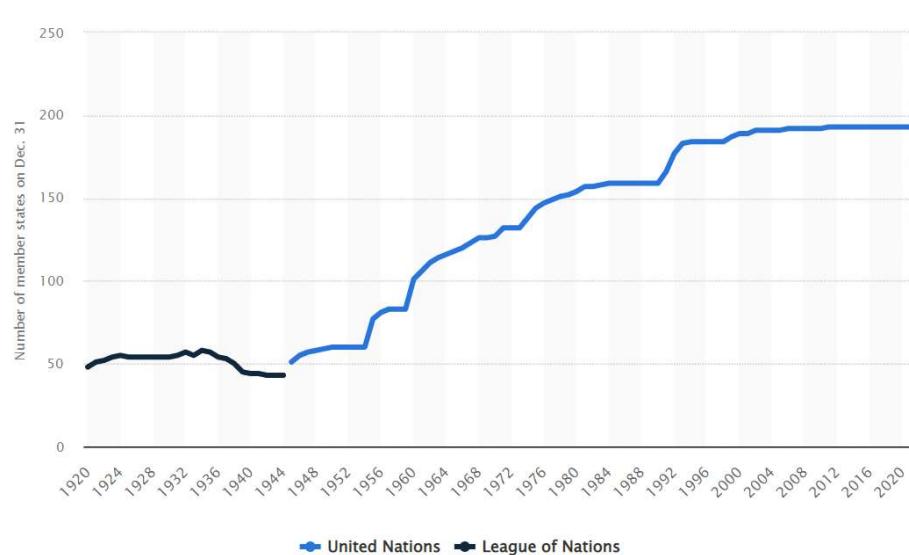
#### Nation Creation

The first major challenge to colonization came in 1776 when Britain's thirteen North American colonies declared independence. The adoption of a unanimous Declaration, authored by Thomas Jefferson during a Second Continental Congress meeting in Philadelphia, Pennsylvania, on July 4, 1776, marked the birth of a great nation. In the years that followed this successful secession of the Americans, other peoples were inspired by their example to pursue the path of self-determination.

After the 1776 American secession, Britain maintained its Caribbean and Canadian colonies, but the Napoleonic wars in Europe wreaked havoc on Spain and Portugal. Being found weakened to such an extent that their European immigrants, now firmly ensconced in Mexico and Chile, were quite able to expel their imperial master's yoke, by the year 1825 it was literally 'game over' for both the Spanish and Portuguese empires.

In the years leading up to the Second World War, internal autonomy and finally, sovereignty, were granted to several new countries: Australia, Canada, Cuba, Egypt, Iraq, New Zealand and South Africa. World War II also heralded the death knell for European colonization: India separated from Britain; Indonesia separated from Holland; and the remaining Arab-mandated territories and Indochina from the French. The independence of Ghana in 1957 opened the flood gates for liberation in Africa, and since 1945, over 100 new independent states were created.

## The CapeXit, Why and how the Cape will leave South Africa



Source: Statista 2022

As is clearly seen in the above graph, the number of new countries is reflected in the number of new United Nations (UN) member states over time.

The UN came into being in June 1945, and since its founding, there have been approximately 200 member states. Some countries like Yugoslavia and East Germany are no longer in existence whilst others have been renamed, or their borders have been redefined. The largest increase in membership started in the 1950's as many European colonies, mostly in Africa and Asia, gained independence, and again in the early 1990's, with the fall of the Soviet Union and communism in Eastern Europe and Eurasia. The latest member state to join the UN was South Sudan in 2011.

The right to self-determination is affirmed in the Charter of the United Nations:

***Article 1: "Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations."***

***Article 55: "Universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."***

Moreover, the International Covenant on Civil and Political Rights (ICCPR), a multilateral treaty that commits State Parties to respect the civil and political rights of individuals (including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial) was adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966, and entered into force on March 23, 1976 after its 35<sup>th</sup> ratification or accession.

As of September 2019, the Covenant has 173 ratified parties and six unratified signatories. North Korea is the only state that has officially tried to withdraw.

This ICCPR is considered a seminal document in the history of international law and human rights, forming part of the International Bill of Human Rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).

Article 1 recognizes the right of all peoples to self-determination, including the right to “*freely determine their political status, and freely pursue their economic, social and cultural development*” and “*freely dispose of their natural wealth and resources..*” Most notably this treaty was signed by the United States in 1977 and ratified in 1992.

Upon ratification, the ICCPR became the “supreme law of the land” under the supremacy clause of the U.S. Constitution, which provides ratified treaties with the status of federal law.

Self-determination is a mainstream concept; it is commonly and legally accepted as part of how the world works, and almost all the nations of the world, even the most powerful nation on the planet, the United States supports self-determination.

The delivery mechanism for self-determination is secession, being the process of withdrawal which culminates in the creation or formation of a new nation state or states.

Secession is not an act of sedition against a specific nation state, but rather a globally accepted mechanism to ensure a peaceful co-existence between very different peoples that were heretofore wrongfully lumped together in currently existing countries.

Secession should be celebrated as a successful alternative to violent conflict, civil war and warlord driven anarchy.

## Chapter Seven: Nation Formation and International Law

*"Respect the building blocks, master the fundamentals, and the potential is unlimited." – PJ Ladd*

### Chapter Synopsis

International law evolved rather quickly after WWII and the decolonization era, and the United Nations played an active role in acknowledging the rights of people, especially indigenous and minority groups who required protection, were oppressed or victimized by larger groups, and/or where their unique identities of language, culture, religion ethnicity were under threats of extinction. Despite some opposition after decolonization, secession became the 'new' legal vehicle to obtain independence, offering groups of people the last resort to free themselves from bondage. Although secession and subsequent international recognition are never guaranteed, international treaties, conventions and secession precedent enables us to understand which building blocks must be in place to avoid an outright rejection by the international community.

### International Treaties and Conventions

#### International Covenant on Civil and Political Rights (ICCPR)

As explained previously, the right to self-determination is guaranteed by International Treaty. Specifically, Article 1 of the International Covenant on Civil and Political Rights (ICCPR) recognises the right of all *peoples* to self-determination, including the right to *"freely determine their political status, and freely pursue their economic, social and cultural development"* and *"freely dispose of their natural wealth and resources.."*.

#### African Charter on Human and Peoples' Rights

In the African context, a legal basis for the right to self-determination can also be found in article 20 of the African Charter on Human and Peoples' Rights:

- 1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.*
- 2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.*
- 3. All peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic, or cultural."*

#### Montevideo Convention

If the right to self-determination is guaranteed in terms of international law, what are the international criteria to form a new state?

The Montevideo Convention on the Rights and Duties of States (Montevideo Convention in short), is an agreement signed at Montevideo, Uruguay, on December 26, 1933,

and entered into force the following year, which established the standard definition of a state under international law.

The convention set out the definition, rights and duties of statehood in *Articles*. The most well-known is Article 1, which sets out the four criteria for statehood that have been recognized by international organizations as an accurate statement of customary international law:

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 the other states.

Furthermore, the first sentence of Article 3 explicitly states that “*The political existence of the state is independent of recognition by the other states.*”

As an endorsement of customary international law, the Montevideo Convention merely codified existing legal norms and its principles, and therefore does not apply merely to the signatories, **but to all subjects of international law as a whole.**

## Secession Precedent

As explained in previous chapters, secession or the formation of new countries are nothing new. It however must be stated that not all cases of secession are the same or follow the same process toward independence: Secession is ‘bespoke’, or ‘tailor-made’ to the specific land, its specific people, their specific customs and the specific circumstances under which their secession is demanded.

It must also be clearly noted that any previous rulings of the International Court of Justice (ICJ) do not define the **legal rule** for a later case, however, principal-like cases should be treated alike.

In this following section, we will explore a few examples of previous secessions to help us understand the criteria for successful, internationally legal secession.

### The United States of America

The United States of America’s declaration of independence from Britain was approved by the Continental Congress on July 4, 1776, and that announced the separation of 13 North American British colonies from Great Britain. It also explained why it had resolved that “**these United Colonies are, and of right ought to be Free and Independent States**”.

Throughout the 1760’s and 1770’s, North American colonists found themselves at increasing odds with British imperial policies, specifically regarding taxation and frontier policy.

In and around 1775-1776 the members of the Continental Congress came to a view that reconciliation with Britain was unobtainable and that independence was their only recourse.

The principles theretofore were that all men are created equal with certain unalienable rights, which include life, liberty, and the pursuit of happiness. They secured these rights by instituting governments that derived their powers from the consent of the governed.

When a form of government becomes destructive, it is the right of the people to either alter it or abolish it and form a new government. When a long history of abuses and human rights infringements reduce people to the status of the oppressed, it is their right, their absolute duty to throw off such government and provide new guards for their future security.

Thereby, should a time arise when a form of righteous government no longer exists; or it seeks the destruction of these God-given rights of the people; or it so alters these rights as to impose a punitive restriction upon the governed, it is incumbent upon the governed, as their God-given OBLIGATION, to revoke such governance, to summarily abolish that aberrant, and to with immediate consequence, institute another government that is entirely competent to hold and protect these God-given, inalienable rights in service to the governed.

### **The New States in Eastern Europe and the former Soviet Union**

The Council of the European Communities, in the Declaration on the Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union on 16 December 1991 articulated their willingness to recognise a state if its formation is based on democratic principles and has accepted appropriate international obligations.

#### **East Timor**

East Timor was colonised by Portugal in the 16th century and was known as Portuguese Timor until 28 November, 1975, when the Revolutionary Front for an Independent East Timor (Fretilin) declared the territory's independence. Nine days later, it was invaded and occupied by the Indonesian military and it was declared Indonesia's 27th province the following year. The Indonesian occupation of East Timor was characterised by a violent, decades-long conflict between separatist groups (especially Fretilin) and the Indonesian military.

In 1999, following the United Nations-sponsored act of self-determination, Indonesia relinquished control of the territory. Timor-Lestethen became the first new sovereign state of the 21st century on 20 May, 2002, and joined the United Nations and the Community of Portuguese Language Countries.

In the East Timor case, the International Court of Justice accepted that self-determination has a special status as "***one of the essential principles of contemporary international law and enjoys an erga omnes character***" (an enforceable right).

#### **Kosovo**

The immediate cause of conflict between Kosovo and Serbia was the oppression of ethnic Albanians, which resulted in a war with lasting tensions between the Albanians and Serbs leading the majority of Kosovo Albanians seeking independence. Ultimately, on 17 February 2008, Kosovo declared their independence.

In October 2008, the United Nations General Assembly posed the following question to the International Court of Justice:

***"Is the unilateral declaration of independence by the provisional institutions of self-government of Kosovo in accordance with international law?"***

Such a question posed by the UN was the result of procedures instituted by Serbia that were opposed to Kosovo's declaration of independence, Serbia was confident that the ICJ would rule in their favour and their confidence was based on the fact that:

1. Kosovo was a province of Serbia;
2. the inherent conservatism of international law against acts of unilateral secession;
3. the ICJ itself is generally reluctant to intervene in matters that divide the international community and where relevant legal principles are uncertain.

However, the Court ruled that the declaration of independence was done outside the legal framework of the UN and thus did not violate the framework. The Court argued that no legal prohibition of declarations of independence exists.

The Kosovian declaration of independence did not violate general international law.

On 22 July, 2010, the International Court of Justice issued its advisory opinion on Kosovo's declaration of independence of 17 February, 2008, observing that the declaration was not in violation of international law.

The ICJ referred to the historical record of the 18th, 19th, and early 20th centuries, and indicated that practice during this period points clearly to the conclusion that international law contained no prohibition against declarations of independence.

The Court further indicated that the principle of territorial integrity is not implicated in cases of declarations of independence, as it is confined to the sphere of relations between states.

As a result of the Court's decision, Milorad Dodik, the prime minister of Bosnia's Republika Srpska indicated that the Court's decision serves as guidance for a continuing 'fight over status'.

Vahan Hovhannesian, the head of the opposition Armenian Revolutionary Federation parliamentary faction in the National Assembly of Armenia, also indicated that the Court's judgment states that "*a unilateral proclamation of independence cannot be viewed as unlawful.*"

Furthermore, a significant number of states argued that Kosovo had the **right to independent statehood because of the many cases of human rights abuses** it suffered under the Serbian authorities.

Many European states were of the opinion that a **peaceful reintegration of Kosovo into Serbia was impossible**, and that independent statehood was the only alternative.

It was also widely agreed that **all avenues of negotiating any settlement had been exhausted** by the time of the unilateral declaration.

It must be noted that Serbia did not consent to the reformation of its borders. However, the **changing of the boundaries of Serbia due to Kosovo's declaration of independence did not make Kosovo's independence illegal**, as the international community has come to accept secession as a fact under certain circumstances.

### **South Sudan**

Since achieving its independence from British and Egyptian rule in 1956, Sudan experienced recurring civil wars primarily between the North and South. The 2005 signing of the Comprehensive Peace Agreement (CPA) officially ended the North-South conflict and set the date for a referendum on South Sudan's self-determination in January 2011.

Voters overwhelmingly chose independence, and the Republic of South Sudan declared independence on July 9, 2011.

The United States recognized the Republic of South Sudan that same day.

Interestingly, **southerners living in Darfur were allowed to vote in the referendum** from special polling stations as some tribes advocated unity and others supported separation with possible ominous precedence for Darfur itself.

**Polling stations were also set up in eight countries** with large South Sudanese populations, namely **Australia, Canada, Egypt, Ethiopia, Kenya, Uganda, the United Kingdom and the United States**.

**In the United States**, where an estimated 25,000 to 50,000 South Sudanese nationals reside, **polling booths were opened in eight states: Virginia, Massachusetts, Illinois, Texas, Tennessee, Nebraska, Arizona and Washington**.

**Similar polling booths** were set up in the **Canadian cities of Calgary and Toronto** to cater to the South Sudanese community there. An estimated 40,000 to 50,000 Sudanese live in Canada, about 2,200 of whom had registered to vote in either of the two cities.

Unfortunately, South Sudan has suffered ethnic violence and endured a civil war characterised by rampant human rights abuses, including instances of ethnic massacres and killings of journalists by conflicting parties from December 2013, until February 2020, when competing combat leaders, Salva Kiir Mayardit, and Riek Machar, struck a unity deal and formed a coalition government, paving the way for refugees to return home.

The lesson from South Sudan is that a simple independence vote or the commencing of a referendum does not necessarily ensure peace. In this particular case, the issue of who holds the mandate power to set up the new governance model remains unanswered.

### **Chechnya**

When the Soviet Union disintegrated, Chechen separatists declared independence in 1991. By late 1994, the First Chechen War broke out, and after two years of fighting, the Russian forces withdrew from the region in December 1996.

In 1999, the fighting restarted, resulting in yet another major armed conflict culminating in many casualties on both sides, requiring the Russian military to re-establish control over Grozny in early February 2000, officially ending this particular war. However, insurgent hostilities continued for several years, only ending in 2017.

David Raič (author of “Statehood and the Law of Self-Determination”, Deputy Director and Senior Programme Coordinator, Hague Institute for the Internationalisation of Law) has identified various reasons why the secession of Chechnya was unsuccessful:

1. There was no denial of a right to internal self-determination (Russia was prepared to grant Chechnyans substantial autonomy);
2. **The claim for secession was not brought under international law (self-determination) but Soviet Law;**
3. Chechyan elections have been reported to be unfair;
4. It is questionable whether secession was actually by the will of the people.

## Catalonia

Catalonia is a semi-autonomous region in north-east Spain, with a distinct history dating back almost 1,000 years. This wealthy region has about 7.5 million people, their own language, parliament, its own police force, own flag and their own anthem, it even controls some of its own public services.

Catalan nationalists have long complained that their region sends too much money to the poorer parts of Spain, **as Catalonian taxes are controlled by Madrid**. Catalans claim that Spain's changes to their autonomous status (in 2010) undermined their Catalan identity.

In a referendum on 1 October 2017, which was declared illegal by Spain's Constitutional Court, about 90% of Catalan voters backed independence, but there was only a 43% turnout. The ruling separatists in the Catalan parliament then declared independence on 27 October. Madrid, being angered by this act, imposed direct rule by invoking Article 155 of the Spanish constitution - a first for Spain.

The Spanish government sacked the Catalan leaders, dissolved parliament and called a snap regional election on 21 December 2017, which the nationalist parties won. Carles Puigdemont, the former Catalan president, fled Spain (he is currently a wanted fugitive in Spain, accused of rebellion with four others who fled with him). In June 2018, Catalan nationalists regained control of the region from Madrid's direct rule after a new government was sworn in.

In October 2019, Spain's Supreme Court sentenced nine Catalan politicians and activists to jail with sentences of between nine and 13 years, and three others received fines for attempting independence.

The lesson from Catalonia is that a **declaration of independence without the capability to enforce sovereignty is a secession doomed** for failure.

## Building Blocks for Successful Secession

Analysing what we have learned thus far about international law enables us to identify the essentials, or building blocks for self-determination and independent statehood:

1. Distinct People;
2. Territory with Permanent Population;
3. Bond between the People and the Territory;
4. Bill of Grievances;

5. Exhaustion of Internal Remedies;
6. Feasibility and Stability;
7. Will of the People;
8. Government and Control;
9. Respect for Human Rights;
10. Capacity to enter into International Relations.

Logically, these building blocks form the steps in an independence process based on international law, but are not required in any particular order of execution.

## 1. Distinct People

Article 1 of the International Covenant on Civil and Political Rights (ICCPR) recognizes the right of all “*peoples*”. Therefore, under international law, groups that qualify as “*peoples*” have the right to self-determination.

Although no international treaty defines the term “*peoples*” for self-determination, it is generally accepted that this classification entails a subjective element, such as a common belief by members of the group that they share the same characteristics and beliefs, and thus form a common unit. It also includes an objective element, such as a common background of culture, ethnicity, religion, language and history.

*“... peoples who are entitled to the right of self-determination tend to have a distinct history, ethnic identity, cultural homogeneity, linguistic unity, religious affinity, territorial connection and common economic life: ...”* ~ International Meeting of Experts on Further Study of the Concept of the Rights of Peoples: Report and Recommendations, UNESCO (1990), p. 38.

In her 1994 presentation on self-determination, Dr Marieke Roos highlighted the fact that various academics have inaccurately argued that ‘*people*’ means ‘*nation*’, implying that only nations as a whole (such as all the people as a whole in South Africa) would have a right to self-determination.

We agree with her interpretation that this is *patently not true*. According to Roos, the argument that ‘*people*’ means ‘*nations as a whole*’ can be easily refuted as follows:

Firstly, the basic principle of interpretation of statutes is that if the drafters of agreements (such as the Covenant on Civil and Political Rights) intended to refer only to nations as a whole, they would have stated it as such. Also, if they only wanted to refer to ‘*colonial peoples*’, they would have stated it accordingly.

The African Charter bares evidence of this: it states that the right belongs to ‘*all people*’ and then goes on to recognise colonised or oppressed people in particular.

Secondly, events over the past decades have proven that ‘*peoples*’ within nation states can exercise their right to self-determination.

Thirdly, UNESCO has provided a widely accepted definition of '**peoples**'. A people (or 'volk' in Afrikaans) is a group of human beings who share most of the following characteristics:

1. A common historical tradition;
2. Racial or ethnic identity;
3. Cultural homogeneity;
4. Linguistic unity;
5. Religious or ideological affinity;
6. Territorial connection;
7. Common economic life.

By no means does this definition point to **nations as a whole**. It cannot: a nation like South Africa is a prime example where heterogeneity is obviously apparent as is evidenced by the 11 (eleven) official South African languages.

If the right to self-determination then belongs to a '**people**' – it is first and foremost necessary that the seceding group constitutes a '**people**' as defined by UNESCO. In 1971, Bangladesh became independent from Pakistan, and it was recognised as a state by more than 50 other states within four short months. The Bangladeshi people could secede because they constituted a distinct people, and secondly the 'state of mind' of the Bengali people to be independent illustrates their separateness.

