

Affirmative Action Unconstitutional: FW De Klerk

Written by Rudi Prinsloo

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Affirmative action is unconstitutional and racist, former president FW de Klerk said in an interview broadcast on the internet on Thursday.

"To say, equal representation must now be implemented in the social world, the cultural world and the business world... that is, in my opinion, a total distortion of the Constitution...

"It is, in my opinion, unbalanced and often unconstitutional," De Klerk said in an interview with trade union Solidarity's vice executive chief of development, Dirk Hermann, which was broadcast on www.solidarity.co.za.

"Affirmative action must be altered so that it is no longer racist," De Klerk added.

He said he was convinced that current affirmative action policies were not in line with what Article 9 (2) of the Constitution intended.

"It is being abused to make it sound as if it lays a foundation for the interpretation that affirmative action based on race is acceptable," said De Klerk.

Article 9 (2) of the Constitution states: "Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken."

De Klerk said affirmative action should be used for previously disadvantaged people regardless of their race or skin colour.

He also said it was "absolutely ridiculous" that affirmative action be applied to cultural organisations such as the Afrikaans Christian Women's Movement or Afrikaans newspapers.

De Klerk said the key to real empowerment lay in offering previously disadvantaged people good education, proper housing and proper municipal services.

"The best empowerment lies in good service delivery."

Constitutional law expert, professor Pierre de Vos, told Sapa there was no substance in the claim that affirmative action policies were unconstitutional.

"It seems to me that his statement is far too sweeping to be justifiable in terms of the Constitution. It is actually very difficult to declare any affirmative action policy invalid," he said.

Solidarity is currently involved in a court case challenging the affirmative action policy of the SA Police Service.

Hermann said the case involved positions in the forensic department which had remained

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vacant because the only available and qualified candidates were white.

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