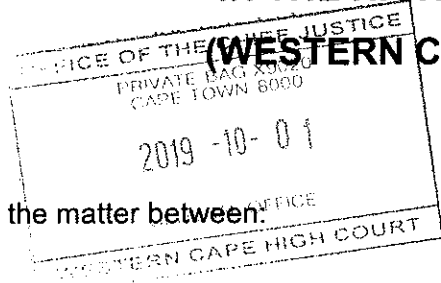


**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**



APPLICATION CASE NO: 17317/2019

In the matter between:

ZUIDLAND

APPLICANT

And

THE PRESIDENT

OF THE REPUBLIC OF SOUTH AFRICA, A.B.O

THE NATIONAL EXECUTIVE OF SOUTH AFRICA

FIRST RESPONDENT

And

THE WESTERN CAPE PREMIER

SECOND RESPONDENT

And

THE MUNICIPAL MANAGER

BERGRIVIER LOCAL MUNICIPALITY

THIRD RESPONDENT

**NOTICE OF MOTION
DECLARATORY ORDER**

TAKE NOTICE THAT; the Respondents are hereby called upon to show cause, if

any, to this Honourable Court, sitting at Cape Town on the day of 11 DECEMBER 2019

, at 10 H C or so soon thereafter as the matter may be heard, why a Declaratory

order should not be issued in the following terms :


1. A Declaratory order as follows;

2. that;
3. The applicant and its members have the right to freedom of association and its members has the right to use the language and to participate in the cultural life of their choice, but that these rights may do so in a manner inconsistent with any provision of the Bill of Rights.
4. The applicant and its members, belonging to a cultural, religious or linguistic community may not be denied the right, with other members of its community to enjoy their culture, practise their religion and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society. That these rights may not be exercised in a manner inconsistent with any provision of the Bill of Rights.
5. The applicant and its members have the right to freedom of conscience, religion, thought belief and opinion and the right to free from all forms of violence and not to be treated or punished in a cruel, inhuman or degrading way.
6. The applicant and its members have the right to self-determination, as manifested in the Constitution.
7. The applicant and its members as a community sharing a common cultural and language heritage have the right to the recognition of the notion of the right of self-determination, within a territorial entity in the Republic.

8. Their right of self-determination may be exercised within the framework of existing sovereignty of South Africa.
9. There is no Law in South Africa that prohibits or prevents the self-determination of any South African community sharing a common cultural and language heritage, within a territorial entity in the Republic.
10. Self-determination means the process by which a community sharing a common cultural and language heritage controls their own life, which includes the ability or power to make decisions for themselves.
11. Self-determination means the process by which a community sharing a common cultural and language heritage has the power to decide how they will be governed and by whom.
12. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own destiny.
13. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to choose their own political status.

14. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own form of economic, cultural and social development.
15. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own management free of external interference and incursion.
16. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to claim that the state respect this right.
17. These rights and choices may not be exercised in a manner inconsistent with any provision of the Bill of Rights.
18. Any conduct that denies the applicant the exercising of its right to self-determination is inconsistent with the Constitution, invalid and not permitted.
19. No order of costs is prayed for.
20. Granting the applicant further or alternative relief.

TAKE NOTICE FURTHER THAT, the affidavit of, **CARLO JOHANN VILJOEN** for the Applicant herein, annexed hereto, will be used in the support of this Application.

TAKE NOTICE FURTHER THAT if you intend opposing this application you are required; to notify the applicant's attorneys in writing on or before ^{21 OCTOBER} ~~18 NOVEMBER~~ 2019 

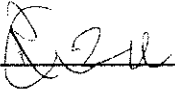
And within **Thirty (30) days** of the service of the notice of your intention to oppose, to file your answering affidavit, if any; and further that you are required to appoint in such notification an address referred to in rule 6(5)(d)(i) of the rules of this Honourable Court at which you will accept notice and service of all documents in these proceedings, such an address (not being a post office box) to be one within **15 (Fifteen) kilometres** of the office of the registrar.

Kindly note that, if no such notice of intention to oppose is given, the Application will be made on the 11 DECEMBER 2019.

TAKE NOTICE FURTHER; that the Applicant has appointed Rob Green & Associates, 3 Griselda Place Somerset West, as its attorneys of record whose service address will be **305 Benzal House 3 Barrack Street Cape Town**, as the address at which the Applicant will accept service of all process in these proceedings.

Kindly place the matter on the roll accordingly.

DATED AT CAPE TOWN ON THIS THE 26th DAY OF SEPTEMBER 2019.