## 2. Territory with Permanent Population

The requirement of a permanent population refers to a stable community. There are no standards regarding the size of the population, nor is there a prescribed minimum quantity of inhabitants within the specific territory, neither does the society forming the population **need to be homogenous**.

The defined territory need **not be final**.

The ICJ in the North Sea Continental Shelf case held that there was "**no rule that the land frontiers of a State must be fully delimited and defined**", however it has been argued that the territory should be '*reasonably well defined*'.

The German-Polish Arbitral Tribunal held that: "**In order to say that a State exists [...] it is enough that this territory has a sufficient consistency, even though its boundaries have not yet been accurately delimited, and that the State actually exercises independent public authority over that territory**".

The size of the territory also does not matter – see for instance Monaco, Vatican City, Liechtenstein, and Andorra.

Now what about the territorial integrity of the existing state?

Secession was always thought to involve the clash of two international law principles;

- i) the right to self-determination and
- ii) the territorial integrity of the state.

The territorial integrity of states is a well-established rule of international law. The General Assembly confirmed this in paragraph 6 of Resolution 1514 (XV) where it reiterated

that: ***“Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purpose and principles of the United Nations.”***

However, even though governments readily claim the principle of territorial integrity in an attempt to curb secessionist movements, Crawford concluded that individuals or groups of individuals are not bound by the principle of territorial integrity: ***“The reason why seceding groups are not bound by the international law rule of territorial integrity is not that international law in any sense favours secession. It is simply that such groups are not subjects of international law at all, in the way that states are, even if they benefit from certain minimum rules of human rights and humanitarian law”***.

This was later confirmed by the International Court of Justice (ICJ) in 2010 when it ruled that the principle of territorial integrity is limited to the relations between states (Kosovo Advisory Opinion).

Dr. Peter Hilpold also argues that territorial integrity is directed at the protection from infringements by other states and ***“surely not directed against changes coming from the inside”***.

A further argument against the territorial integrity defence was articulated in a separate opinion by Judge Cançado Trindade, in which he concluded that: ***“states cannot invoke the principle of territorial integrity where the state has grossly violated the human rights of the people, asserting a right to external self-determination.”***

This view is also asserted by Robert McCorquodale when he argues that: ***“a state can only claim territorial integrity if it internally provides for self-determination.”***

According to Simpson, territorial integrity aims to: ***“safeguard the interests of the people living in that territory.”***

The defence of territorial integrity is therefore only legitimate as long as the interests of all people living within the territory are fulfilled. Territorial integrity is, therefore, relative in the face of human rights violations. In addition, the principle can ordinarily only be invoked with infringements by other states, and not by people living within the state in question.

The contents of this paragraph become extremely important when considering secession from the South African context, and we will explore this in more detail within the following chapters.

It becomes evident that the argument that our secession would violate the territorial integrity of a state is invalid - only states can violate the territorial integrity of another state under international law, not individuals. Furthermore, the state cannot assert territorial integrity and sovereignty when it is violating the human rights of those exercising self-determination.

Nicolaus Tideman suggests that those people seceding should have the right to a share of territory that is proportional to their size, often being misinterpreted as meaning that the group that wishes to secede should only claim a share of the territory and resources that is proportional to the number of persons living within the original country.

This is simply a wrong assumption, as the meaning of ***‘territory’*** implies ***‘seceding territory’*** and not the original country’s territory.

### **3. Bond between the People and the Territory**

Self -determination is a right that is afforded to peoples.

When referring to the term “*peoples*” international law jurists have indicated that a **territorial link to the land is the most important feature**. This is not a right that is only extended to minorities.

According to John Dugard, a group cannot constitute a people for international law unless they have a **historical territorial connection to the land**. It thus appears that the right to self-determination must be elected in the context of the whole population of people with a **historical territorial connection to the land** of a defined geographical area.

Lea Brilmayer states that “*the two supposedly competing principles of people and territory actually work in tandem.*” She continues “*my thesis is that every separatist movement is built upon a claim to territory, usually based on an historical grievance, and that without a normatively sound claim to territory, self-determination arguments do not form a plausible basis for secession.*”

Then years later, she (Brilmayer) confirms her thesis again: “*In evaluating secessionist claims specifically, there are two different aspects of the claim on which one might focus. Traditionally, theorists had focused on the cohesiveness of the group asserting the claim – whether the group in question was distinct people in the religious, linguistic, or ethnic sense. There is another issue at stake, however: the objective validity of the claim that the particular group espouses*”. Thus (as argued ten years earlier), the claim to a particular piece of territory will be more or less convincing depending on the existence (or non-existence) of a **historical land claim**.

Brilmayer thus suggests that two aspects should be taken into account when determining whether a secessionist movement has a valid claim: the one will focus on the identity of a group, in other words, whether they constitute a distinct people; and the other is whether the claim can be objectively justified based on historical fact, legal reasoning, moral argumentation and so forth.

#### 4. Bill of Grievances

Thomas Jefferson dedicated a significant portion of the American declaration of independence stating the causes which impelled them to the separations. This bill of grievances documented the “*repeated injuries and usurpations*” of the Americans' rights and liberties. He then followed the bill of grievances with a description of attempts to remedy the grievances and the results of those attempts: “*They too have been deaf to the voice of justice and of consanguinity.*”

There are no specific criteria as to what constitutes a grievance, it could range from a lack of effective participation to gross human rights violations, but where the people wishing to secede are subjected to human rights violations and are not effectively allowed to participate politically or economically, is more widely recognised as a legitimate basis for secession. This requirement is not essential, but rather recommended as ‘remedial secession’.

David Raič states as follows: ***“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:***

The people in question must have suffered grievous wrongs at the hands 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 the people.

## 5. Exhaustion of Internal Remedies

Secession should only be exercised when all other internal remedies have been exhausted in the attempt to address grievances. No standard as to what constitutes exhaustion of internal remedies in international law exists, yet it is fair to say that ‘the reasonable man’ test could be used to determine if the remedies at one’s disposal have been exhausted.

One could also argue where the continued reluctance of the mother country to *‘hear the grievances’* simply constitutes exhaustion of remedies (as the Case of the USA vs British Monarchy - 1776).

A pivotal point of consideration is that should that point of ‘exhaustion of internal remedy’ unfortunately be realised by the minority group, where steps toward secession or the very act of secession begin; the mother country may not engage in tactics utilising force to restrain, retain or hinder the departure of the secession group:

Article 2(4) of the UN Charter prohibits states from resorting to the threat or use of force against another state. However, it **does not provide for a prohibition** against the threat or use of force by a *people* claiming *self-determination* per se, although there is a presumption that the use of force is illegal unless done in self-defence.

The prohibition against the use of force is also a *jus cogens* norm. Any violation of a *jus cogens* norm is not only a violation of international law, but can also result in a duty of non-recognition as discussed earlier.

According to Malcolm Shaw, the use of force to suppress self-determination is unacceptable under international law. States are forbidden to use disproportionate force against self-determination movements.

Should the state, however, resort to the use of force to curb the self-determination movement, said movement can seek assistance from the international community and act in its self-defence.

## 6. Feasibility and Stability

For external self-determination in the form of secession to be successful, the seceding group must have the capability to secede with a reasonable prospect of success and effect, requiring that the remainder of the population not seceding experiences minimal disruption.

Feasibility includes economic feasibility for the new country, but also economic feasibility for the territory from which the new country secedes.

## 7. The Will of the People

A claim of self-determination must be based on **the will of the people** exercising that right.

In the Western Sahara case, the International Court of Justice also focused on the will of the people, arguing that the freely expressed will of the people is ‘sine qua non’ (essential) for all decolonisation.

In various other cases, secession was based on the democratic will of the people to secede: examples include East Timor, Eritrea, Kosovo, and Sudan.

There is however much debate among the experts of international law over:

1. who should participate in the vote for secession?;
2. if it should commence with a referendum, i.e. affording some groups with a mandate to contrive the new country;
3. if secession should end with a defining referendum, i.e. where voters know exactly what they’re consenting to;
4. if a referendum is indeed a legal requirement.

Considering the South Sudan secession process, it is clear the participants representing the people in the referendum were not legally required to reside in the territory at the time of either the referendum or the secession, especially where the mother country has created a climate (via fear, discrimination, human rights atrocities, murder, etc.) resulting in a diaspora.

Moreover, the referendum participants may only include participants that represent the *people who are historically connected to the land* and *not the entire population of the mother country*.

Another vital lesson learned gleaned from earlier secessions (eg. Sudan) indicates that a commencing referendum, i.e. a Yes/No vote is the recipe for the ignition of post-referendum conflict.

Often the politicians in power (pre-referendum), having already utterly failed the voters in favour of their own agendas, convolute the message of secession, provide false secession narratives, and create such lack of awareness that the average voter does not clearly understand the what, where, why, when and how of secession.

These same politicians then fallaciously assume and spuriously profess that **they alone** have the mandate of **the people** post secession. Lacking secession knowledge and experience, they attempt to govern the final stages of the process of secession which rapidly results in a return of this newly seceded state to the same historically draconian politics which caused the need for the secession in the first place, overflowing into violence and unrest.

We believe that the only way to ensure stability after secession is to: provide the people with a clear understanding of where the new country will be; how the new country will function; what levels of freedoms they will then possess; when these new freedoms will be realised; what is expected of them; and why they must select the right representatives at the time of the referendum.

This is a concept commonly referred to as a *conclusionary referendum* as it implies that there is no need for those ‘Johnny-come-lately-leaders’ to suddenly attempt to begin a

lengthy negotiation process regarding the constitution, territory, peoples, referendum or secession.

It is also of absolute importance to note that not every successful secession required a preemptive referendum as part of the secession process. A very strong legal case could be made that a simple turnout by the majority of *the people* in the first elections of the new land would categorically constitute that indisputable mandate by the now seceded people, directly indicating their desire for self-determination (“*the will of the people*”).

## 8. Government and Control

The governmental structure of the new country should be transitioned in an organised manner over a period of time to ensure political and economic stability.

This ties in with the requirement for feasibility and stability. If those that are seceding are unable to defend the new country against the armed forces of a tyrannical mother country, it follows that secession from a hostile mother country fails the stability test.

## 9. Respect for Human Rights

The secessionist movement and those claiming the right to self-determination are under strict obligation to refrain from all acts of discrimination and from violating any human rights of other peoples, including their right to self-determination. Furthermore, other non-citizen inhabitants cannot be left stateless as a result of the act of secession.

Racial discrimination, in particular, or violations of any other jus cogens norms, may place a duty of non-recognition by other states, resulting in the future state never attaining international recognition.

## 10. Capacity to Enter into International Relations

Secession directly results in the creation or formation of a new independent state.

This new country must be formally recognised by the international community (a minimum of one other non-parent state) for, without recognition, the newly seceded state cannot enter into interstate agreements with other states.

Recognition is heavily reliant on international politics, as overtly illustrated by the case of that widely recognised state of Kosovo, compared to the very questionable status of Abkhazia.

If recognition was just a question of international law, both states would immediately be equally recognised if one follows a doctrinal approach.

Despite this uncertainty, it is of utmost importance to recognise that there is a *duty of non-recognition in international law if the creation of the putative state is a result of a violation of a peremptory norm of international law*.

In other words, if this new state commits human rights violations or acts of primary aggression (i.e. where the secessionist state is militant towards the parent state), or if the proposed incoming regime is undemocratic, or again, if there is racial discrimination, then the international community has a clear and distinct duty not to recognise that putative state.

## Chapter Eight: Self Determination in a South African Context

### Chapter Synopsis

The right to secession is entrenched in the South African constitution, a constitution that is globally acknowledged as very well structured and balanced, providing for the internationally accepted human rights of its citizens. Secession is therefore perfectly legal in the South African context.

### Self Determination in South Africa

Self-determination in the South African context started with the signing of what is now known as the Afrikaner Accord. On 23 April 1994, this agreement was officiated between the Freedom Front, the African National Congress and the National Party (the ruling South African Government at the time), and was signed four days prior to the South African general elections that were held on 27 April 1994. These were the first elections allowing the participation of citizens of all races, the culmination of a four-year-long process that successfully ended apartheid.

The late General Constand Viljoen, Chief of the South African Defence Force (SADF) since 1980, spearheaded the signing of this Afrikaner Accord. It should be noted that it was under the distinct leadership of General Viljoen that the South African Army was transformed into the most powerful army on the African continent.

General Viljoen, with the support of three other generals from the South African Defence Force formed the Afrikaner Volksfront, which was launched on 7 May 1993. Leaving the Afrikaner Volksfront amidst disagreements, General Viljoen and other members of the Afrikaner community founded the Freedom Front on 1 March 1994.

*“For nine months we worked flat out on this..., also preparing the military strategy itself, I always said: I may be preparing for a military option but I will decide whether and if it is the time to launch an offensive. I always said I was prepared to wage a war and was prepared to sacrifice lives if I regarded that as the only and last possibility.”* ~ General Constand Viljoen.

General Viljoen's view, and being haunted by the historically devastating effect the Anglo-Boer War had on Afrikaners, was that war was an absolute last resort. He needed to bind the ANC in an agreement, and in his selfless attempt to avert a civil war, he insisted on an Accord being signed before the election. The ANC stalled, knowing that the general's credibility and integrity were on the line. Viljoen was on the one hand at his wits' end with the ANC's apparent inability to sign off on the Accord, while on the other hand he understood that a bloodbath was a very distinct possibility.

General Viljoen contacted Ambassador Princeton Lyman, recalling their conversation of December 1993: *“You remember, between you and me, we had a gentleman's agreement. We met quite often and you said, 'Before you do anything, promise me you will first come to me.' And I said 'Yes, I will do so' and you remember we used that eventually ... I came to you and said: 'I'm going to let the dogs loose,' and you said: 'Give me half an hour.'”*

Lyman knew that General Viljoen threats of war were serious enough that he acted immediately, calling the office of Thabo Mbeki, the ANC leader at the time. This call resulted in the Accord being signed on Saturday, April 23, only 4 days before the election.

*“As a matter of fact, I had the war machine ready, the final decision not to go to war was taken just after April 23, 1994.”* ~ General Constand Viljoen.

With the signing of the Afrikaner Accord, the major political party in South Africa (the ANC) first recognised self-determination as a concept. The Accord laid the foundations for the clauses of self-determination in the interim Constitution. It consequently was included in the Constitution of the Republic of South Africa, 1996, approved by the Constitutional Court (CC) on 4 December 1996, and took effect on 4 February 1997.

Specifically, Section 235 reads as follows: ***“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.”***

This section makes it abundantly clear that the right to self-determination not only vests in the South African nation as a whole, but in **peoples** sharing a common cultural and linguistic heritage. It provides for internal self-determination by stating **“within a territorial entity in the Republic”** but then continues to state **“or in any other way”**.

Although some arguments have been advanced stating that section 235 prohibits secession, this is by no means the case, the wording of section 235 does not lend itself to such a restrictive interpretation, as the respected Prof John Dugard in his book entitled “International law: A South African Perspective” poses the following rhetorical question: **“Does it mean that all options – including secession – remain open ...?”**

Corné Mulder of the Freedom Front Plus has on several occasions confirmed that he is the author of Section 235, thus it was only Mulder himself who added the ‘poison pill’ to the text when authoring this section **“..determined by national legislation”**. The reason for adding this section remains curiously unclear, especially as the Freedom Front Plus has not introduced a single national legislation on self-determination in the 26 years since the new constitution took effect, knowing that one of their key members authored this section on self-determination!

During an interview with Hilton Hamann when Genl Viljoen was asked if he regrets his decision he said: **“We made a flop in 1994. I was involved in 1994. I should have fought harder. I often think we should have gone to war”**.

Very often military genius translates to political naivety...

Thus, in the absence of national legislation (as a process guide), does a path for secession in the South African context exist? Fortunately, Section 233 states that the Constitution should be interpreted following international law, and reads as follows:

***“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.”***

This type of supremacy clause allows for the rights and interpretation of national law to fall in submission to the rights and interpretation of international law. Additionally, when the Constitutional Court was called upon to certify the Constitution of South Africa in 1996, it confirmed that the permissive door for territorial self-determination was left ajar, meaning that secession is not excluded or prohibited.

Furthermore, even if the South African Constitution prohibited secession, which it does not (it is a permissive provision), the effect, internationally speaking, would be irrelevant, as

states cannot limit internationally recognised rights. Thus, likewise, Mulder's "poison pill" is legally speaking *pro nonscripto* (as if it was never written).

Keep in mind that South Africa signed the International Covenant on Civil and Political Rights (ICCPR) on 3 October 1994 which was then ratified on 10 December 1998. The South African government is therefore legally bound by the Covenant's provisions and international law.

It is clear and undeniable that there is an internationally, regionally and nationally recognised right to self-determination. Whether resulting in internal or external self-determination is entirely dependent upon the specific intricacies of each situation. Specifically then, secession is not prohibited under either international or national law, only it is subject to being exercised as discussed in the previous chapter.

## PART IV: What Is CapeXit?

### Chapter Nine: Origins of the CapeXit

*“Democracy, which began by liberating man politically, has developed a dangerous tendency to enslave him through the tyranny of majorities and the deadly power of their opinion” Ludwig Lewisohn*

#### Chapter Synopsis

“CapeXit” was initiated by the Cape Independence Party for usage by the Cape Independence Movement, and despite attempts by some groups to usurp it for own use, it is now used extensively by various groups actively working toward Cape Independence.

#### The Cape Independence Movement

The modern Cape Independence movement started in 2007 when the Cape Party was established on the growing disillusionment with the national government's continued use of race-based policies and declining economic growth, from a simple Facebook group which initially gained little traction.

On the other side of the Atlantic in Texas, the US, TJ Ferreira, Sonia Hruska and Hannes Louw, members of the Afrikaner diaspora, founded the Afrikaner Society of America on November 26, 2012. Their actions were inspired by the diaspora voting in the Southern Sudanese Independence Referendum of 2010, and the release of the latest 2011 South African language map, based on the results of the South African 2011 census data.

The Society immediately started working with other like-minded organisations across the globe to unite Afrikaners of all race groups, and to work towards a solution to establish an Independent Cape.

In 2014 Hein Marx was approached by General Constand Viljoen, the primary driving force behind the 1994 Afrikaner Accord (as discussed in the previous chapter), to drive self-determination from within the ranks of the FF Plus. General Viljoen personally requested that Marx joins the Freedom Front Plus and help them to get the drive for self determination on course again.

Marx received a mandate from the management of the FF Plus in the Western Cape on June 14, 2014, tasking him to investigate the process of sovereign self-determination and to prepare a report of his findings. A few months later, Marx, having tabled his report, found that his report was summarily rejected by the management of FF Plus in the Western Cape.

Marx was then instructed to make major changes, essentially rendering his report meaningless and nebulous on the subject of self-determination. Marx was later told in no uncertain terms by Pieter Groenewald that he (Pieter Groenewald) does not support sovereign self-determination.

The penny finally dropped for Marx, who refused to make any of the requested changes, and chose to terminate his relationship with the FF Plus.

Now, being more determined to steer the correct course on sovereign self-determination, Marx organized the first leadership summit between brown and white leaders

## The CapeXit, Why and how the Cape will leave South Africa

in Montagu on May 23, 2015. For the record, Marx ensured that the FF Plus and General Viljoen were invited to attend this historical summit.

Shortly afterward, Marx and Pieter Marais (a well-known, outspoken Brown politician) founded the Kaapse Federale Alliansie (“Cape Federal Alliance”) or “KFA”. Marais’ vision for the KFA was to transform it into a political party, while Marx, being disillusioned with party politics and convinced that a political party would limit the reach of the KFA, preferred the route of a Civil Rights Organization. These conflicting visions for the KFA ultimately led to Marais’ decision to leave the KFA in pursuit of his political ambition.

On June 23, 2016, after discussions concerning Brexit, the late Tim Miller, Adrian Kay (Cape Party deputy leader), and Jack Miller (Cape Party leader) created the word “CapeXit” and were the first to use the term in a Cape Party Facebook post on June 24, 2016.

On August 25, 2017, the KFA, the Western Cape Action Forum, (founded by Des Palm), and the Afrikaner Society of America joined forces to form the Afrikaner Society (“AS”). This new organization’s mission was to unite Afrikaners of all race groups (including the diaspora) and to actively work towards Cape self-determination.

Des Palm best reflects these sentiments to Adv. Carlo Viljoen (of the Cape Party at the time) in an email on August 31, 2017:

*“I have been with the Western Cape Action Forum for many years and the WCAF has remained a-political over the years, and it is why we have joined forces with the AS..... Let’s not try to position ourselves as to who leads who, but rather identify where we can cooperate, so we ensure that we have a country otherwise it’s all academic. You will hear Hannes say this repeatedly ‘now is the time to pull together, a rising tide lifts all boats’.”*

In January 2018, Jack Miller agreed that the Afrikaner Society could freely use the generic term “Capexit” with other organizations in the Cape secession movement. A successful campaign by Des Palm, Executive Director: Operations of the AS, and an AS team led by Pieter van Vuuren and Sanet Collard in the Cape, convinced the AS to formally change the name of the Afrikaner Society to CapeXit, to align itself with the overall secession movement.

In a letter to Jack Miller on March 20, 2018, Hannes Louw reassured Miller of continued cooperation:

*“Rest assured that we have no intention to circumvent your ability to use the name ‘CapeXit’ with this formal name change, and as per our earlier discussions we will refrain from registering any trademarks in South Africa or anywhere else that will result in an infringement of your organization’s rights to also at any time to utilise “CapeXit”*

The term CapeXit was now actively promoted across South Africa by several organisations, and has marked the beginning of an extensive cooperation between the various groups actively working toward Cape Independence.

## Chapter Ten: The Many Faces of the CapeXit

*“It’s funny how sometimes the people you’d take a bullet for are the ones behind the trigger.” – Unknown*

### Chapter Synopsis

The era of awakening to the realization of total decay and that self-determination and independence from South Africa is the only option to escape it has arrived. Various groups, organizations and political parties joined the CapeXit drive, some combining as a united front, attempting to increase their political footprint and power, with fundamental differences in their approach. This multifocal drive sets the classical scene for division while, at the same time as a positive effect, creating increased awareness and acceptance among the public that independence is inevitable.

### Cape Independence Advocacy Group

According to their website, the Cape Independence Advocacy Group (CIAG) was formed in 2020 to coordinate and support people and organisations working towards Cape independence with the following objectives:

- i) Secure a provincial referendum for Cape Independence;
- ii) Secure a ‘Leave’ vote in the referendum;
- iii) Raise international awareness.

Not much is known about Phil Craig, the co-founder, spokesperson and driving force behind the CAIG, other than that he is a UK national who migrated to the Cape. We were unable to confirm his identity, past political affiliations or the claim that he is a serial entrepreneur.

What we can confirm is that, when he was asked directly about who will get the mandate on a ‘leave referendum’ vote to draft a new constitution, he did not hesitate to point out that it will be the Democratic Alliance (DA), and that he (Phil Craig) is a DA supporter who would like to see them take power.

For the uninformed readers: the Democratic Alliance (DA) is a South African political party with a variety of leftist liberal tendencies and agendas, similar to those of Joe Biden’s Democratic Party in the United States.

The CIAG is currently working behind the scenes with the FF Plus, CapeXit NPC, and supposedly, the Democratic Alliance, to affect a ‘commensory leave referendum’. At this point, it is unclear as to what backroom deals have been struck by the parties regarding who would walk away claiming the peoples’ mandate.

### Cape Independence Party

As mentioned earlier, the founding fathers of the modern Cape Independence Movement are also the founders of The Cape Independence Party (CIP), previously called the Cape Party. The CIP is a political party in South Africa that grew out of a Facebook group in 2007, and the Cape (Independence) Party was officially registered with the Independent Electoral Commission (IEC) as a political party in the Republic of South Africa in 2008.

## The CapeXit, Why and how the Cape will leave South Africa

The party, currently led by Jack Miller, a Cape Town businessman, seeks to use all constitutional and legal means to bring about Cape Independence. This independence includes the entire Western Cape, Northern Cape (excluding two districts), six municipalities in the Eastern Cape and one municipality in the Free State. The area includes all municipalities in those provinces with an Afrikaans-speaking majority.

The Cape Independence Party (CIP) was on the provincial ballot of the Western Cape in the South African general elections of 2009, where it received 2,552 votes. It stood again for the municipal elections in 2016, where it received 4,473 votes. In the 2019 National and Provincial Election, the Cape Party received 9,331 votes, and in the municipal elections of 2021, the Cape Independence Party received 17,881 votes.

Despite their modest election results, the Cape Independence Party and its leadership are highly respected by others in the Cape Independence Movement. Providing thoughtful leadership to the CapeXit movement, the CIP is playing a very active unifying role behind the scenes.

### CapeXit NPC

In 2018, shortly after the Afrikaner Society changed its name to CapeXit, members of the executive management team, namely Des Palm, Pieter van Vuuren and Sanet Collard broke away to drive their non-profit organization, 'CapeXit NPC' which they had recently formed. By this action they essentially hi-jacked the independence efforts previously made by the Afrikaner Society in the Cape.

Palm, despite being fully aware of the 'non-exclusive usage' agreement between the Cape Party and the 'Afrikaner society CapeXit', and notwithstanding that the Cape Party and others were still actively utilizing the term 'Capexit', fraudulently filed a trademark registration application on 23 August 2019 with the South African Companies and Intellectual Property Commission (CIPC) in Class 35: *Advertising, business management, business administration, and office functions*, in his capacity.

On 13 May 2021, the CIPC served Palm with a letter of "Advertisement of Trademark" which had to be published in the Patent Journal within 6 months of this date. (TM Application No:2019/23940). Palm then requested Facebook to shut down other Facebook pages using the name CapeXit, including that of the CapeXit name originator, the Cape Party.

On Facebook, Des Palm boasted about shutting down in his words a "rogue" organization," and claimed that it would now be unlawful for anyone to use the name CapeXit.

Palm completely underestimated Jack Miller of the Cape Independence Party, who filed an urgent application in the Western Cape High Court, Cape Town, against Des Palm, with the Companies and Intellectual Property Commission and CapeXit NPC detailed: Seeking immediate interim relief, interdicting the first respondent to use the word 'CapeXit' exclusively, interdicting the first respondent from further creating the false impression and publishing on Facebook that he has registered the word "Capexit" as his trademark.

In the founding affidavit filed with the High Court, Miller explains how these unlawful and deceptive actions caused irreparable damage to the Cape independence Party with mere months to go before the 2021 Local Municipal Elections. Palm and CapeXit NPC, represented by the legal team of (and presumably funded by) the **Freedom Front Plus (FF+)** settled with the Cape Independence Party. Palm, under court order, had to issue a formal apology to the

## The CapeXit, Why and how the Cape will leave South Africa

Cape Party for his deceptive misrepresentation labelling all other groups that are using the term ‘CapeXit’ as “unauthorized” and “rogue”.

This divisive conduct raises serious questions as to the real intentions of the CapeXit NPC group, the nature of the relationship between the FF Plus and CapeXit NPC and the primary motivation for starting this breakaway organisation. Des Palm, a close friend of Corné Mulder and registered member of the FF Plus, steered CapeXit NPC into actively and openly joining forces with the FF Plus in the 2021 local municipal elections after the sabotage attempt on the Cape Independence Party’s election campaign.

CapeXit NPC claims to have over 800,000 registered supporters, yet almost none of this supposed support base converted into actual votes for the FF Plus during these 2021 municipal elections, despite the organization actively campaigning for the FF Plus.

CapeXit NPC’s vision is to have the Western Cape Region declared as an independent country, and it is actively working with the FF Plus and Cape independence Advocacy Group for a 1992-style referendum.

## **The Freedom Front Plus**

The Freedom Front Plus (FF+) is a South African political party. Its current stated policy positions include abolishing affirmative action, replacing it with merit-based appointments and being firmly against the proposed expropriation without compensation land reform movement, to protect the rights and interests of minorities.

The party also supposedly supports greater self-determination for minorities throughout South Africa, and expressly has adopted ‘Cape Independence’ as an official party position.

The Freedom Front was founded on 1 March 1994 by members of the Afrikaner community under General Constand Viljoen, after he had left the Afrikaner Volksfront amidst disagreements.

In 2001, Viljoen handed over the leadership of the Freedom Front to Pieter Mulder.

In 2003, shortly before the 2004 general election, the Conservative Party, the Afrikaner Eenheidsbeweging and the Freedom Front decided to contest the election as a single entity under the name Freedom Front Plus (FF+), led by Mulder. Later, the Federal Alliance joined the FF+ (“Vryheidsfront Plus / VF+”).

In the 2004 general election, support for the Freedom Front Plus rose to 0.89% (139,465 votes cast). The party won one seat in most of the provincial legislatures, and four seats in the National Assembly.

In the 2006 municipal elections, the Freedom Front Plus received 1% of the popular vote (252,253 votes cast).

In the 2009 general election, the party received 0.83% (146,796 votes cast) and retained its four seats in the National Assembly, but lost its seats in the provincial legislatures of North West, Mpumalanga, and Northern Cape.

After the elections, the Freedom Front's leader Pieter Mulder was appointed as Deputy Minister of Agriculture, Forestry, and Fisheries by the then South African President, Jacob Zuma.

In the 2014 general election, the Freedom Front Plus' support rose slightly to 0.9% of the vote.

The party is currently led by Pieter Groenewald, a staunch supporter of internal self-determination, and in the run-up to the 2021 local government elections, the FF Plus adopted Cape Independence as an official party position and received 549,349 (2.34%) votes.

According to Corné Mulder, official author of **Sect 235** of the SA constitution and the Western Cape Leader of the party, the party is funded by the Afrikanerbond, the successor to the Afrikaner Broederbond, the former secret society behind the Apartheid regime.

## **The Sovereign State of Good Hope**

The Sovereign State of Good Hope (SSOGH) openly claims to have 'seceded' from South Africa on the 24th of September 2017, by raising a flag for 2 hours above the Castle in Cape Town. According to the Declaration of Secession from South Africa: "*The new Nation State of Good Hope will be governed by the "Khoisan nation [the only indigenous South African people], Afrikaner Nation, Eurokaner Nation, and the Coloured Nation".*

The Sovereign State of Good Hope claims that it is the new sovereign nation state following a legitimate and lawful process of secession by its leader, Calvin Cornelius III Khoebaha (his Praise name means "Man Coming"). Calvin Cornelius III claims that he is the direct descendent of an ancient (a historically non-existing tribal grouping) bloodline of KhoiSan tribal leaders and that he has inherited the position of King (Goab) through direct bloodlines from antiquity.

The fact that the term 'KhoiSan' was first coined in the 1920s, and the absence of any historical or archaeological evidence supporting either his bloodline or the existence of a 'kingly lineage' over the KhoiSan, cast serious doubts over Cornelius III's claims and legitimacy.

Cornelius III is also credited for the invention of the word "Eurokaner", a brand new addition to the English language and the cultural landscape of the Cape. Unfortunately for Cornelius III, the SSOGH's 'secession' lacked far too many of the fundamental building blocks required to legally secede (as discussed in the chapter on international law), the result being that the Cape is still very much a part of South Africa, is still very much under South African Law, policing policy and military protection, and has recently endured a most grievous lockdown under South African Governmental decree.

Moreover, the support for a constitutional monarchy is as questionable as the support for Cornelius III.

## **The United Liberty Alliance (ULA)**

The United Liberty Alliance (ULA) is a conservative libertarian civil rights organization, fighting to liberate Capelanders, regardless of race, religion, or political views. As a conservative libertarian civil rights organization, the ULA advocates for the greatest possible economic liberty, with the least possible governmental intervention or regulation on social life.

The ULA was founded in 2018, and incorporated what was left of CapeXit (previously the Afrikaner Society) after Des Palm and following broke away to form CapeXit NPC.

According to Hein Marx (President) and Elroy Baron (Vice President), the ULA is following an internationally accepted legal process, and being the successor of the organization founded by TJ Ferreira, Sonia Hruska and Hannes Louw in 2012, the ULA have meticulously documented every step in the international legal process for the last decade.

Their vision for this new nation proposes a federal government model that utilizes the best components of various proven constitutions, including that of the United States of America, Switzerland and Australia to ensure ‘minimum governance and maximum freedom’.

The ULA has dedicated an entire section on their website to explain who they see as the people to be seceded as the ‘Capelanders,’ and claim to have audited mandates from almost 500,000 of their people ready for an international legal presentation.

## PART V: Foundational Principles and Concepts

### Chapter Eleven: Liberty, Liberalism and Libertarianism

*“Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves.” ~ Ronald Reagan*

#### Chapter Synopsis

We can summarize the key philosophy behind modern liberalism and its liberal social engineering policies in one word, namely “Equality”. The philosophy behind modern libertarianism is “Freedom”. A lack of understanding the differences between equality and freedom may unwittingly lead one advocating for the subjugation of others.

This is because attempts to create equality of outcome will necessarily result in the subjugation of people who have natural advantages over others. Equality of outcome always leads to socialism and communism, destroying the motivation of people to cultivate their God-given natural talents.

Governmental discrimination is morally repugnant, and equality before the law should always be non-negotiable. Conservative libertarianism philosophy provides a society with the best balance, as it combines conservative values with libertarianism. It advocates the greatest possible economic liberty and the least possible government regulation of social life, mirroring laissez-faire classical liberalism, but harnessing this to a belief in a more socially conservative philosophy emphasizing authority, morality and duty.

#### Liberty

This report is about Liberty, and as you journey through the material, we will be referring to associated terminology and concepts. It is therefore important that we get our definitions aligned, so that the material educates and does not confuse. In these first chapters we will explore important philosophies to governance that are applied in the solutions offered in this report.

**True Liberty** is that singular state of existence as ‘indeed free’ in every aspect of life minus the interference of another upon your, or yours. It is that splendid condition of practical reality, being entirely divorced from any restrictive or oppressive control by any power – especially a government – from enforcing arbitrary or unreasonable restraint upon its citizens.

Yet perfect liberty should perpetually hold two principles in perfect balance: the absolute right to act as one chooses on the one hand, and on the other hand, the absolute right of another not be negatively influenced by your actions.

Thus, one remains in that place of ultimate freedom to ‘come and go’, to ‘pick and choose’ and to ‘wander about’ at one’s own volition without restraint, halt, limit, prohibition or censure, ‘doing whatsoever one pleases – when, where and whenever’; ONLY in such fashion that any action, whilst exercising **one’s ultimate freedom**, places upon another no interference, no constriction, no prescription, no curb and no limitation that would prevent the other’s unbridled enjoyment of **their ultimate freedom**.

The concept is known as ‘**live and let live ...**’. Thus, liberty entails the responsible use of freedom under the rule of law without unnecessarily depriving anyone else of their freedom.

The word ‘liberty’ can be traced back to the Latin word ‘liber’ (meaning ‘free’), which is also the root of many other terminologies in circulation today. In this Part IV we shall examine two of these terminologies, ‘Liberalism’ and ‘Libertarianism’, as they represent completely different approaches as to how a society should be structured. This understanding, combined with an understanding of Democracy will enable you to better judge organizations claiming to be one or the other, and will provide you with a foundation to understand why specific concepts are promoted in this writing.

## **Liberalism**

Liberalism originally was a political and moral philosophy based on the rights of the individual, liberty, consent of the governed and equality before the law.

Unfortunately, over time, like many other terms in the English language, the term lost its original meaning. Instead of prioritizing individual freedoms such as freedom of speech, the focus of liberals has shifted to social justice and equality.

At the centre of modern liberalism is the belief that all human beings are inherently good, and that government is necessary to ensure that everyone gets their fair share. This adjusted focus on ‘equality of outcome’ stands in direct contrast to the original liberal philosophy of equality before the law and individual responsibility.

Achieving equal results generally entails reducing or eliminating inequalities between individuals or households in society, and it usually involves a transfer of resources from wealthier to poorer individuals or adopting other measures to promote equality of conditions. To achieve equal outcome, modern liberals are violating the principal concept of equality before the law.

Moreover, to achieve this equality of outcome, the population must be segmented into different groups as this provides a basis to determine the beneficiaries. Often the same type of racial classification used by the apartheid regime is invoked. The individual is not part of a group collective yet is ascribed the same characteristics as the group.

This collectivism of modern liberalism stands in direct contrast to the individualism of classic liberalism. The modern liberal believes that an individual that ‘belongs’ to a group should now be held responsible for prior actions of that group and that it is perfectly fair to discriminate on this basis alone.

Therefore, liberal political organizations such as the Democratic Alliance (DA) in South Africa actively support Black Economic Empowerment (or “Affirmative Action”) policies in South Africa.

The Democratic Alliance (DA) party in South Africa generously fills this liberal space. Interestingly, most of the people who vote for the DA are not intrinsically ‘liberals’; they are generally cut from a more libertarian or even conservative cloth. Due singularly to the utter lack of a strong, official and unbiased opposition, most conservative and libertarian South African voters chose or elected to vote for the nearest strongest party, the DA, in an attempt to build a substantially strong opposition.

## **Libertarianism**

Libertarianism is a ‘political philosophical’ doctrine advocating for free will, natural individual rights and voluntary civil cooperation. Libertarianism firstly maintains that people have certain natural (‘God Given and inalienable’) rights. Thereby it defines that all persons retain absolute ownership of their lives and should be and remain entirely free to do whatever they desire with their person or property. It also provides that libertarians allow others the same levels of unfettered liberty whilst acknowledging that any attempt to deprive these rights is immoral.

Libertarianism is a philosophy that minimizes the reach of the state and maximizes full personal autonomy and political freedom, emphasizing private property rights, including the inherent natural resources and infrastructure, civil liberties, free-market capitalism, freedom of choice, free association, individualism and voluntary association. Yet libertarians are sceptic of all authority, especially governmental authority, are condemning of governmental encroachment on personal liberty and are directly in opposition to the modern governmental welfare state.

Essential to the core of individual natural rights is the unwavering respect for the natural rights of others. Libertarians promote natural rights, requiring, by design, a dignified population practising voluntary involvement and cooperation, and acknowledge that as government gains greater control of the individual, people lose their dignity, control of their bodily integrity and eventually their free life.

Libertarians abhor any abdication of individual natural rights to a government which inherently prevents all people from being able to live in their own way, work and advance at their own speed, becoming more self-reliant and independent, which abilities increase personal dignity.

## Chapter Twelve: Overcoming the flaws of Democracy

*“Majority rule only works if you’re also considering individual rights, because you can’t have five wolves and one sheep voting on what they should all be having for supper.” ~ Larry Flynt*

### Chapter Synopsis

Even though democracy intends to vest supreme power in the people, allowing them to be represented during decision-making, it is characterized by some flaws. This becomes evident, particularly in a diverse society where the representation of minority groups turns out to be deficient when a dominant majority rule can easily annul the checks and balances. It is therefore crucial that such multicultural societies embrace a democratic government system of proportional representation as opposed to representation by proxy, thereby preventing any possibility of oppressive control by a majority group.

### Representative Democracy

The notion of democracy has evolved considerably over time. The original form of democracy was a direct democracy: a form of government in which the people have the authority to deliberate and decide legislation. However, the most common form of democracy today is a representative democracy, where the people elect government officials to govern on their behalf, such as in a parliamentary or presidential democracy.

Today many believe democracy is the best form of government available since it offers each person the freedom to have their voice heard. Let us consider the advantages and disadvantages of democracy.

### Advantages of Democracy

#### 1. Democracies encourage personal interaction with government

People vote according to their morality. ‘To vote or not to vote’ by moral opinion or objection.

#### 2. Democratic structures reduce exploitation

Democracy structures checks and balances, restricting any single person from supreme legislative power.

#### 3. Democracies encourage equality

Democracy provides that votes carry an equal value, every vote counts as one.