ROBERT PETER GREEN

(Duly admitted with right of appearance in the High Court in terms of sections 4 (2) of Act 62,1f 1995)

Attorney for the Applicant

ROB GREEN & ASSOCIATES

3 GRISELDA PLACE SOMERSET WEST

C/o

305 Benzal House

3 Barrack Street

Cape Town

TO: THE REGISTRAR CAPE TOWN HIGH COURT

AND TO; The First Respondent

The President of the Republic of South Africa;

the Executive Branch of Government of the Republic of South Africa,

Tuynhuys,

Plein St, Cape Town.

AND TO; The Second Respondent

Western Cape Premier

9 Wale Street,

Cape Town

AND TO: The Third Respondent

Municipal Manager

Bergvriër local municipality

13 Church Street,

Piketberg,

Western Cape.

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

APPLICATION CASE NO: /2019

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FIRST RESPONDENT

And

THE WESTERN CAPE PREMIER

SECOND RESPONDENT

AND

THE MUNICIPAL MANAGER
BERGRIVIER LOCAL MUNICIPALITY

THIRD RESPONDENT

FOUNDING AFFIDAVIT

I, the undersigned,

CARLO JOHANN VILJOEN

Do hereby state under oath-

1. I am an adult male, and the legal executive officer of Zuidland whose registered address is 305 Benzal House, 3 Barrack Street, Cape Town, Western Cape.



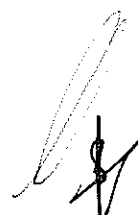
2. Zuidland acting on behalf of its members is the applicant herein in terms of a proper meeting with a full Quorum called and held on 24 August 2019. (***Attached hereto and marked CV1***).
3. In terms of the properly called and held meeting with a full Quorum (***CV1***) I am entitled to depose any affidavit and take any legal steps as I deem necessary in order to bring this application.
4. As such, I am duly authorised to depose to this Affidavit.
5. The facts set out in this affidavit are to the best of my knowledge both true and correct and unless the contrary appears from the context, within my own personal knowledge or from records maintained by myself.

JURISDICTION.

6. All the parties herein are domiciled within the area of jurisdiction of this Honourable Court and as such it has the requisite Jurisdiction to Adjudicate upon the matter.

THE PARTIES.

7. The first respondent is the President of The Republic of South Africa acting in his official capacity as head of the Executive Branch of Government of the Republic of South Africa, whose Cape Town office is situated at Tuynhuys, Plein St, Cape Town and whose full and further details are unknown to me.
8. The second respondent is the Western Cape Premier acting in his official capacity whose is situated at 9 Wale Street, Cape Town and whose full and further details are unknown to me.
9. The third respondent is the Municipal Manager for the Bergrivier local municipality whose is situated at 13 Church Street, Piketberg, Western Cape.



10. I am representing the Applicant herein; Zuidland who is acting on behalf of its members.

NATURE OF THE APPLICATION.

11. This is an application for a Declaratory order as follows;

12. That this honourable Court declares that;

13. The applicant and its members have the right to freedom of association and its members have the right to use their language and to participate in the cultural life of their choice, but that these rights may not do so in a manner inconsistent with any provision of the Bill of Rights.

14. That the applicant and its members, belonging to a cultural, religious or linguistic community may not be denied the right, with other members of its community to enjoy their culture, practise their religion and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society. That these rights may not be exercised in a manner inconsistent with any provision of the Bill of Rights.

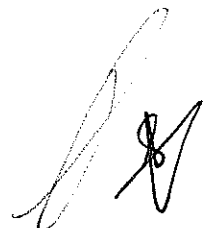
15. That the applicant and its members have the right to freedom of conscience, religion, thought beliefs and opinions and the right to freedom from all forms of violence and not to be treated or punished in a cruel, inhuman or degrading way.

16. That the applicant and its members have the right to self-determination, as manifested in the Constitution.

17. That the applicant and its members as a community sharing a common cultural and language heritage, have the right to the recognition of the notion of the right to self-determination, within a territorial entity within the Republic of South Africa.



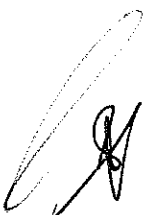
18. That their right to self-determination may be exercised within the framework of existing sovereignty of South Africa.
19. That there is no Law in South Africa that prohibits or prevents the self-determination of any South African community sharing a common cultural and language heritage, within a territorial entity in the Republic.
20. That Self-determination means the process by which a community sharing a common cultural and language heritage controls their own life, which includes the ability or power to make decisions for themselves.
21. That Self-determination means the process by which a community sharing a common cultural and language heritage has the power to decide how they will be governed and by whom.
22. That Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own destiny.
23. That Self-determination means the process by which a community sharing a common cultural and language heritage has the right to choose their own political status.
24. That Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own form of economic, cultural and social development.
25. That Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own management free of external interference and incursion.