#### 4. Democracies don’t create unfettered centralized power

Voters in a democracy are given the opportunity to replace their elected officials in intervals of 2-6 years, thus by vote, controlling their own fate.

## 5. Democracy reduces armed conflicts

Democracy has significantly decreased the rate of conflicts, produced fewer violent rebellions, reduced the pursuit of war and reduced attempted military coups.

## 6. Democracy smoothly transitions legitimate power

Democracy's process demands that once an election is won, it becomes possible to smoothly and legitimately establish another form of governing power when leaders, and thereby power, change hands, and that, with less argument and discord.

## Disadvantages of Democracy

### 1. Democracy is expensive

Conducting free and fair elections is expensive as it not only requires the ability to vote, but also monitoring.

### 2. Democracy's structure depends on majority will

The will of the majority is hardly ever the ethical or moral position as only the perspective of the 'most votes' from society counts. If you are on the outside of the will of the majority, then your vote doesn't count for much.

This tyranny of the majority is an inherent weakness of majority rule. It almost always results in oppression of minority groups, as can be seen in a South African context, where the voices of those that are 'not black enough' or 'too white' are once again completely ignored, their rights trampled on by legislation and regulations passed by a majority that is hell-bent on only advancing themselves.

Democracy has very specific advantages, but the major disadvantage is that in a heterogeneous society. The benefits can be quickly outweighed by a tyrannical majority. In many democracies, this is countered with the inclusion of 'checks and balances' and by constitutionally enshrining minority rights. Very often, this is not enough as the classification of minorities is extremely problematic, and it destroys nation-building efforts and always results in an 'us' and 'them' situation.

## Proportional Representation

Proportional Representation offers a solution to democracy's 'tyranny of the majority' conundrum. A proportional representation system is a type of electoral system, under which subgroups of an electorate are reflected proportionately in the elected body. The concept applies mainly to geographical (e.g. states; regions) divisions (political parties) of the electorate, but in theory, other divisions could also be used. The essence of such systems is that all votes contribute to the result—not just a bare majority—and that the system produces mixed, balanced representation, reflecting how votes are cast.

Proportional representation is often a trademark of federal governmental systems. A congressional allocation of seats between the Senate (Upper House) and the House of Representatives (Lower House) of such a system illustrates the principle of proportional representation. Say one state in the federation has double the population of another state. In this case both states will be allocated one seat in the Senate, but in the House of Representatives, one state will be allocated two seats, and the other one seat. For legislation to pass, it must be approved by both Houses.

## **Representation by Proxy**

In recent years we have seen an increase in governmental agencies. These agencies are supposed to ensure that regulation is enforced and applied in terms of the law. However, the modern tendency by lawmakers is to grant these agencies free reign to decree additional regulations and rules. This could clearly be seen during the recent COVID-19 pandemic, where health agencies unlawfully enacted rules and regulations, thereby destroying the livelihoods of millions. This is not government ‘by the people for the people’, but rather legislation by proxy.

Another form of representation by proxy is where elected representatives appoint non-elected officials to positions that should be filled by elected officials. This principal is a trademark of confederate governmental systems, and a good illustration of this is how the European Union is constructed.

## Chapter Thirteen: Government Structure

*“Federalism isn’t about State’s rights. It’s about dividing power to better protect individual liberty.” ~ Elizabeth Price Foley*

### Chapter Synopsis

A country’s system of government can be structured as a unitary state, a confederation or a federation. The system of government forms the essence of how a country will be aligned to the interests of its citizens as well as the international community, managing the processes by which power, laws and norms are applied to and for the benefit of the citizens.

In consideration of the most judicious government system for the demographic diversity of the Cape it is clear that a unitary state can not be considered. A confederation system also creates the opportunity for a central bureaucracy to fail in its goal of representing the people. The most suitable government system for the Cape, the states and its citizens is a federal system where the power of government must be restricted to issues of national and international concern.

### The Unitary State

The current Republic of South Africa is a **Unitary State** where central government controls just about every aspect of government, some functions may be delegated to provinces or local governments, but the National Government always has the final and often the absolute say.

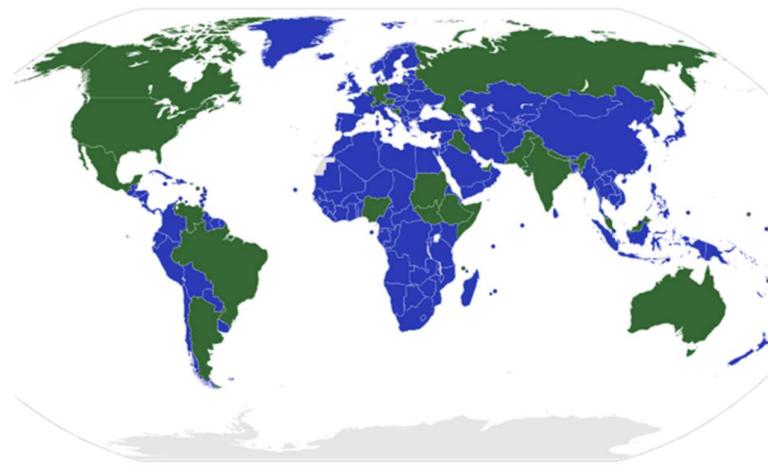
This unitary system has spawned an oligarchy where the regime’s ANC elites rape and pillage the economy, whilst riding on the back of hardworking law-abiding citizens.

### The Federal State

In stark contrast to the Unitary State, a Federal State consists of several self-governing states that completely govern every aspect directly affecting that geographic state and its people.

The federal government exercises limited constitutional power over functions of national importance (e.g. National Defence), and each federal state has complete autonomy over aspects not in the domain of the federal government (e.g. Education).

It is important that the federal state constitution is carefully and clearly drafted to keep the federal government in check, avoiding for example, power grabs as can be seen in the United States, where the socialist democrat-controlled US Congress passes legislation in complete violation of the constitution, the rights of states and the will of its people.



*Federations worldwide in green*

## **The Confederation**

In a Confederate system each state is a sovereign nation. The central government is formed by these sovereign states and is granted powers by the states from time to time. A confederation can thus be a group of countries working together to advance their common interests.

The biggest problem with confederations is that the unelected bureaucratic elite, appointed by each state, govern instead of acting as the people's elected representatives, thereby increasing governmental control and enslaving every aspect of the lives of those peoples they are supposed to serve.

The most well-known confederation is the European Union, although it is not commonly known as a confederation.

## **Why A Federation?**

The Federal system of government is understood as an advanced implementation of democratic principles. Federations are especially well suited for application in areas of diversity in local populace and size of the land mass, or in areas with differing ethnic groups. Switzerland and India are two such examples.

Some of the most well known examples of the federation system are Australia, Canada, Germany, Switzerland, India and the United States of America.

We acknowledge the fact that many different people groups have evolved from the original melting pot of the Cape, and that these vastly differing people groups often occupy specific sections of the Cape.

While the concentration of specific groups makes it easier to draw state borders, it does not mean that these states will be able to function as independent countries. These (and many other contributing) facts have convinced us that a federal system with limited central government is the only viable option for the Cape.

This federal system of government must have clear constitutional limits on the powers of central government, limiting those powers to functions that are of national importance, specifically:

- Foreign Affairs
- National Finance
- National Defence
- Homeland Security and Immigration
- National Infrastructure
- Interstate Commerce
- National Health Care

## Chapter Fourteen: Bill of Rights – DNA of Liberty

*“The Bill of Rights does not come from the people and is not subject to change by majorities. It comes from the nature of things. It declares the inalienable rights of man not only against all government but also against the people collectively.”* ~ Walter Lippmann

### Chapter Synopsis

In a democratic order that seeks to protect and uphold life, liberty, and the pursuit of happiness for the citizens, care must be applied to ensure that the yoke of one oppressor is not traded for that of another. It is vital that certain fundamental liberties and rights are enshrined in the Bill of Rights of the new country. Such liberty inevitably demands personal responsibility, and must be balanced in a way so as to not unfairly deprive anyone else of their rights. To fundamentally support this, the Bill of Rights must never contain any nature of discriminatory regulation whatsoever.

### Right to Life

The reason why Thomas Jefferson listed the inalienable rights in the American Declaration of Independence in a specific order as *“Life, Liberty and the pursuit of Happiness”*, is that all of the other rights you are entitled to become irrelevant if you are dead.

In a free country every person should have an unencumbered absolute right to **life** - this right to life must extend to the unborn. This right, however, does not extend to those who have violated the right to life of another.

There is a lot of debate as to where exactly life begins. Based on scientific evidence, it is clear that life begins at conception, and pregnancy at implantation in the womb. Any destruction of life after pregnancy deprives another person to their right to life, and should be treated as murder.

### No Racial Discrimination

A colour-blind government must be guaranteed by the constitution, ensuring that all citizens enjoy equality before the law. No level of government shall discriminate on the grounds of race, ethnicity, skin colour, creed, gender or religion. Thus, all government organs should be expressly forbidden to classify or maintain any statistics on the population based upon race, skin colour or ethnicity. This will end the obsession with race, and shift the focus to solving problems. Race will become a non-issue.

### Direct Proportional Representation

Every citizen who is not a minor has the ‘duty to vote’ in all elections and/or referenda.

All political power should remain inherent in these citizens, and all subsequent government or governmental power remains founded upon the people’s authority, instituted for their (the people’s) sole benefit. When government officials abuse their office or power, citizens must have the power to launch a ‘re-call’ referenda.

This system will transfer politicians from ‘leaders’ to ‘representatives’, and will eliminate the current abuse of power by politicians globally, mostly to empower and enrich themselves at the detriment of the country’s citizens. This is specifically true in South Africa.

## **Religious Freedom**

Every citizen must have the absolute freedom to worship, believe or not believe, to practise their religion and be free to offer their opinion on such religion, belief or opinion.

Religious observances may be conducted at any government or government-aided institution, provided that those observances are within the boundaries of the government body dictated by law or referendum, and that the attendance of them is free and voluntary.

It does not, however, prevent legislations or regulations from being passed to regulate, as one's freedom to worship in a certain manner must not infringe upon another's freedom not to participate in that form of worship.

Government should recognize marriages concluded under any tradition, or system of religious, personal or family laws.

## **Freedom of Speech and Expression**

The only diversity that matters is diversity of thought.

In the new country, freedom of speech and of the press; freedom to assemble (meet); freedom to address the government (i.e. petition) and freedom to publish in newspapers, on TV and over radio and Internet (press) shall not be restricted or censored by any form of government.

Every citizen may peacefully and unarmed assemble, demonstrate, picket and present any petition, whilst being protected from intimidation by any other person or group.

No level of government may ever prosecute 'on-behalf-of' anyone who offends or impairs the dignity of another citizen by what is said or written (i.e. crimen injuria), however, civil law suits should not be restricted. In other words, if you tarnish the good name or reputation of another by exercising this right, they should still have the right to sue for damages.

## **Association and Disassociation**

Every citizen should have the freedom to associate, or the freedom to transact with any other person, whilst retaining their inherent freedom to refuse to associate (disassociate) and their freedom to refuse to transact with any other.

This right extends to those who engage in an association and collective bargaining, for example a trade union, but would make forcing anyone to join that union illegal.

## Property Ownership

It is not very well known that the 1948 Universal Declaration of Human Rights recognises as '*inalienable right*' (preamble: 1), that "*everyone has the right to own property*", and "*no one shall be arbitrarily deprived of his property*" (article 17. )

The right to own property is a fundamental human right, and no one may 'cancel' another person's ownership, abolish property ownership rights or terminate ownership of any property merely for some political agenda or governmental policy. Thus, government should never have any right to 'steal' property from its citizens.

It shall be unlawful for any level of government to confiscate, commandeer or expropriate any private property, except for bona fide purposes or national defence, where government must obtain private property to provide for improved services or infrastructure, and where no other reasonable alternative exists. In that rare case, under due process of law, market related compensation must be paid to the lawful property owner.

Citizens should retain the absolute right to own, acquire, use and dispose of any private movable or immovable property, which rights shall forever be respected. The proprietor or lawful possessor of any movable or immovable property may exclude or refuse admission to any other person at any time, for whatsoever reason (i.e. 'Right of admission reserved').

Any landowner or group of landowners whose land is on a boundary between states or districts may opt at any time for the property boundary to be adjusted, so as to place his or their land under the jurisdiction of a neighbouring state or district.

## Gun Ownership - The Right to Keep and Bear Arms

The idea of owning a weapon is not intrinsically a right of self-defence: owning a weapon is specifically for the discouragement and prevention of governmental tyranny.

Government should therefore be prohibited from maintaining any form of firearms or weapons registry. Everyone should have the right to keep and bear arms, including ammunition, to ensure personal freedoms; for pleasure, safety, legitimate defence and for the security of the country.

With this right comes a responsibility to ensure competency and aggravating punishment for misuse or negligence. It is the duty of government to ensure that every citizen and permanent resident has access to competency training and certification. The government may impose restrictions on ownership and possession in the absence of such certification, provided that such certification is not conducted in a manner that places an unattainable barrier on gun ownership and possession.

Firearm competency should be taught in school as a graduation requirement subject, commencing from an early age, so that any person over the age of 18 is competent to own and to carry a firearm.

The right to keep and bear arms should not be extended to those that are unrehabilitated criminals, or those that suffer from severe mental handicaps and so could pose an imminent threat to others should they be in possession of a firearm.

## Currency and Movement of Money

Officially issued government currency, or any other form of currency approved by government must have intrinsic value, i.e. it should be backed by a guarantee or portfolio of assets, in the form of precious metals or bonds. This will eliminate unscrupulous money creation by out-of-control governments and private banks.

Government or private organizations operating currency systems should remain neutral in the transaction chain, managing only the supply and system of the bartering tool. Therefore, they must treat every transaction (transfer of money between parties) as confidential, and should be expressly forbidden to sell or disclose information regarding transactions to third parties. This includes policing transactions between any party and/or applying financial censorship on those whose views do not align with theirs. This does not preclude such institutions from verifying the existence of clients or sources of money or international currencies.

Furthermore, government should be expressly prohibited from applying foreign exchange control on money flowing into or out of the country.

## Rule of Law

The constitution must guarantee a colour-blind government so that everyone enjoys equality before the law. All standing in judgement by the law should be given a fair, just and speedy trial under an equal law enforcement system.

Zero tolerance for criminality should be the motto, while fiercely punishing police brutality. This policy of ‘zero tolerance’ for crime and criminals is explicitly clarified by the return of the death penalty and corporal punishment.

To protect the public, government should ensure that convicted criminals serve their sentences which may include practical/physical labour to pay his/her ‘debt-to-society’, and once this debt is ‘paid-in-full,’ to ensure that such individual shall experience a ‘**Tabula-Rasa**’ or ‘**clean slate**,’ becoming again fully free to experience life with this second chance, and to simply ‘... go, and sin no more...’.

The country should offer a ‘clean record’ policy and rehabilitation to both criminals and financial insolvents. Criminal records must be expunged and not held against anyone who has served their time or ‘paid their fine’ and does not again commit any similar act or any serious offense in the two-year period following completion of time served.

## PART VI: An Independent Capeland

*“Make no small plans for they have no power to stir the soul.”* ~ Niccolo Machiavelli

### Chapter Fifteen: The Vision

*“It always seems impossible, until it’s done”* ~ Nelson Mandela

#### Chapter Synopsis

If you are an entrepreneur, this chapter will excite you, especially as Cape Independence will unlock opportunities rarely seen in the history of mankind. The most powerful force of humankind - that intrinsic, pioneering human spirit to excel in all aspects of life - is the superior force that will transform the Cape into a first world country within 10 years. Historically, Capelanders are known for remarkable achievements, like performing the first human heart transplant and developing nuclear weapons despite being severely sanctioned by the rest of the world.

Setting the foundation for this achievement and stimulating a vibrant economic environment includes many well-formulated initiatives such as a business-friendly free market policy, a state-of-the-art Automated Transactional Tax (ATT) system with nominal charge and zero personal or business taxation, a focused infrastructure network development, a program for the upliftment of communities including the elimination of unemployment, and a host of additional strategies.

#### Strategic Goal One: Business Friendly Climate

In the 1960s, the city-state of Singapore was an undeveloped country with a GDP of less than U.S. \$320 per capita. Many of the city-state's 3 million people were unemployed, but today, Singapore is one of the world's fastest-growing economies. Its current GDP has risen to an incredible U.S. \$60,000 per capita, making it one of the strongest economies in the world.

Singapore's meteoric success can be attributed to the vision of one man - Lee Kuan Yew, Singapore's first Prime Minister.

Yew knew he needed to secure foreign investment, create jobs and transform Singapore his government needed to create a business-friendly climate.

By 1972, just seven years after independence, one-quarter of Singapore's manufacturing firms were either foreign-owned or joint-venture companies, and the United States and Japan became major investors.

Learning from Singapore and other successful national transformations enables us to fast-track and prioritize the very things that need to be implemented to radically improve conditions for the citizens.

The following policies will position the Cape as the world's best place to do business:

#### Ease of Starting a Business and Licencing

It will be easier and quicker to register a company, or set up financial structures or licensing like a mutual fund in the Cape than anywhere else in the world. The process will be facilitated by transitioning existing tax and accounting practices to management companies who will assist, ensuring that all the proper requirements are completed and that the applications are

duly submitted.

Anyone, even foreigners, will be able to Incorporate or set up a Trust in the Cape. The Cape government will combine state-of-the-art technology with a highly skilled workforce to ensure that registrations are completed faster than anywhere else in the world.

### **Vibrant Financial Center and Affordable Access to Funding**

The Cape will expand its current financial centre into a vibrant financial nerve centre of Africa.

Cape Town will be the centre of prominent commercial banks, fund managers and capital market service license holders. The Cape will be the power hub for wealth management and investments in Africa outperforming other centres around the globe.

As a result, entrepreneurs will have unfettered access to an array of private and commercial banking services cherry picking the best suited to fund their business expansion.

### **Comprehensive Intellectual Property Protection**

The Cape will offer the best Intellectual Property protection, infrastructure and incentives in Africa, and will soon be ranked first on the global stage, outcompeting Finland and Luxembourg (currently tied in first place).

### **Zero Companies and Personal Tax**

The Cape will transition from a mainly direct taxation system (individual and company tax) to a complete indirect taxation system, overnight transforming the Cape into a tax haven.

A single Automated Transaction Tax (ATT), a reduced, uniform tax on all economic transactions will be implemented. This simplified, base broadening, eliminates tax- and information returns, and the automatic collection of tax revenues at the payment source will revolutionise the way we do business.

Post secession the ATT will replace all current income taxes, estate duties and value-added taxation presently levied by the South African government with a single low-rate tax on every transaction in the economy.

The ATT system would eliminate the need to file tax returns, freeing individuals and businesses of the enormous costs associated with tax compliance and substantially reducing the government's costs of collection and enforcement.

The rate will be a total rate including all taxes levied by central, state and district governments. The ATT will be included in the price of all products or services consumed, providing the consumer the benefit of 'what you see is what you pay'.

The ATT will instantly broaden the tax base to include Stocks, Bonds and Options Transfers; Goods and Services; and Foreign Exchange related transactions, but will exclude money savings transactions, withdrawals and deposits.

The ultimate goal is the broadest possible tax base at the lowest possible tax rate.

The goal is to significantly improve economic efficiency, enhance stability in financial markets and reduce the costs of tax administration (assessment, collection and compliance costs).

The ATT is a fair tax in the sense that everyone pays the same rate regardless of Income or Net Asset Value. It is a progressive tax, as the volume of taxed transactions rises with a company or individuals' income and net worth.

Estimates made by Christo F. Wiese, previously registrar of banks and general manager at the South African Reserve Bank, indicate that a rate as low as 2% will result in doubling of the current collected tax revenue, and that is without taking into account any ATT resulting from economic growth.

### **Strong Legal System and High Degree of Personal Safety**

The Cape will have one of the most stable political environments in Africa, offering entrepreneurs and investors a strong sense of security and comfort. With our judicial system, we will be the most efficient in Africa, enforcing strict anti-corruption laws and allowing investors to conduct business without fear of bureaucratic malaise.

Moreover, through strict law enforcement and punishment for criminality, the Cape will be known for its extremely low crime rates and for offering a high degree of personal safety to all.

### **Business Friendly Ecosystem and Innovation Hub**

The Cape will build on existing infrastructure. The Department of Commerce will focus on connecting businesses and multinationals into a business-friendly hub, promoting a free market system and removing barriers to entry such as over-regulation.

Government incentives will boost the expansion of existing innovation zones, such as Stellenbosch and the George/Mosselbay area, transforming these areas into the Silicon Valley of Africa.

### **Strategic Position and Common Economic Area**

The Cape's location makes it the ideal gateway to Africa. Once the Cape becomes the economic hub, the South African Development Community (SADC) will be transformed into a common economic area, making it possible to seamlessly move goods across the Southern African region.

The current harbour and rail infrastructure from the Cape will be connected to the rest of the SADC region, positioning businesses operating from the Cape to thrive from this massive supply chain expansion.

## **Strategic Goal Two: Economic Prosperity**

### **Stable Financial System**

Government currency and/or any other form of currency licenced by the Cape as the official form of tender will possess intrinsic value. It will be backed by a guarantee or portfolio of assets, in the form of precious metals or bonds, eliminating the unscrupulous 'money-creation' habits of the government and private banks.

### **Leverage the Global Diaspora Network**

The current diaspora, specifically those that fall within the definition of a 'Caplander' are estimated to be around two to three million people. When combined with the Capelanders who continue to reside in other areas of South Africa, it could raise the number of new Cape Citizens living outside of the Cape at three to four million.

This represents two major opportunities: firstly, a pool of highly skilled individuals will be able to return and be united with their families, and contribute significantly to the economy; secondly, creating an international trade network for an Independent Cape.

### **Employment Based Education**

Ronald Reagan often said that the best social program is a job. The miracle of South Korea confirms this. US General, the Chief of Staff of the US Army in Eastern Asia, Douglas MacArthur, made the following comment about South Korea after the Korean War: *“This country has no future. This country will not recover even after 100 years.”* Indeed, in 1955, South Korea’s GDP was just \$64 per capita, but it has since grown over 400 times to \$27,000 today. One of the primary focus areas of South Korea’s government was to educate for employment.

The Cape will completely overhaul the current rather outdated and sub standard South African education system. Every high school student will leave school with a trade that will allow them to get a job. The definition of a ‘trade’ will be expanded to include jobs like ‘accountant’, removing the perceived stigma of being a tradesman, and a suitable trade qualification will become a prerequisite criterion for entry into tertiary institutions (i.e. universities).

The practice of wasting time and resources by universities padding degrees with irrelevant subject matter (e.g. forcing Science Majors to study Arts) will be dismissed.

Vocational colleges, in partnership with the private sector, will be established for victims of the sub-standard South African education system or those who just want to change their circumstances.

The measurement of success is employment and employment alone.

### **Targeted Immigration**

The Cape will implement a point-based immigration system, selecting rather the ‘cream of the crop’ than ‘the bottom of the barrel’. We are seeking to establish a ‘brain gain’. Preference will be given to those who have much-needed qualifications or experience, or those who can create jobs for Capelanders, while those who cannot or will not easily assimilate into the Cape culture will be excluded.

### **Targeted Economical Development**

Instead of focusing on racial and other asinine classifications, the Cape government will concentrate on poor geographical areas with economic potential, designating those areas as Targeted Economic Development (TED) Zones. This TED program will focus on transforming infrastructure and safety in these areas, a cleanup, beautification and the creation of a property development environment supplemented with specific incentives for businesses to relocate to these areas.

### **World Class Infrastructure**

The current infrastructure of the Cape will be upgraded to meet the highest international standards, including an Integrated Transportation System (ITS) which ensures that our people and goods arrive consistently and on schedule at their destinations.

An integrated supply chain network will be established. This will include inland ports and distribution centres linking the Cape to other countries in the common economic area. The current port system will be upgraded to meet the demands of additional goods moving in and out of the Cape to the rest of Africa.

The Northern Cape will become one of the largest solar electricity-producing areas in Africa. The excellent level of solar radiation, low population density and proximity to the high voltage electricity distribution network, make this area ideal for both photovoltaic and solar concentration generating installations.

Renewable energy can become the main driver of job creation in the Northern Cape. The area can be transformed from a relatively low-income yielding area to a long-term, highly sustainable, communally prosperous area, as renewable energy can be exported to other regions in the Cape and the rest of Southern Africa.

### **High-Tech Development and Manufacturing**

The Cape is the landing point for all Southern Africa's undersea optical cables prompting the Cape to become a major supplier of internet and digital services to the Southern African region. The Western Cape is already directly connected to Europe, the Americas and Asia with fibre optic cable and is therefore in an excellent position to provide digital services to these international arenas.

The Western Cape is a very strong contender in the global call centre market, software development, web service, the financial services, media and training - all services which are already well established. These services are heavily reliant on a good, stable access to information and communications technology services.

After independence, current legislation preventing growth in the services sector will be removed, shifting the focus on technical education and investment in infrastructure (both data networks and power supply), enabling the Cape's business community to fully participate in the digital global economy.

Freedom of speech and expression will nurture diversity of thought, will drive innovation to new heights, and challenging the status quo will once again become fashionable.

The Cape will protect local industries from outside competition with tariffs to the point where 'Made in the Cape' will be the insignia of quality and efficiency. The department of commerce will actively seek and identify businesses with international potential and pair them with opportunities to grow, expand and compete internationally.

The Cape will be the centre of high-tech design and manufacturing in Southern Africa. Examples of these are the following:

- Renewable energy (e.g. manufacturing of photovoltaic solar panels)
- The space industry (the Western Cape already has 7 satellite manufacturers; one of the largest concentrations in the world)
- Electronics manufacturing, eg. the manufacture of flat-screen televisions near Atlantis
- Military equipment, eg. the radar and radio system manufacturers in Stellenbosch
- The work of the Silicon Cape Initiative and the Cape Innovation and Technology Initiative

## The CapeXit, Why and how the Cape will leave South Africa

Universities and technikons will expand in terms of technical advancement to establish high-tech businesses such as the Western Cape space industry - the direct result of the work done at Stellenbosch in the late 1990s in respect of the Sun-Sat satellite.

### Scientific Research

The Cape is extremely suitable for major international scientific projects, with excellent technical skills, low development costs, and where sufficient land in open country is available.

The Northern Cape especially leads in the field of astronomy boasting the 10-metre SALT optical telescope and the enormous SKA radio telescope already under construction.

The Cape will become the preferred destination for the next generation of sensitive scientific instrumentation to be located. The Cape is one of the few areas in the world with the perfect combination of high technical skills, wide open areas, and stable internet and power connections. These scientific instruments are typically developed by global consortia that can inject billions into the Cape economy and employ many skilled and unskilled Capelanders.

### Advanced Agriculture and Aquaculture

The Cape is a major net exporter of agricultural products. The aim is to significantly increase these exports through the application of advanced agricultural practices. There are especially great opportunities in the field of aquaculture, the cultivation of sought-after and expensive seafood, such as abalone in technologically advanced aquaculture farms will make a significant contribution to the Cape's economy.

## Strategic Goal Three: Superior Living Conditions



When Singapore became Independent on 9 August 1965, the unemployment rate was between 10 and 12%, threatening civil unrest. The lack of good public housing, poor sanitation and high unemployment contributed to many social problems such as crime and health issues.

Yet Singapore managed to transform a shanty town into a modern-day economic miracle, where over 90% of Singaporeans own their own homes. Singapore set up a Housing and Development Board (HDB) that focused on building housing. The HDB planned and built almost a million apartments for rent or sale. Singaporeans are required to save some money in a central provident fund which is used for purchasing a home. Unlike other countries, Singapore's public housing is not just for the poor; it caters for the masses, and valuable lessons can be learned from the Singaporean playbook.

To make the Cape an attractive Tourist and Business destination, squatter camps will be replaced with picturesque public housing. The Cape does not suffer the land limitations of Singapore, but rather provides the unique opportunity to develop eco-friendly self-sufficient neighbourhoods. The Singaporean example provides a great understanding of how to successfully integrate the poor (en masse) into a heterogeneous society.

In the Cape, these self-sufficient, planned communities or ‘Ecobutz’ will in many ways function as the other master development, with the singular exception that the body corporate will be cooperative. Every property owner or resident will be a member of the cooperative, which will allow each individual to transact with the cooperative and share in the profits of the cooperative.

Public housing in these self-sufficient Ecobutz villages will be modern, appealing and complementary to other private housing in the community, and will certainly not be a concentration of misery that most public housing projects tend to become. Instead, these planned communities will be carefully planned, enabling ease of integration that creates a real sense of community.

The Ecobutz is to be a place where the individual’s dignity is restored, no longer living as a government welfare case. This way all our disenfranchised Cape citizens will be housed, nourished and able to find labour. Thus, in the new Cape, it will be understood and practised that ‘...if a man does not work, he should not eat...’, prompting the homeless, the squatter community and the beggars to move into these uplifting Ecobutz communities and facilities.

The unsightly squatter camps in the Cape will only exist in historic photographs. Over a very short period of time, government will purchase these unsightly RDP housing for demolition, providing the current occupants the life-changing opportunity for upliftment.

## **Strategic Goal Four: Free Society**

Personal freedoms will be protected by the Bill of Rights in the Constitution and enforced at every level of government. Our inalienable rights will be taught at every level of society until it becomes a way of life for every Capelander.

Zero tolerance for criminality demands the permanent removal of murderers, rapists and drug dealers from our society, making the Cape safe for anyone to go anywhere, at any time.

The police force will serve and protect the public without resorting to brutality.

For those who can be rehabilitated (i.e the petty criminals) the ‘second chance’ policy will allow them to seamlessly reintegrate into society, without being punished for these past transgressions for the rest of their lives – the only requirement is ‘...go, and sin no more...’!

## **Strategic Goal Five: Nation Building**

Capelanders are not victims, for victims can never be victors.

A Capelander does not have a colour; it is a culture of ‘we can do’: a culture of overcoming life’s challenges and conquering life’s obstacles. Mediocrity will not be celebrated, nor will ‘just pitching up’ gain reward; instead, success will be honoured – meritocracy, the sure way of advancement.

## The CapeXit, Why and how the Cape will leave South Africa

Being a Capelander will be something that non-Capelanders will globally aspire to. Immigrants to the Cape will be integrated through a program of assimilation that includes embracing the Cape culture, lifestyle and language. They will have to learn Afrikaans and English.

The young, currently lost generation, will have the honour of being conscripted and retooled with life and employable skills, whilst they protect and build the Cape.

## Chapter Sixteen: The United Cape States

*“People shouldn't be afraid of their government. Governments should be afraid of their people.” ~ Alan Moore*

### Chapter Synopsis

The ‘golden thread’ applied in the governance model of the new United Cape States (UCS) is the checks and balances to ensure fair, well-balanced, transparent, and participative governance by the people and for the people. With the presence of these checks and balances from the district to the national level, it leaves very little or no room for infiltration of undemocratic ideologies, ulterior motives or other agendas.

### We The People...

All political power remains inherent with the citizens of **the United Cape States (UCS)**. All subsequent government or governmental power is singularly founded upon this authority instituted for their sole benefit. As such, all UCS politicians will be representatives of the people, not their ‘overlords’.

The political system is based on democratic principles with **proportional representation**. Voting will be compulsory for all citizens and those who don't vote will be fined. Voters will have the option to void their ballot by choosing ‘none of the above’.

#### *Who Can Vote?*

- All citizens over the age of 18 (legal adults)

#### *Who Can't Vote?*

- Non-citizens, including permanent legal residents
- Those who are incarcerated, on parole or on probation
- People who are mentally incapacitated

#### *The right to call a Referendum*

Citizens can call legislative referendums on any and all laws passed by the legislature, but citizens cannot initiate legislation of their own crafting through legislative referendums. The power to call legislative referenda grants the citizenry veto power, forcing legislators to consider all sectors of the population. It minimizes the risk that their laws will be rejected in a subsequent referendum.

In order to streamline the process, ensuring that the system is not overburdened with repeat referenda, a repeat referendum may not be called on any issue that was tabled for referendum in the preceding four years. Those calling for a referendum must meet the minimum criteria.

Level of Government	Criteria
Federal	1,000,000 Citizens or 3 States
State	100,000 Citizens
District	5,000 Citizens

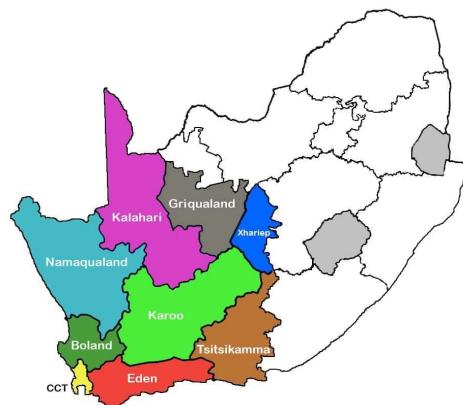
*Number of Citizens or States to Trigger a Referendum*

## Demarcation and Electoral Council (DEC)

The Demarcation and Electoral Council (DEC) will reside over all demarcation issues and allotment of representation (electoral votes). This council will administer and monitor all elections in the Cape (Federal, State and District).

The DEC will be managed by a Board that consists of Judges appointed by the Governors. Each State's Governor will appoint one Judge to the Board. A Council board member may serve a maximum of two 4-year terms.

## The States



*Proposed United Cape States*

To reflect regional demographics the Cape is divided into eight States and one Capital Territory.

Proposed State	Population
Cape Capital Territory (CCT)	3,663,000
Boland	436,000
Eden	1,443,000
Griqualand	460,000
Karoo	174,000
Kalahari	219,000
Namaqualand	165,000
Tsitsikamma	321,000
Xhariep	225,000
<b>Total</b>	<b>7,106,000</b>

*Source: 2011 South African Census (rounded to nearest '000)*

## Capital Territory vs Other States

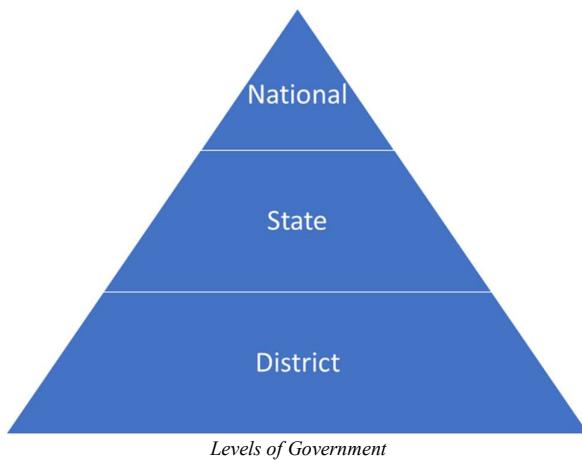
The Capital Territory bounds the National Capital of Cape Town. It is the center of the Federal government and protective measures are introduced to ensure an uninterrupted Federal government. As such the Cape Capital Territory (CCT) is treated as a State but with exceptions:

1. Any of its laws can be vetoed by the National Congress,
2. Laws can not be vetoed by Referendum
3. The CCT does not have the power of secession

## Naming Conventions

In the next sections the term 'United Cape States' will be used as the full name of the new Independent Cape Republic. The terms 'Government of the United Cape States', 'United Cape States Government', 'Federal Government' or 'Central Government' are used to describe the National Government of the Cape. The terms 'Federal' and/or 'National' in conjunction with the name of a department or agency are used to indicate affiliation with the Federal Government.

## Federalism and Republicanism



The United Cape States government will be based on the principles of federalism and republicanism, a system by which power is shared between the national and the state governments, retaining the overall principle of maximum devolution of power to the states and strict limitation of the powers granted to the national government.

Each state is divided into several districts, and all local government functions are to be performed at the district level by district governments that, through amalgamation, will replace all municipal government structures.

The power of the national government to formulate and enforce laws will be restricted to the following spheres of governance:

1. National Finance
2. Foreign Affairs
3. Homeland Security and Immigration
4. National Defence and Intelligence
5. International and Interstate Commerce
6. Health and Social Security
7. Energy and Coastal Resources

All the other lawmaking and enforcement powers (not specifically assigned to the national government) shall vest in the state (e.g Education).

## Checks and Balances

The constitution will make a clear distinction between the powers and responsibilities of four branches of National and State governments:

1. The Executive – Carries out the laws
2. The Legislative - Formulates the laws
3. The Public Protector – Prosecutes and exposes any violation of the laws
4. The Judicial Branch – Evaluates and judges based on the laws

Each branch of government can change acts of the other branches:

- The President can veto legislation created by congress and nominate heads of federal agencies.
- Congress must confirm or reject the presidential nominees and can remove the President from office in exceptional circumstances.
- Justices are nominated to the supreme court by the State Governors and confirmed by the Senate, and can overturn unconstitutional laws.,
- The Public Protector's Auditor General can and will audit any and every branch of government, but reports directly to the public. The Attorney General can prosecute any violation of law.

This inter-branch response to actions of other branches is called a system of ‘checks and balances’.

The construction of these branches of government (e.g. number of seats) will differ from state to state. The purpose of the chapter is not to provide a detailed proposal for each state, instead we will focus on the structure of the national government. Where deemed necessary we will refer to state equivalents. (e.g President vs. Governor).

## Executive Branch

The Executive Branch carries out and enforces laws, and at national level it includes the President, Vice President, the Cabinet, executive departments, agencies, and other boards, commissions and task forces.

At the state level it includes the Governor, Lieutenant Governor, the State Cabinets (Commissioners), executive departments, agencies, and other boards, commissions and task forces.

Citizens will have the right to vote at national level for the President and Vice President, and at their state level for the Governor and Lieutenant Governor through free, confidential ballot voting.

### National Level Key roles of the executive branch include:

**President**—The President leads the country, is the head of state, leader of the federal government, and Commander in Chief of the Armed Forces, serving for a maximum of 2 (two) terms of four-year duration.

The President and his Vice President are elected every four years, using a proportional electoral system.

The number of representative seats will determine the quantity of electoral votes per State.

**Example:** Candidate A won the popular vote in The Karoo, The Karoo may appoint three representatives to the House, then the candidate will have three electoral votes. The Candidate with the most electoral votes is the President Elect and the runner-up is the Vice President Elect.

In the event of an electoral vote tie the candidate with the highest popular vote will be the President Elect.

**Vice President**—The Vice President supports the President, and if the President is unable to serve, the Vice President becomes President. The Vice President can be elected and serve an unlimited number of four-year terms as Vice President, even under different Presidents.

**The Cabinet**—Cabinet members serve as advisors to the President. They include the Vice President, heads of executive departments, and other high-ranking government officials. Cabinet members are nominated by the President and must be approved by a simple majority of the Senate.

The President allocates specific responsibilities called ‘portfolios’ to each Minister to supervise their executive department.

Federal Executive Department	Function
Department of Treasury	National Finance and Currency
Department of Homeland Security	Homeland Security and Immigration
Department of Commerce	International and Interstate Commerce
Department of Health and Human Services	Health and Social Security
Department of Foreign Affairs	Foreign Affairs
Department of Defence	National Defence
Department of Energy	Energy and Coastal Resources

*Proposed National Executive Departments*

Governors will allocate specific responsibilities to secretaries who supervise their executive departments responsible for specific state functions e.g. Education, Agriculture, etc. that are not under the purview of national government.

Local government shall be controlled as Districts headed by a District Commissioner and his District Council.

## Legislative Branch (Congress)

The legislative branch drafts proposed laws, it confirms or rejects presidential nominations for federal judges, heads of federal agencies, State Governor’s nominees to the Supreme Court, and shall hold the authority to declare war.

The Constitution will make provision for a Congress, a tricameral comprising of :

1. The Senate
2. The House of Representatives
3. The Aboriginal Council

### The Senate

The Senate shall protect the rights of individual states and safeguard the interest of less populated states. There will be three elected Senators per state, allowing for 27 Senators, who may qualify for the position of Senator if over 30 years of age, serving in four-year terms to a maximum of two terms.