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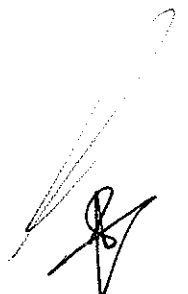
26. That Self-determination means the process by which a community sharing a common cultural and language heritage has the right to claim that the state respect this right.
27. That these rights and choices may not be exercised in a manner inconsistent with any provision of the Bill of Rights.
28. That any conduct that denies the applicant the exercising of its right to self-determination is inconsistent with the Constitution, invalid and not permitted.
29. No order of costs is prayed for.
30. Granting the applicant further or alternative relief.

BACKGROUND;

31. On 23 April 1994, the Freedom Front represented by General Constant Viljoen acting on behalf of the Afrikaner nation, the African National Congress represented by Cyril Ramaphosa acting on behalf of the ANC and the National Party-led South African government, signed the accord on Afrikaner self-determination that recognised the Afrikaner people's right to self-determination.
(Attached hereto and marked CV2).
32. This accord as the word indicates granted, gave, awarded, handed over to, conceded, yielded, conferred on, bestowed on, vested in, favoured us with a harmonious official agreement or treaty or settlement contract between the Afrikaner and the ANC as the incoming governing party of South Africa.
33. In terms of the accord, inter alia the idea of Afrikaner self-determination will be discussed through negotiations between the parties.



34. The possibilities of local and/or regional and other forms of Afrikaner self-determination will not be excluded.
35. On 4 February 1997, the Constitution of South Africa Act No 108 of 1996 came into effect as the supreme law of the Republic of South Africa.
36. The signed accord on Afrikaner self-determination which recognises the right of the Afrikaner people to self-determination is a legal, enforceable and binding agreement between the Afrikaners and the ANC as the governing government of South Africa.
37. The accord on Afrikaner self-determination which recognises the right of the Afrikaner people to self-determination conceived Section 235 of the Constitution of South Africa Act No 108 of 1996.
38. On Thursday, 13 September 2007, South Africa voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples. UN General Assembly Resolution 61/295. **(Attached hereto and marked CV3).**
39. According to the United Nations Declaration on the Rights of Indigenous Peoples inter alia has the following rights;
40. Article 3; Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
41. Article 4; Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.



42. The applicant is a community that shares two common languages namely Afrikaans and English, a shared history, the same culture, a common religion who wants to enjoy their international and constitutional right to self-determination.
43. The applicant is in the process of purchasing two portions of a farm called Pampoenskraal, which is portion 1 of the farm Pampoenskraal number 33, in the Bergvliet municipality, division Piketberg, province of the Western Cape held by deed of transfer number t 19074/2011 and portion 5 of the farm Pampoenskraal number 33, in the Bergvliet municipality, division Piketberg, province of the Western Cape held by deed of transfer number t19074/2011. **(Attached hereto and marked CV4).**
44. The applicant may also in future buy more farms in the surrounding areas. The applicant intends to apply for the development of a township on the farms.
45. The applicant intends to fully co-operate with the local Municipality being the third respondent herein and to comply with all its by-laws, rules and regulations and to be a big contributor to the local economy.
46. In terms of its right to freedom of association, the applicant intends to create on the farm, a self-determining community of people sharing a common culture, language, religion and heritage, wherein they control their own lives, and which includes the ability or power to make decisions for themselves and wherein they have the power to decide how they will be governed and wherein they have the right to determine their own destiny and wherein they have the right to determine their own form of economic, cultural and social development and wherein they have the right to determine their own management free of external interference



and incursion, but to exercise these rights in a manner consistent with any provision in the Bill of Rights.

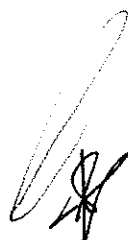
47. Furthermore, in terms of its right to freedom of association, the applicant intends to create a self-determining community of people sharing a common culture, language, religion and heritage, wherein they have the right to claim that the state respect this right and wherein they have the right to choose their own political status and wherein they have the right, with other members of that community to enjoy their culture, practise their religion, and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society, but to exercise these rights in a manner consistent with any provision in the Bill of Rights.