A quarter ( $\frac{1}{4}$ ) of the Senate shall stand for election every year.

The Senate has four important specific duties:

1. The Senate is empowered to conduct impeachment proceedings of high federal officials, including the President.
2. The Senate is tasked with exercising the powers of advice and consent with reference to all international treaties.
3. The Senate shall confirm (or reject) certain key appointments, including ambassadors and judicial court justices.
4. The Senate serves as the Upper House of Congress, any legislation passed by the House of Representatives (Congress) requires concurrence (or affirmation) from the Senate before advancing for ratification by the President.

### The House of Representatives

There will be 33 elected Representatives selected from the eight states and capital territory, allocated in proportion to their total population. State seat allocations are limited to a minimum of one seat and maximum of seven seats per State.

An additional four elected Representatives will represent the Expat diaspora, one Representative for each of the major geographical regions of the world. Referred to as Congressman or Congresswoman, a Representative must at least be of age 30 and may serve a maximum of two four-year terms.

A quarter ( $\frac{1}{4}$ ) of the House shall stand for election every year.

Region	Population	House Seats
Cape Capital Territory (CCT)	3,663,000	7
Boland	436,000	4
Eden	1,443,000	7
Griqualand	460,000	4
Karoo	174,000	2
Kalahari	219,000	2
Namaqualand	165,000	2
Tsitsikamma	321,000	3
Xhariep	225,000	2
<b>Total Inside Cape</b>	<b>7,106,000</b>	<b>33</b>
Africa		1
Europe and Middle East		1
Asia and Oceania		1
Americas		1
<b>Total</b>	<b>7,106,000</b>	<b>37</b>

*Source: House seats allocated based on 2011 South African Census*

The House of Representatives has three primary responsibilities:

1. The House is the 'Lower House' of Congress which makes and passes federal laws.
2. The House oversees the administration of public policy.
3. The House approves the budget of the other branches of government.

### Aboriginal Council

The Aboriginal Council membership shall be composed by direct appointment (non-elected) of the various ratified and thereby recognized Tribal Councils. This Aboriginal Council shall not function as a law-making body, because legislation is made by elected officials and not appointees. Instead it functions as the 'Advisory House' of Congress, directly representing the descendants of the Aboriginal people of the Cape. The Aboriginal Council shall be a constitutionally recognised body of Congress.

The function of these traditional leaders, chiefs or monarchs is to specifically express and protect the cultural, historical and/or ethnic perspective within public policies.

The Aboriginal Council functions by placing appointed 'chiefs' in each of the Congressional Task Groups. The qualifications for appointment and the process by which individuals are appointed shall be determined by the internal constitution of each Tribal / Monarchical Council.

An Appointed ‘Congressional Chief’ shall serve a maximum of two four-year terms.

Aboriginal Tribes	Seats
Bushmen	2
Cape Khoi	4
Griqua	3
Nama	2
Koranna	2
Afrikaner	2
<b>Total</b>	<b>16</b>

### **The Legislative Process**

Laws generally begin as ideas, where a representative or a ‘Congressional Chief’ may sponsor a bill, and this bill is then assigned to the Congressional Task Force which is composed of Senators, Representatives and Congressional Chiefs for evaluation. (At this stage it is important to note that we refrain from using the term ‘Committee’, as a committee is usually a group of individuals who individually can do nothing and collectively decide ‘nothing can be done!’).

If found to be applicable and thereafter released by the specific Congressional Task Force, the bill is put on a calendar to be debated, or amended, then finally voted for by the House of Representatives.

If the bill passes the simple majority vote (19 of 37), it will move to the Senate. The Senate tables the bill for debate and again a vote is taken. Similarly, the simple majority vote (14 of 27) passes the bill.

The President has 10 days to sign or veto the enrolled bill.

All laws will remain subject to evaluation against the Constitution by the Supreme Court.

### **Judiciary**

Judicial authority is vested in the courts.

- **The Supreme Court:**

- The Supreme Court is the highest court of the land.
- The Supreme Court is the highest court for constitutional matters.
- Located in Cape Town it will be presided over by a constitutional maximum of nine judges appointed by the State Governors as and when their term ends.
- The Court guarantees the basic rights and freedoms of all persons.
- Its judgements are binding on every and all organs of government.
- A supreme court justice may only serve two terms of 4 years.

- **The Federal Courts:**

- Federal Courts are primarily intended for the more serious inter-state criminal and civil cases.
- Federal courts may preside over some constitutional matters - with the distinct exception of those matters over which only the Supreme Court may preside.

- **The State Courts:**

- State Courts are primarily intended for state criminal and civil cases.
- State courts may decide on any matter determined by Acts of the State, and may enquire into or decide about the constitutional integrity of any State legislation or into the conduct of the State Governor.

- **District Courts:**

- District Courts are primarily intended for district criminal and civil cases.

## **Public Protector**

The Public Protector is an elected official who may serve a maximum of two four-year terms.

The office of Public Protector will consist of three main divisions:

1. The Attorney General - Prosecutions
2. The Auditor General – Financial, Process and Other Audits
3. The Public Defender – Legal Defence and Advice

The office of Public Protector shall be established to investigate and protect the public against maladministration, corruption, acts of criminality emanating from any branch of government, or the improper conduct by any person holding or performing any public function.

The Public Protector shall hold the Central and State governments, or any organ of any State fully and totally accountable for their actions and/or omissions through its remedial action, ensuring adherence to the constitution.

The presence and mandate of the Public Protector will strengthen the faith of the citizenry in their government's integrity, ensuring that all state organs remain perpetually accountable, fair, transparent, and responsive in their dealing with the citizens or service delivery issues.

The Public Protector's mandate includes ensuring integrity and general good governance in the management of public resources.

## Chapter Seventeen: Citizenship and Permanent Residency

*“No nation can permanently retain free government unless it can retain a high average of citizenship” – Theodore Roosevelt*

### Chapter Synopsis

An independent Cape will adopt a ‘whole-of-government’ approach to its national security and immigration policies, ensuring a permanently free, prosperous, and harmonious society. Presently the opportunities for organized crime are unparalleled. Increased globalization, corruption within our bordering countries, the escalation of illegal cross-border movements of people, goods and money, and the volatile political and economic instability in South Africa provide a fertile operating environment for organized crime.

Adopting an approach of zero-tolerance to illegal migration, criminal activities and corruption will ensure the freedom of citizens who have been held hostage by these criminal elements for far too long. Securing our borders while enabling well-controlled legal movement of people and goods will support a prosperous society.

The immigration policies of the new independent Cape will be based directly upon the most successful and fair policies of other western countries (Australia, New Zealand, and Canada to name a few) being utilised as the references for policy implementation. In addition, the immigration policies will place an absolute emphasis on cultural assimilation within one generation.

### Citizenship

#### Automatic Citizenship at Secession

A person and their immediate family (spouse, and children under the age of 21) will receive automatic citizenship of the Cape at secession if one of the following criteria are met:

##### ***Criteria 1: Legally and Permanently Residing in the Territory***

The person is at the time of secession legally and permanently residing in the territory, **AND** was a legal resident within the independent territory before May 10, 1994, or is the direct child or grandchild of a person that was a legal resident in the territory before May 10, 1994.

##### ***Criteria 2: Ancestral Citizenship***

The person is a member of the majority group or is a direct child or grandchild of a member of the majority group. A member of the majority group is by definition a descendant of either one or more of the following:

- (1) *the region’s First Nations (Khoi or San), excluding any person who is a member of any predominantly Ba’Ntu Tribe (e.g. Xhosa), or*
- (2) *slaves and other indentured persons who arrived in the region before 1806, or*
- (3) *European settlers who arrived before May 10, 1994 OR who has, or whose family have resided in Southern Africa for at least 20 years.*

## Citizenship following Secession

Birth in the new country does not automatically qualify a parent for citizenship due to his/her relationship with the child, i.e. no ‘anchor babies’. Any person born after secession of whom at least one parent is a citizen will automatically receive citizenship.

Children born to non-citizens will automatically be granted the same immigration status as the parents. Persons with permanent residence visas may qualify for citizenship after five years, but may start the application process within six months prior to the expiration of their current legal residence in the region.

Citizenship will only be granted if all of the following criteria are met:

- (1) *Passes the character test;*
- (2) *at least one member of the immediate family (parent, spouse or children) was in paid employment for at least three of the 4½ years, have adequate means of financial support and is unlikely to rely or become dependent on the government for financial support;*
- (3) *The person has not relied on any direct government support during the term of Permanent Residency;*
- (4) *Passes the following Integration Tests*
  - Citizenship Test;
  - Afrikaans Language Standard Test (ALST);
  - English Language Standard Test (ELST).

## Forfeiture of Citizenship

A person will instantly forfeit citizenship if any of the following criteria are met:

- Formal renunciation of citizenship by the person;
- The person engages in a act of war against the United Cape States;
- The person committed fraud or lied on an application for citizenship or any visa before obtaining citizenship;
- Where a person who received citizenship while under the age of 25 years, refuses to register for national service by age 25 or refuses to adhere to call-up instructions.

## Permanent Residence Visas

### *Permanent Residence Visas Immediately after Secession*

Persons not qualifying for automatic citizenship at the time of secession will be issued with either temporary or permanent residence visas. Applications must be made within three months following secession, or the person would need to voluntarily leave the territory.

Persons with permanent residence visas will receive most of the benefits of citizens, except for the right to vote, the ability to stand in an election or hold any position in government.

Permanent residence visas will be issued to persons and their immediate families (spouses and children under the age of 21) if they:

- legally and permanently reside in the area at time of secession, and
- pass the character test; and
- at the time of secession are gainfully employed; and
- can speak at least one of the indigenous languages of the territory (Afrikaans, English or any of the Khoi or San Languages)

Permanent resident visas are only valid for five years and will only be extended if the person has filed a citizen application. Such extensions will only be valid until citizenship is granted or rejected. A permanent resident whose visa expired or who is denied citizenship must leave the country with four weeks following either event.

#### ***Permanent Residence Visas applied for after the first three months after Secession***

The new country needs to attract the best individual possessing very specific skills and/or expertise who from time to time will be required to help build and maintain a first world economy.

The purpose is to attract immigrants capable of integrating into the Cape society within one generation. In addition to limiting the number of immigrants allowed in any specific year, a point-based system will be introduced for final selection.

Permanent residence visas will be issued to selected immigrants and their immediate families (spouses and children under the age of 21) if they pass the character test.

### **Temporary Visas**

#### ***Temporary Visitors Visas Immediately after Secession***

All persons who do not receive citizenship or permanent resident visas can apply for temporary visas; such applications must be made within three months following secession. This effectively grants blanket temporary visas to everyone legally in the region for the first three months.

Visitors visas issued by the Republic of South Africa to foreign nationals prior to secession will in most cases be honoured. At the end of this three-month grace period the person must either depart the region immediately or have already applied for another class of visa depending on their intention.

Illegal foreign nationals will effectively receive three months to depart from the region or face deportation.

#### ***Other visa categories***

Following the transitional arrangements, an immigration programme will be instituted ensuring the new country has direct access to skilled workers from all over the world. This programme will be modelled on other successful systems (e.g. Australia, UK, USA, etc.).

A streamlined visitors visa will also be introduced by the vastly improved homeland systems leading to visa-free arrangements with more countries.

The following visa categories are envisioned:

### **Visitor visas**

- Holiday visa
- Transit visa
- Working Holiday visa

### **Working and skilled visas**

- Business Innovation and Investment (provisional) visa
- Business Owner visa
- Distinguished Talent visa
- Employer Nomination Scheme visa
- Investor Retirement visa
- Investor visa
- Skilled Nominated visa
- Skilled Recognition Graduate visa
- State or Territory Sponsored Business Owner visa
- State or Territory Sponsored Investor visa
- Temporary Activity visa
- Temporary Work visa

### **Studying and training visas**

- Student visa
- Student Guardian visa
- Training visa

### **Family and spousal visas**

- Adoption visa
- Carer visa
- Child visa
- Orphan Relative visa
- Parent visa
- Partner visa
- Prospective Marriage visa
- Remaining Relative visa

### **Refugee and humanitarian visas**

- Special Humanitarian visa
- Emergency rescue visa

### **Other visas**

- Crew Travel Authority visa
- Maritime Crew visa
- Medical Treatment visa
- Resident Return visa
- Special Category visa
- Special Purpose visa

### **Border Protection**

The Homeland Security Force will be responsible for the protection of the Independent Cape's border in co-operative partnership with a range of intelligence, law enforcement and other agencies. Their collective mission will be to protect the border and manage the movement of people and goods across it and, by doing so, restoring safety and security to the citizens of the Cape.

A Strategic Border Command via a state-of-the-art command centre (holding oversight of regional commands) will ensure the effective coordination of border enforcement and operational activity, maintaining high visibility along the border to quickly and effectively redirect efforts to better manage the border.

Advancing technology offers many opportunities to practically improve border force operations, biometric enhanced entry control, expansion of automated entry systems, and an evolving cyber security environment.

Any sustained, high level of violence and/or crime fundamentally threatens a country's development, safety, security and adversely effects human potential. The vicious cycle of corruption, crime, violence, and disregard for life will be broken by the implementation of 'zero tolerance' for **any** crime. Domestic agencies will thus address the domestic/internal issues, the border agency will remove any external threat instigating or-fuelling any form of domestic instability or violence.

An intelligence-led, technologically enabled, mobile force, deploying resources to provide the greatest quelling effect, will include an offshore arm, protecting our entire maritime zone. It is essential to counter any threats ahead of the border, thus employing sophisticated risk assessments through pre-approved visa programs working with international partners to deliver instant enforcement outcomes.

### **Character Test**

Character tests are well established internationally and are enforced by countries like Australia, where a non-citizen must be of good moral character to visit or live in the Cape. This means you must pass the character test, and remain of good character.

A person will not pass the character test if that person:

- has general conduct that shows that they are not of good character, or
- has a substantial criminal record, or

- is or has been a member of a group or organization, or have an association with a person, group or organization that is reasonable suspects of being involved in criminal conduct, or
- is suspected of having been involved in people smuggling, human trafficking, genocide, war crimes, a crime against humanity, a crime involving slavery, or a crime of serious international concern, whether or not such a person has been convicted of such an offence, or
- has been convicted, found guilty or had a charge proven for, one or more sexually based offences involving a child, or
- is the subject of an adverse security assessment by Cape Homeland Security and Border Protection or any other CAPE security Intelligence Organisation, or
- is a subject to an Interpol notice, from which it is reasonable to infer that the person is a risk to the country's community, or a segment of the country's community, or
- is a risk while in the region in that they may:
  - engage in criminal conduct, or
  - harass, molest, intimidate, or stalk another person, or
  - vilify a segment of the country's population, or
  - incite discord in the country's community or in a part of it, or
  - be a danger to the Country's community or part of it, or
- has been convicted of escaping from immigration detention, or convicted for an offence that was committed:
  - while in immigration detention, or
  - during an escape from immigration detention, or
  - after an escape, but before the person was taken into immigration detention again.

#### *Substantial Criminal Record*

A person is deemed to have a substantial criminal record if they have been:

- sentenced to death or life imprisonment
- sentenced to a term of imprisonment of 12 months or more
- sentenced to two or more terms of imprisonment (even if served concurrently), where the total of those terms is 12 months or more
- found by a court to be not fit to plead in relation to an offence but found to have committed the offence and as a result have been detained in a facility or institution

## Chapter Eighteen: The Cape Legal System

*“Justice is indiscriminately due to all, without regard to numbers, wealth , or rank” – John Jay*

### Chapter Synopsis

The evolution of law in South Africa took place in the same way that it happened in many countries, where elements of statutory and common law were amalgamated to form the basis of the country's non-codified law system that exists today.

In South Africa, very much similar to most countries, the courts function and take on the responsibilities at their respective levels based on the nature and scope of the issues concerned, the limitations of their jurisdiction and its apportioned power.

During the transition period the Cape will initially adopt the South African court system, and apply a process whereby any laws misaligned to the freedom and fairness requirements of the Cape and its citizens will be duly revised or removed.

### The History of the South African Law

The South African legal system is widely known as one that is premised on Roman-Dutch law. The 'common law' of the country (in this context, 'common law' implies the law of non-statutory origin – 'Divine Law') is based on the 'Roman-Dutch' law of the original Dutch settlers. This is civilian law or Roman law as interpreted by the Dutch writers of the 17th and 18th centuries. Thus originally, important primary sources of South African law were the treatises of authors such as Grotius, Johannes Voet, Simon Groenewegen and Johannes van der Linden, which law was modified or expanded by the implementation of the statute.

*'I am in awe and very fond of the Roman-Dutch law, not only is it malleable but it is based upon the principles of fairness, justice and reasonableness, upon which every law must be interpreted' ~ Professor Stella Vittori (Labour Law)*

When the British took possession of the Cape in 1806, they did not formally impose their substantive legal system. Instead, it was decided that the local Roman-Dutch law would remain in force, with the implementation of English Common Law and English procedural law. This had a tendency to influence substantive provisions.

Historical Roman-Dutch Law did not always cater for the requirements of the modern society that developed during the 19th century. It necessitated legislative innovation, which was often based on English acts and interpretation using relevant English precedent (the common law of England consists of 800 years of jury trial decisions). The advocates and judges of the superior courts were usually trained in England and had a tendency to revert to their English treatises, resulting in the Roman-Dutch law of the Cape Colony being heavily overlaid with the influence of English law.

Post the South African Anglo-Boer War (1899 -1902), Britain took control of all parts of South Africa, and by 1910 a Union of South Africa was established with four provinces: the Cape, Natal, the Orange Free State and the Transvaal. Following this amalgamation, the legal systems of these four territories was standardised, partly through legislative innovation, and partly through the activities of the new Appellate Division of the Supreme Court: the highest court country-wide in terms of the 1909 South Africa Act.

Many still regard this resulting legal system as a hybrid system: a mix of English common law and civilian Roman-Dutch legal principles. In general much of present legal doctrines and the structure of the law can easily be traced back to a civilian heritage. Current court procedure owes much to these, such as an adversarial trial, detailed case reports which include dissenting judgments, and the adherence to precedent.

Operating in parallel to this ‘European’ based system, is ‘customary law’. In terms of sections 30 and 31 of the South African Constitution, customary law is an equal partner to the hybrid legal system and defined by the Constitutional Court of South Africa as having three different forms: law that is practised in the community; law that is found in statutes, i.e. case law or textbooks on official customary law; and academic law that is used for teaching purposes.

Presently, South Africa retains a plural legal system, with customary law remaining as a legal system available for those who wish to be subject to it, only that these laws may not conflict with the South African Constitution.

Once the democratic elections of 1994 were held and Nelson Mandela was elected as President, the final Constitution, Act 108 of 1996, finally came into effect in 1997, cementing South Africa as a constitutional state with a supreme constitution and a bill of rights.

## **The South African Legal System**

South Africa has an uncodified legal system, meaning that there are multiple sources of law, rather than one primary source (a code), where the whole law can be found. South African law consists of the Constitution (the supreme law of the country), legislation (acts of the national and provincial legislatures and governmental regulations), judicial precedent, ‘common law’ (historic rules developed by previous decisions of superior courts, and rules and principles discussed in the ‘old Roman-Dutch and British common law – authorities’), custom (or conventions), customary law, international law, and the writings of authoritative publicists of the law.

## **South African Legislative Process**

The National Assembly’s Parliamentary Portfolio Committees and the National Council of Provinces’ Select Committees oversee the work of the executive organs within the sphere of their portfolios, and discuss proposed bills in these areas.

National bills usually emanate from government departments, and may result from previous consultation through the publishing of green papers (discussion documents) and white papers (cabinet approved policy documents). Draft bills may be published for comment in the Government Gazette, but bills are published as a separate series, undergoing several amendments as a result of discussion in the portfolio committee or select committee before final adoption.

When a bill has been passed through both houses of parliament, it goes before the State President for assent, and it is then published in the Government Gazette as an Act. Sometimes a commencement date is proclaimed separately by the President, by notice in the Gazette. Specific regulations in terms of the various acts are drawn up by the ministries concerned, and published in the Government Gazette.

## **South African Court Structures**

### ***Constitutional Court***

A new superior court, the Constitutional Court, was established to decide matters based on constitutional provisions. This Constitutional Court is the highest court in South Africa regarding all cases involving the interpretation or application of the constitution.

Since the constitution is the supreme law of the country, the Constitutional Court may, in that respect, be regarded as the highest court in South Africa.

### ***Supreme Court of Appeal***

The Supreme Court of Appeal is the highest court in South Africa on all other matters except constitutional ones.

### ***High Courts***

The High Court has jurisdiction to hear all matters, civil and criminal, within a particular geographical region. These courts are bound by decisions made by the Supreme Court of Appeal and Constitutional Court. The High Court acts as an appeal court for the lower courts and for decisions taken by a single judge in the High Court.

### ***Magistrates Courts***

There are lower courts spread across the country for ease of access. Decisions of lower courts are not reported, and these courts are bound by decisions made by the High Court, Supreme Court of Appeal and Constitutional Court. They are called magistrate courts and are divided into regional and district courts with limited jurisdiction as their functions are determined and limited by legislation. In terms of section 170 of the Constitution, magistrates' courts may not enquire into or rule on the constitutional integrity of any legislation or any conduct of the President.

Regional courts have jurisdiction within a particular geographical region to hear criminal matters (except treason) and certain civil matters (per the Jurisdiction of Regional Courts Amendment Act 31 of 2008). These courts similarly have limited penal jurisdiction, being restricted from imposing any sentence of imprisonment greater than fifteen years or imposing fines in excess of R300 000.

District courts are the most commonly found lower court, existing in most towns of South Africa. These courts have jurisdiction to hear both civil and criminal matters within that particular district. In civil matters, the court is limited to hearing matters where the quantum does not exceed R100 000 (unless the parties agree to the jurisdiction of the district court) and in criminal matters, the court cannot decide on crimes of treason, murder and rape. District courts also function as a children's court (dealing with adoption, neglect, ill-treatment, exploitation and any other issue/s affecting children) and maintenance court (dealing with and investigating the provision of financial support to children and older persons by those legally obliged to provide support).

### ***Other Courts***

In addition, there are various specialised courts operating at the level of the High Court.

## Common Law

In the above explanation of the history and current legal (Law) system in South Africa, the term ‘common law’ is used. Many people today talk about common law as if that is a statutory legislative law similar to English Law or the Roman-Dutch Law.

‘Common law’ is a term used to refer to law that is developed through decisions of the court, rather than by relying solely on statutes or regulations. Also known as ‘case law’ or ‘case precedent’, common law provides a contextual background for many legal concepts. Common laws vary depending on the jurisdiction, but in general, the ruling of a judge is often used as a basis for deciding future similar cases.

While the term ‘common law’ is used to refer to principles applied to court decisions, and the ‘common law system’ referring to a legal system, it places great weight on judicial decisions made in prior similar cases. Common law or precedent is used to help ensure similar results in similar cases.

Courts are bound by the decisions of higher courts on similar matters by a principle of ‘stare decisis’. If the court determines a case to be fundamentally different from prior cases heard by other courts, its decision is likely to create precedent for future cases on that subject.

## Systems of Common Law vs. Civil Statutory Law

The systems of common law and civil statutory law differ in many ways. For example, rulings in a common law system rely heavily on prior decisions made in similar cases, whereas rulings in a statutory law system are based primarily on statutory laws, i.e. the methods by which laws are developed and enacted.

**Common laws** developed over a lengthy period of time as judicial decisions are made, they were and are used in future decisions which generally do not become statutory laws enforceable by law enforcement or enforcement agencies. It takes also takes a long time for the influence of common laws to spread and become common knowledge.

**Statutory laws**, on the other hand, rely on the legislative process, in which laws and ordinances are developed and voted on by representatives of the people. Once these new laws go into effect, they are enforceable by law enforcement or governmental agencies, and the **letter of the law** is usually applied in court.

**Common law** is based on judicial opinion that parties to a civil lawsuit can and may draw comparisons between precedent-setting cases.

**Statutory law** does not allow for comparisons. For example, civil statutory laws govern things such as deadlines and statutes of limitations, allows monetary damages and sentencing.

Many countries rely on either the common law system or a civil statutory law system. In the United States, for instance, the judicial system is a combination of the two, with statutory laws being applied where appropriate, while the courts are required to adhere to precedent in determining cases not governed by statute.

## **Federal Common Law**

The use of common law by federal courts is typically limited to the decision in federal cases. While in certain circumstances federal court may have jurisdiction to hear a case under state law, known as ‘diversity jurisdiction’, it cannot create or apply federal common law or precedent to deciding a state law case. Rather, a federal judge hearing such a case must turn to state law precedent.

## **New Legal Order After Secession of the Cape**

During the transition process, the newly created states and central government will adopt the current South African legislation and common law. The new United Cape States (UCS) constitution will immediately take the place as the supreme law.

This implies that on the day of acceptance of the new constitution, many South African laws can immediately be classified as unconstitutional. This enables the UCS court system to set aside unconstitutional laws, while the legislatures of the Federal and State Governments work to scrap laws that violate the DNA of the new country, and enact new laws.

The court system will be restructured to represent the structure of a federal system. For example, Magistrate Courts will become District Courts, and High Courts will become Federal and State Courts.

This transition is one of the most important legal aspects ensuring that the absolute rule of law shall apply directly after independence. Some of the brightest legal minds in the Cape are currently working on a detailed transition plan.

## PART VII: To Do List

*“Sometimes you just know it’s Time to start something new, trust the magic of new beginnings” - Unknown*

In the preceding chapters of this report, we’ve made the case for the Cape. Hopefully, the penny has dropped and you are filled with excitement of what is imminent. It is time to actively focus on the task at hand: the freedom of millions of people. But before we get into what comes next, let’s recap on where we are with the requirements for a new nation in terms of international law.

We have a:

<input checked="" type="checkbox"/>	<b>Distinct People</b>
<input checked="" type="checkbox"/>	<b>Territory with Permanent Population</b>
<input checked="" type="checkbox"/>	<b>Bond between the People and the Territory</b>
<input checked="" type="checkbox"/>	<b>Bill of Grievances</b>
<input checked="" type="checkbox"/>	<b>Exhaustion of Internal Remedies</b>
<input checked="" type="checkbox"/>	<b>Feasibility and Stability</b>
<input type="checkbox"/>	<b>Will of the People</b>
<input type="checkbox"/>	<b>Government and Control</b>
<input type="checkbox"/>	<b>Respect for Human Rights</b>
<input type="checkbox"/>	<b>Capacity to enter into International Relations</b>

The following chapters of this report is dedicated to the building blocks that need to be put in place before the Cape can declare it’s independence.

## Chapter Nineteen: Obtaining the Will of the People

*“The will of the people is the only legitimate foundation of any government”*

– Thomas Jefferson.

### Chapter Synopsis

It is a prerequisite of any legal process where a decision vests with the citizens of the country that the people are required to express their will, such as with the process of secession where it needs to be proven that the people do agree to break away from the mother country. In the absence of a concise set of guidelines to be applied when determining this ‘will of the people’, it leaves this aspect very much open to subjective understanding and interpretation.

To most accurately determine the will of the people it is essential that the details of what exactly the people need to decide upon during the process is both fully transparent and comprehensive.

### Introduction

In Chapter Eight: Nation Formation and International Law, we’ve learned that a claim of self-determination must be based on the will of the people exercising that right. In a democratic society, the will of the people is expressed through the right of suffrage and defined by its elected representatives.

For some this leads to the perceived logical conclusion to have a referendum and let the people decide. This certainly seems to be the mantra of CapeXit NPC, Cape Independence Advocacy Group (CIAG) and the Freedom Front Plus (FF+)\*\*; and judging by recent media interviews of Phil Craig of CIAG, it seems that a backroom deal was struck with the Democratic Alliance (DA) to do just that in the Western Cape.

\*\*(In the following section, we will refer to the combined team of CapeXit NPC, CIAG, FF+ and DA as the Western Cape Referendum Quartet.)

Primarily, there is no clear-cut legal prerequisite as to if or when a referendum is required as the expression of the ‘will of the people’. Furthermore, a successful referendum does not necessarily immediately translate into successful independence; a referendum could very well invoke mass imprisonment of the secessionists, or worse, it could trigger a civil war.

A ‘commensory’ referendum implies that the process of secession BEGINS with a referendum, with a simple ‘Yes’ or ‘No’. If their ‘Yes’ vote wins, then their ‘commensory negotiations’ can begin (this is at least a 10-year process). By implication, the voters in this ‘commensory referendum’ have no idea what exactly they are voting for, and to whom they are giving their mandate to negotiate on their behalf.

This type of commensory referendum is overtly advocated by the Western Cape Referendum Quartet. Their argument is that the mandate to negotiate a split with South Africa will automatically be given to the FF+ and/or the DA, claiming the understanding that they (FF+/DA) are currently registered political parties. This approach and method of deception has worked very well for the political elites in the past, hence the fixation on a **redo of the 1992 South African Referendum**, remembering that the National party was given a **blanket mandate**, and as South Africans we know how that ended.

Moreover, in the eyes of these politicians (representing the DA and FF+) they win even if the vote for Independence is ‘No’.

Imagine for a moment going to a car dealership because you want to trade in your current lemon for a better alternative. Will you then buy a new vehicle if the salesman told you will only be able to see the new vehicle after you sign the loan agreement, and those genius engineers who created your current lemon – designed the new unseen vehicle? We think not.

The Western Cape Referendum Quartet currently calling for a commensory referendum in the Western Cape seem (in varying degrees) to be ignoring some crucial questions.

## Voter Turnout

In political science, voter turnout is the percentage of registered voters who participated in an election (often defined as those who cast a ballot). In general, a low turnout is attributed to either disillusionment, indifference or a sense of futility (the perception that one's vote won't make any difference). This ‘voter turnout’ indicator is useful because it measures the percentage of registered voters pitching up to cast their vote, but it certainly does not express voting as a percentage of eligible voters (everyone that should be registered).

The independent Electoral Commission of South Africa (IEC) issued a statement during the 2021 South African municipal elections that were held on 1 November 2021, indicating that by 6pm on election day, only 8 million of the 26.2 million registered voters had cast their ballot. This was the lowest turnout in 27 years, at around only 30.52%, compared to a 2016 voter turnout of 57%. The final figure remained at a record-low of 45.87%. How the percentage jumped from 30.52% to 45.87% in three hours before closing voting stations presents us with a statistical anomaly, or was the turnout numbers altered to ensure legitimacy of the election results?

The total population is estimated to be 60.14 million, of which approximately 21.95 million are 18 years of age or younger, bringing the estimated eligible voting population to 38.19 million. This means that only 68.6% of the eligible voting population are registered to vote, and that only **31.47%** of eligible voters participated in the latest elections in South Africa. That is, if the reported turnout numbers can be trusted.

This presents a huge legitimacy problem for any commensory referendum as the majority of the citizens have all but opted out of the current corrupt voting system.

In the South Sudanese independence referendum, the voter turnout threshold was set at 60%, and was apparently exceeded. Consider the rejected referendum of Catalonia, where on 1 October 2017, 90% of Catalan voters backed independence via referendum, but the voter turnout was only 43%.

What will the turnout threshold in their ‘commensory referendum’ be? If it is a 60% (as with the South Sudanese referendum) then their ‘commensory referendum’ is a non-starter.

## Who Is Going To Call the Referendum

In terms of the bill before Parliament, only the State President or the Premier can call for a referendum, but there is no obligation on either compelling them to call the referendum. If they decline to call the referendum, then a massive campaign to lobby compelling the call for a referendum would have to be launched. In order for this lobby to be successful, the numbers calling for a referendum will have to be so huge that it would be unwise to decline a call for a referendum.

Currently the numbers touted in favour of a Western Cape Referendum Quartet's commensory referendum are not large enough to prevail. The surveys, demonstrating that a large number of participants want a referendum, do not tell us anything about the strength of the personal feelings supporting a referendum, or specifically for Cape independence itself.

One would have thought those survey participants would have been asked to rank their feelings. If these questions were indeed asked, the results have not been made public. Those people whose support for Cape independence is doubtful could easily be persuaded against Cape independence, especially once robust referendum campaigns get underway.

Additionally, political parties such as the DA and FF+ might be in favour of allowing a referendum, but still oppose Cape independence. In fact, several DA leaders and the leader of the FF+ are opposed to Cape independence.

## Who Is Going To Participate?

The current call for a referendum by the Western Cape Referendum Quartet does not come with clear answers as to who will or will not participate. This issue is going to be explosive.

Some groups argue that only those who were residents/voters in the Western Cape on or before 27 April 1994, or are descendants of such persons, should be allowed to vote. Others argue that all residents over the age of 18 will be eligible to vote in such a referendum, while some contend that only those who were residents of the Western Cape may vote. Yet others go further and argue that the South African constitution says that South Africa belongs to all who live in it and limiting citizens' right to vote in the area where they live and are registered as voters would be unconstitutional.

Quite shockingly these groups ignore international law, specifically the legal definition of what constitutes a distinct *people*, and the bond between those *people* and the territory. They blatantly ignore even the qualification criteria of **Section 235** '*...of any community sharing a common cultural or language heritage,...*' clearly delineating the grounds to self-determination. Readers are reminded that the FF+ claim to be the authors of section 235. There also seems to be a general consensus by the 'Quartet' and their supporters, that the diaspora should be excluded from participating in their referendum.

These complexities will doubtlessly provide plenty of ammunition for a rejection of the outcome of any 'commensory referendum'.

## **Who Is Going To Conduct and Manage the Referendum?**

In terms of existing law and the proposed bill before Parliament, conducting and managing a referendum is the function of the Independent Electoral Commission (IEC), however, the local and national IEC are severely distrusted by many political parties and especially by the public, and rightfully so.

The IEC is so tacitly laced with morally bankrupt ANC appointees that no section of the pro-independence lobby would ever regard the IEC as not entirely biased in favour of the anti-independence lobby. Similarly, the anti-independence lobby would distrust the same IEC as biased in favour of Cape independence – a problem specifically exacerbated should the local IEC staff be privately in favour of Cape independence.

This problem would be averted by having international monitors oversee the process, but would the ANC allow this? What we can be sure of is that without international monitors, the referendum result is highly unlikely to be accepted by the losing lobbyists.

## **Who Is Going To Set the Question and What Should the Question Be?**

The referendum question for commensory referendums is usually very simple ‘Do you want an independent country?’ as a ‘yes’ or ‘no’ decision of vote.

Additional subsidiary questions or conditions in the wording are usually avoided, as these questions may influence the voter’s decision making, and whoever sets the question might well be tempted to employ clever wordsmithing. We should never forget how the wording of the 1992 referendum question directly affected the result.

The 1992 referendum question’s wording, when combined with the referendum promises led many to voting ‘yes’ despite their misgivings. Suffice to say it is likely that many who voted a ‘yes’ would not have done so if they were made aware of what exactly was planned. One of these promises was that a second referendum would be held to specifically approve or disapprove the negotiated constitution. This promise was never kept.

In the case of the Western Cape Referendum Quartet’s commensory referendum, votes for or against must be unconditional. Any vote in favour of Cape independence must be respected, even by those directly opposed to Cape independence. The impulse to reject such a vote on multiple grounds (founded or unfounded) is likely too tempting to resist. Similarly, a vote against Cape independence would also need to be respected, even though is not likely to occur on the part of the pro-independence constituency.

Therefore, there could well be trouble regardless of which way the vote goes. The only instance where the result would be entirely accepted by the losing side, is if the winning percentage was extraordinarily high, and even then, there would still be trouble. The possibility of trouble alone could well influence supporters of Cape independence to play safe and vote ‘no’, erroneously influencing the vote.

## **What Happens If the “YES” Vote Wins?**

Perhaps this should be worded “What is promised if the ‘yes’ vote wins?”

The answer to this question varies from group to group within the ‘Quartet’ as the inter-group rivalry mimics the nature of an election. The different groups do not see their ideas as proposals to be discussed at a constitutional conference, but rather the groups see themselves

as competing for the right to be the sole dictator in an independent Cape without holding elections.

When we examine some of the proposals that emerged from the groups, it is obvious that some of them are outlandish, authoritarian, anti-democratic ideas more likely to dissuade many voters.

It would be a good idea if the groups could agree on a common set of basic principles to be incorporated into the constitution before any referendum.

For the ‘yes’ vote to win, the proposals put before the electorate would have to be attractive to their wishes, not violating their sense of justice, fairness, and general democratic principles. Independence voters would want to be rid of any ANC type oppression and not simply exchange one oppressor for another.

Another possible, and very likely, outcome of a ‘yes’ victory is that the ANC will completely ignore the result. Considering the events post the ‘yes’ victories in Kurdistan and Catalonia, the international community will not pressurize the ANC to accept the ‘yes’ result, and all sorts of oppressive ANC measures will follow.

## **What Happens If the “NO” Vote Wins?**

Quite simply, if the ‘no’ vote wins, Cape independence will be dealt a mortal blow.

There will never be any chance of a second referendum. The ANC would make very sure of that by taking measures to prevent any chance of a second referendum and an independent Cape.

In the process, the Western Cape situation will deteriorate to the same level of governance implosion as the rest of the country, and might very likely be followed by widespread emigration.

## **Campaigning for a Commensory Referendum**

This issue is something of a nightmare. Firstly, the Cape independence community does not have the financial and other resources to conduct a professional pro-independence campaign leading up to the referendum. In stark contrast, the anti-independence side have huge resources, including secret state resources.

When it comes to support from the business community, we should bear in mind that:

- Business, especially big business, is not going to support Cape independence, unless the credibility of the independence community is significantly increased. At the moment, the credibility factor is very low, where large and medium businesses have far too much to lose by backing the losing side.
- Big business could become the big loser if it backs the losing side and may very well decide to play safe by backing the anti-independence campaign, especially if it fears losing business outside the Western Cape. In 1992, the business community played a prominent role in promoting the ‘yes’ vote, and quite a few businesses even put pressure on their White staff to vote ‘yes’.

- These days, despite claims made by the Radical Economic Transformation (RET) groups, big business is no longer so ‘White’, thanks to the racial Black Economic Empowerment laws, therefore, it can be anticipated that the ‘Black’ executives (in the so-called ‘White’ companies) will actively work against any support for Cape independence.

Historically it has been shown that, unless there is substantial support from academics and other intellectuals for a cause, such a cause fails to succeed. At the moment, these intellects reside predominantly in the anti-independence group. No credible effort has been made to enlist the support of such people. Indeed, some of the ideas that have been proposed by certain groups in the pro-independence community are found to be hideous, thoughtless, and incompetent by these intellectuals. A lot more work has to be done to enlist academic and other intellectual support.

If there are any groups that can destroy all hope of Cape independence, they are those groups in civil society that have huge networks of activists and intellectuals. We cannot convert all of them, but a concerted effort has to be made to win over as many as possible.

A referendum result in favour of Cape independence is very unlikely to start with, but when all these other factors are considered, we must honestly conclude that it is nigh on impossible for a ‘yes’ campaign to win.

The ‘yes’ campaign is more likely to raise emotions to such high levels it rolls over into violence.

The ‘anti-independence’ campaign will no doubt make full use of sweeteners to encourage a ‘no’ vote. Unbelievably, there are still those who would fall for it. Sweeteners would be accompanied by warnings of bad consequences should the ‘yes’ vote win again. Sadly, there are those who would be persuaded by these unfounded warnings.

The media is certainly not pro independence, and therefore, will reinforce these sweeteners and warnings. On the other hand, the pro campaign will have an uphill battle with minimal media support. Relying on social media with all its fake news and uninformed, emotional opinions is not a substitute.

## A Smarter Alternative

It is evident that a ‘commensory’ referendum is ‘dead on arrival’. Moreover:

- i) most of the voting population have checked out of the mainstream politics, and even out of voting all together;
- ii) these different groups are openly competing to monopolize the Cape independence community with a view to control the independent Cape.

Does this mean that there is no way to demonstrate that a Cape Secession is the ‘will of the people’?

Well, there is good news, largely due to the efforts of people like Dr. Shawn Stewart (who can trace his ancestry back to the early days in the Cape and the royal lines of Scotland) and his unique team who have managed to pull off the unthinkable. For the first time in 28 years, multiple community groups are now working together without giving up their individual identities, and without subjecting themselves to the dominance of any other group.

What Dr. Stewart and his organization has been putting together, is a system where all organizations and individuals (including the Western Cape Referendum Quartet), regardless of race, colour, creed or past affiliations, can simply join forces under the banner of the **‘United Cape States’**.

Using the principals of competitive fairness, they (the UCS) have created a web portal ([www.ucsgov.org](http://www.ucsgov.org)) where the **people** can provide their auditable mandates directly for independence while selecting preferred individuals or organisations. In the next phase of their rollout, they will make this portal an interactive space where these very different alliance organisations can sell their different independence ideas directly to ‘*we the people*’.

The **people** will then have the unique opportunity to change their mandates selecting whoever they believe is better equipped to work with all the other groups, creating a bright new future for all of our **people**.

Although these mandates may not constitute official IEC ‘votes’, they certainly do provide a tangible way to engage direct individual participation in the process, and for the first time, to provide credible proof of the real support those claiming to represent the people actually have.

This is just the very beginning of a **massive ground level campaign** engaging different groups to constructively debate their ideas, their differences, and their **UNITY**, whilst actively working together towards a free and independent United Cape States.

## Chapter Twenty: Interim Transitional Authority

*“The ones crazy enough to think they can change the world are the ones who do” – Steve Jobs*

### Chapter Synopsis

The Interim Transitional Authority acts as the ‘stand in’ government entity throughout the transition period, working closely with existing structures to ensure stability while transitioning to a new country.

### Introduction

Article 1 of the Montevideo Convention on the Rights and Duties of States, determines that the state, as a person in international law, should possess a government. This implies that a ‘government’ must be in place at the time of secession. The only way to accomplish this is via a provisional government, also called an interim government or a transitional government.

A transitional governmental authority is set up to manage a political transition, generally in the cases of new nations or following the collapse of the previous governing administration. Provisional governments are generally appointed, and frequently arise, either during or after civil or interstate wars.

Provisional governments maintain power until a new government can be appointed by the regular political process of democratic election. They may be involved with defining the legal structure of subsequent regimes, guidelines related to human rights and political freedoms, structuring of the economy, government institutions, and international alignment.

Provisional governments differ from caretaker governments, which are responsible for governing within an established parliamentary system, serving merely as placeholders following a motion of no confidence, or following the dissolution of the ruling coalition.

The early provisional governments were created to prepare for the return of royal rule. Irregularly convened assemblies during the English Revolution, such as Confederate Ireland (1641–49), were described as “provisional”. The Continental Congress (a convention of delegates from 13 British colonies on the east coast of North America) became the provisional government of the United States in 1776, during the American Revolutionary War. This government shed its provisional status in 1781 following ratification of the Articles of Confederation, and continued in existence as the Congress of the Confederation until it was supplanted by the United States Congress in 1789.

After independence of the Cape, the members of the provisional government will be phased out in an orderly fashion over a number of years by elected representatives. This phasing out process will ensure stability and continuity during the transition.

The interim body that will act as transitional government after declaration of independence will not have any executive, legislative or judicial authority, until the moment of independence.

This means that there is no ‘government’ until the moment of a declaration of independence is made. This presents a ‘chicken and egg situation’; the answer is an Interim Transitional Authority. This body’s sole responsibility before independence should be to

develop a transitional plan for each of the future structures of government. Moreover, involved individuals must be ready to step up and to execute the plan immediately after independence.

The challenge is that no elections can take place to elect representatives for this Interim Authority, as the new country does not yet exist with a ratified constitution. The only way around this is to expand the web portal ([www.ucsgov.org](http://www.ucsgov.org)) to include the future structure, bearing in mind that this structure will be subject to change, pending the outcomes of various negotiations between the different representatives and/or their groups. As people step up to positions in the structure, they will be subject to challenge by others and then subject to election by the people. This directly implies that the process of mandating a group or organisation should and will change to that of mandating only individuals to specific positions, paving the way for our future vision of abolishing the corrupt political party system.

Keep in mind that this does not stop the individual representatives staying within a group or forming new groups, nor does it take the power away from these groups, as they will still be able to claim the sum total of all individuals affiliated to their group. This supports the notion that freedom of association is a fundamental right. The primary consequence is that the group will not be able to replace the specific individual in an official position with another individual of their choosing, unless that replacement person is elected by the people.

Those ‘leaders’ currently operating or criticizing from the shadows will unfortunately take themselves out of the independence process, because without a verifiable supporter base their words will become hollow. All ‘leaders’ that are stepping up will have to bring their ‘A game’, as the people will be watching and judging them by what they say, what they do, what they bring to the table, how they present themselves and how they publicly debate with opponents presenting different ideas.

The points on the scoreboard are mandates. Mandates will drive an all-out massive action to reach our *people* who have not heard the message of hope. This portal structure offers a unique, uncensored, transparent means of communication, and opportunities to organise the people.

## Chapter Twenty One: Defending What Comes Next

*"The right of self-defense never ceases. It is among the most sacred, and alike necessary to nations and to individuals." ~ James Monroe*

### Chapter Synopsis

The new country has an obligation to enforce its claim of independence status, while at all cost and within its capabilities protecting the human rights of all who are affected by the widespread changes.

### Introduction

Before we continue, it is of the utmost importance that we place on record, that the writers of this report seek that no harm comes to, nor do they advocate for the overthrowing of the current South African government, nor the destruction of infrastructure nor the loss of many lives on either side. Every possible effort is being made to avert any violent armed conflict, whilst maintaining the moral high ground, but we must also be very aware that naivety could lead to death, imprisonment or worse - the genocide of our **people**.

The Montevideo Convention lists the Rights and Duties of States, outlining the requirements for a state to be recognized. In Article 3 it includes the statement ***"Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit,.."***

After World War II (WW2) the United Nations (UN) was formed with the main purpose of diffusing international conflict, to avoid wars leading to loss of life and the destruction of economies. The foundational purpose for forming the UN was to respect the right to sovereignty and to prohibit interference of one country in the affairs of another. The UN peacekeeping force was formed and supported by the UN's Convention on the **Prevention and Punishment of the Crime of Genocide** (adopted in 1948). This Convention was signed and subsequently adopted by South Africa.

Realizing the shortcomings of the initial commission of the UN (after the Yugoslavian breakup and the Rwandan genocide atrocities were committed), a non-binding 'Responsibility to Protect (R2P)' agreement was adopted in 2005 by countries. It was intended that these external powers (those countries adopting the R2P doctrine) would become responsible to intervene and prevent acts of mass carnages such as have been encountered throughout history since WW2.

Since its adoption, the R2P, being just a mere doctrine and entirely lacking in the assignment of accountability, the actual goal was never achieved or adhered to, considering the many wars since 2005. It was clear that the Montevideo Convention maintains relevance, where the responsibility and accountability must be reserved by the country itself, because there is no guarantee of intervention by the international community.

At the same time, in most countries including South Africa it would be an act of high treason against South African government, should a secessionist group form a defense force to protect the seceded interests of a newly formed country, even though this new country and its people would obviously be extremely vulnerable during the process leading up to, and directly after its independence.

Yet, the Montevideo Convention and international law does not prohibit preparation for the transition period, before, during and after independence.

## The Reality of Current Threats

We must take cognizance of any developments in South Africa that might threaten the safety of people, property and infrastructure leading up to and after independence. There is direct evidence that the Economic Freedom Fighters (EFF) have embarked on a military-style training strategy in preparation for an ‘ethnic cleansing operation’ akin to the 1994 Rwandan genocide. This EFF warning must not be taken lightly, considering their open racial hate speech and instigation of violent action.

At the time of compiling this document, sources indicated that the ANC’s Radical Economic Transformation (RET) forces are preparing insurrection to remove Cyril Ramaphosa as president and reinstate Jacob Zuma.

It would be naïve not to seriously consider the increasing surges within the recent political and economic unrest, the factioned power struggles across various political and ethnic groups within South Africa, and that this combination of forces may well lead to ominous consequences, such as a repeated, more intense insurrection akin to the July 2021 incidents.

Unrestrained illegal activity compels us to take note of and pro-actively consider these many impending risks and dangers, as innocent people are historically always caught in the crossfire, vulnerable to genocide masked as ‘collateral damage’ in every conflict.

## Our Preparation

The legal secession process, conforming to international law required to obtain independence, and far removed from the drastic action such as a coup d'état, is essentially the legal, peaceful *de facto* process, placing paramount importance on the prevention of any human rights violations or damage to infrastructure during this period of liberation, and that at all costs any threat to the lives of **people** is avoided, prevented or limited.

Those that represent the Capelanders in the Interim Transitional Authority, are tasked with the responsibility of safeguarding the interests of the citizens of the new country, which includes the country’s infrastructure after independence.

Considering that many sub-groups in the Caplander community people have been severely suppressed and victimized unjustly, 28 years of stifled emotions presents a potentially grave trigger for rogue groups to take the law into their own hands, creating a ‘warlord’ situation.

A situation of this nature cannot under any circumstances be tolerated. Maintaining uniformed discipline during the transition into independence is crucial to ensure that the most peaceful process is found and adhered to, as only then international acceptance of the independent Cape can occur. This peaceful process and message is to be strongly broadcast, repeatedly emphasized and consistently reinforced among all Capelanders.

Violent action should be strictly avoided as far as it is possible within the means of the Independence Group. Violence can only be applied as an act of last resort in defense of life or infrastructure, when all other alternative options have failed to halt such threats.

In a perfect world the seceding group should be able to rely on international assistance and oversight during the transition into independence, a period where the new country and its

people will be most vulnerable without military or police forces. History however teaches that, as with many other international agreements, this assistance is never guaranteed, and is seldom delivered.

In the anticipated absence of international assistance delivery, Capelanders must prepare for scenarios necessitating due vigilance, awareness of the risks involved, and to do everything humanly possible ensuring they will be sufficiently able to defend themselves, their property and the infrastructure of the new country. The secessionist group must inspire high levels of awareness, preparedness, and self-reliance among the *people*.

## **Self-defense Capabilities**

Self-defense training must be offered to the people, maximizing the ability of every Caplander. Skills that would typically include physical self-defense, tactical weapons handling, shooting skills and house clearing tactics should form part of enhancing the self-defense capabilities of the people. Out people should also be advised and trained on the preservation of food, water, fuel, and other essentials in the case of any emergency situations, especially in the event of services supply disruption.

The concept is to ultimately establish a defensive structure similar to the civil commandos of the Cape Colony, formed by able-bodied volunteers, to protect the *people* of the towns against any insurgent threatening their lives or livelihood.

## **Organization**

Ideally, a ‘burgher response’ network structure should be formed in the towns and cities, districts, and provinces for the express purpose of identifying leadership skills, sharing important relevant information and for proper coordination before and during the transition into independence.

Ultimately, the re-assignment of these able citizens (‘burghers’) will be divided into either policing or other protection related services, catering for border protection, law and order, civil defense, and if necessary to enable safe citizen extraction to within the territorial borders of the Cape.

This defensive strategy is completely legal, and will ensure a smooth and safe transition into independence and protecting the *people* from any other force seeking to collapse South Africa. It is envisioned that this peaceful stance will be respected by the current South African government, its cadres, their communities and other groups and organizations to avoid incidents causing unnecessary endangerment, tragic loss of life and damage to infrastructure on both sides.

While we pray for a peaceful transition process, the Interim Transition Authority must maintain the moral high ground and will maintain proper legal conduct. However, it must not fail in its duty to appropriately and decisively react in defense of any act of transgression of human rights, the endangerment of its people and/or infrastructure, or acts aimed to derail the peaceful process, even if such transgressions are committed by Capelanders or allies of the Independent Cape.

## Chapter Twenty Two: Declaration of Independence

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. -That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.....".*

~ With this declaration the United States, on the 4th of July 1776 became the first country to secede from the British Empire by way of a declaration of independence.

### Chapter Synopsis

A declaration of independence, a declaration of statehood or a proclamation of independence is an assertion by a polity in a defined territory that it is independent from any other, and constitutes a sovereign state.

Such territories are usually declared from part or all of the territory of another state or failed state, or are breakaway territories from within the larger state. In 2010, the UN's International Court of Justice ruled in an advisory opinion in Kosovo that:

*"International law contains no prohibition on declarations of independence".*

### When is a declaration of independence lawful?

A declaration of independence becomes valid and legally justified when one or both of two conditions have been fulfilled, namely:

- 1) The secessionist movement have completed the lengthy legal *de jure* process, whereby all documentation and other material supporting the factual evidence forming the legal basis for the case of secession have been meticulously accumulated ordered so as to present proof of:
  - a. Identification of the distinct people to secede;
  - b. A territory with a permanent population;
  - c. Historical bond between the people and the territory;
  - d. Legal provision for secession in local and international law;
  - e. Exhaustion of all possible internal remedial solutions;
  - f. Risk analysis of the imminent threats to the people should secession not be performed;
  - g. Viability study of the new country;
  - h. Communication with the international community of the intention to secede;
  - i. Structuring of an interim governing authority;
  - j. Appointing capable individuals to positions within the interim transitional governing authority;
  - k. Compilation of a bill of rights;
  - l. Informing the public to prepare for secession;
  - m. The means to defend the new country and its people should it become necessary.

These points have been clearly expounded in the previous chapters.

2) In the case where the mother country is officially declared a failed state, where it demonstrates total loss of control over the respective areas of government, being inept to take steps to rectify the situation, and where total economic or judicial collapse is imminent; OR when a civil war breaks out with major loss of life and damage to infrastructure, and where the government of the mother country fails to curtail the situation using its police and/or military forces to restore law and order to protect the country's inhabitants.

## What barriers may potentially derail the Cape Independence?

According to all the factual evidence there can be no denial that the South African government has rejected every opportunity to provide a solution of self-determination for the *people* in question. This prompted the secessionist group with the need for a legal process to be diligently and meticulously followed, whereby every possible action was taken in lieu of preparation for independence. The final aspect and success of the independence process itself rests squarely on the support from the people (the "*will of the people*") and the ability of the seceded country to defend its new country and its *people* in a legal manner, i.e. defending the claim to independence, while also respecting and upholding the human rights of all people, including both those supporting independence and those attempting to derail the legal independence process.

The most important aspect at this point is the fact that after a decade's worth of hard work, in-depth research and studies, the many barriers often including senseless direct opposition, pure propaganda, and the accompanied legal chronological limitations - all amounting to many hours of voluntary dedication for the single goal of the liberation of our *people* - now requires an uncompromising unity from all our *peoples* who yearn for a new beginning in a free land we may call our own, where we as the *people* will determine our destiny, our freedom and our quality of life as citizens.

At that critical point where the declaration of independence is made known to the local and international community, there can be no turning back as proverbially, at that point, all the bridges will be burnt.

The international community will not rush to defend the declaration of independence on our behalf, and this aspect has to be understood very clearly. If the new country proves unable to assert its sovereignty over the territory, the result would be catastrophic and the claim to independence would be annulled, which cannot and simply will not be allowed to happen.

Once independence is declared, the real hard work will commence. We must create stability by means of restoring law, order, and justice; and we must build a first world economy whilst addressing the many internal challenging consequences brought about by the independence.

Knowing the physical and psychological capabilities of our people combined with their world renowned willpower, we have absolutely no doubt that Cape independence will prove a resounding success and again becoming a leading inspirational example for other peoples with the same desire for liberation.

## Chapter Twenty Three: International recognition

*'No one can live entirely on their own, nor can any country or society exist in isolation'*  
– Daisaku Ikeda

### Chapter Synopsis

It is vital that the Cape takes its rightful place in the international community to ensure that the vision for the Cape can be realized. Except for the stipulation in Article 3 of the Montevideo Convention, international recognition of a new independent country, *per se*, is largely dependent on the extensiveness of the legal basis of the process whereby the claim to independence is made, and the conduct of the new country and its citizens during the transition period. During this critical period it is of paramount importance that all possible actions should be taken to prevent human rights violations of any kind.

### Introduction

As per Alex Green in his thesis “*Successful Secession and the Value of International Recognition*”

“*The granting of recognition arguably incentivizes peaceful relations by declaring the recognized entity to be a beneficiary of international legal protections, which may make its government more amenable to law abidance*” (Ratner, *The Thin Justice of International Law* 198-199).

The argument of whether or not the newly formed state needs to be recognised internationally by other countries is a topic for copious controversy. According to the constitutive school, recognition is an additional requirement for statehood. According to the declaratory school, recognition is not a formal requirement for statehood. The declaratory school of thought seems to enjoy the most support. In **S v Oosthuizen 1977 (1) SA 823 (N)** the court found that the fact that Rhodesia had not been recognized internationally did not mean it was not a state.

Furthermore, the first sentence of Article 3 in the Montevideo Convention explicitly states: “***The political existence of the state is independent of recognition by the other states.***”

Although as per the above historical information about recognition being compulsory or not, the vision of the new Cape state is not to be found isolated after the declaration of independence. The ability to foster international relations with other countries is of utmost importance for the growth of the Cape’s international trade and its economy.

Building the new Cape economy is a priority for the new government specifically to create jobs, assisting with housing and rebuilding of the derelict infrastructure that exists since the 1994 ANC government takeover.

In the many years that the members actively driving this secession have been following the international legal roadmap, they have been communicating with several international states (especially in Africa) and are confident that more than one state will be eager to support the independence of a new, free and sovereign Cape state.

Many regional states have through communication been informed on the progress, and relationships have been fostered with a number of African leaders.

## The CapeXit, Why and how the Cape will leave South Africa

It is also the vision of the Cape to help other African countries build their economies, where trade with the Cape will greatly assist the continent of Africa to thrive, free from the chains of debt.

The Cape Independence will ensure full recognition upon seceding from the Republic of South Africa.

## Conclusion

“Hope is not a Strategy” – Unknown

In short...

After 28 years in captivity, We the people of the Cape (the Capelanders), having:

- fallen from First World to Third World status;
- done everything (that is in essence) beneath our very stature, our make-up, our status and our God-given call to please these captors;
- been reduced to a level of insignificance;
- become barely able to survive in our own land;
- in some cases fled to far off places, seeking safe habitation within a people of a foreign land, still ever yearning to (once more) hear the sounds and take in the smells of HOME;
- become a people afflicted, a people forsaken, a people bruised, a people broken and a people - by compulsory tolerance – morally bereft;
- been driven to our knees with nowhere left to turn and nowhere to run.

We have given up more than was ever needed to pay restitution for the collective sins of others, just that we can survive. Yet, that is not enough, for we can still rise now and be a great nation, for it is here, with clear hearts and clean conscience before God alone, that we must do all we can to stand, stand to set once more the ‘light upon the hilltop’.

We of the United Cape States now ask of you, no, we plead with you, we cry out to that last drop of passion hidden deep within you and say ... LOOK UP, pray, believe, and then—JUST STAND UP!

STAND UP! Stand with us, stand next to us, stand and let's SET OUR CHILDREN FREE. What we need from you is one or more of three “T's” of **Time, Talent and Treasure**. It is time for a backbone, and not a ‘wishbone’. Take a STAND, do it right now, do not procrastinate for time is not our friend.

As a minimum requirement, visit [www.capecgov.org](http://www.capecgov.org) and give your mandate for **CapeXit**. If you have Time and Skills that you can devote, select the option and a representative will duly contact you. If you are blessed with finances and you are moved to give to the cause, then donate. **Freedom is never Free**, your three “T's” are essential to execute the next steps.

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