48. In addition and in terms of its right to freedom of association, the applicant intends to create a self-determining community of people sharing a common culture, language, religion and heritage, wherein they have the right as a whole to self-determination, as manifested in this Constitution, and wherein they have the right to the recognition of the notion of the right to self-determination, within a territorial entity in the Republic, and within the framework of existing sovereignty of South Africa.

49. The applicant does not intend to exercise these above rights and choices in a manner which will be inconsistent with any provision in the Bill of Rights.

50. The location of the farm falls under the area purchased, in terms of an agreement which was concluded at the Cape and which has bearing on the claim for self-determination on behalf of the Afrikaner.

51. This agreement was signed between an official of the Cape Colony and a deputy of The Koina tribes in what is commonly known today as the contemporary Western Cape.

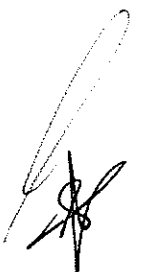


52. Hendrik Crudop, in his acting capacity as the Commander of the Cape Colony and Khoeque - the supreme of all Khoi chiefs signed a negotiated peace treaty.
53. They negotiated a border and agreed that the Khoi will sell all the grounds and all claims on such grounds to the Company for time and eternity.
54. The agreed amount was paid in full, from the Company's warehouses.
55. The agreement was that all land from the Hottentots Holland (the area of the current Strand, Gordon's Bay over Stellenbosch, Franschoek, Paarl and Wellington to Saldanha Bay) will belong to the Company.
56. The agreement is known as the Crudop agreement.
57. The purchased land was used to establish free burghers farms. With the arrival of the French Huguenots of 1688, they are also placed on these farms, cut from this purchased soil.
58. The property purchased is part of the above legally purchased ground.
59. The Crudop agreement was the first land transaction between European settlers and indigenous tribes.
60. The agreement is currently preserved in the registry of deeds in Cape Town and is regarded as a legal binding and enforceable agreement.
(Attached hereto and marked CV5 is a copy).
61. It is structured into eight clauses which are as follows: -
62. That the Khoi prince agrees that he and his heirs in perpetuity will sell to the East India Company (VOC) the district of the Cape included Table,

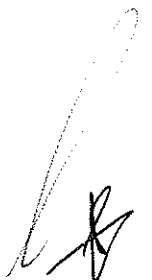


Hout and Saldanha bays, with all the lands, rivers and forest there-in and pertaining thereto, to be cultivated and possessed without remonstrance from anyone. With this understanding, however, that the prince with his people and cattle shall be free to come anywhere near the outermost farms in the district, where neither the Company nor the Vryburgers require the pasture, and shall not be driven away by force or without cause.

63. The Khoi prince agrees he and his people never to do harm of any kind to the Company or its subjects, and allow them the right of transit and trade not only in the ceded district but in his other possessions.
64. The Khoi prince promises to repel all other Europeans who may attempt to settle in the district.
65. The Khoi prince engages that he and his descendants forever shall remain the good friends and neighbours of the Company, and be the enemies of all that seek to do the Company or its subjects harm.
66. The Company (VOC) engages to pay to Prince with goods and merchandise such as he may select.
67. The Company (VOC) guarantees the Khoi the peaceful possession of the remaining territory, and gives them the right of passage through the Company's ground where ever exercise of this privilege may not cause damage or annoyance to the Company or its subjects.
68. The Company (VOC) secure for prince the right of refuge in the Company's territory in case of his being defeated by his enemies, and bind the company to protect him. It also refers to tribal disputes to the decision of the Company and provides for a present to be made yearly to the protecting power.



69. The Khoi prince acknowledged that the foregoing has been translated to him he agrees to all, and that he has received the amount stipulated.
70. The agreement was signed on behalf of the company by Aernout van Overbeke, Albert van Breugel, Coenrad van Breytenbach, J. Coon. On behalf of the Khoi tribes under the Goringhaiqua ("Kaapmans"), it was signed by prince Schachen and his second-in-command 'T Tachou. The secretary Hendrik Crudop signed as the witness.
71. The agreement is dated in the fortress of Good Hope on the 19th April 1672 and is a legal transaction.
72. Portion 1 of the farm in question is in extent of 322, 9417 (three hundred and twenty-two comma nine four one seven) hectares and portion 5 is in extent: 850, 7620 (eight hundred and fifty comma seven six two zero) hectares.
73. There are currently no people residing on the farm.
74. There are no land claims on this farm.
75. There are no illegal occupiers on the farm. There is no record of any person ever being evicted from these farms.
76. The farm is in a remote area where the population density is small.
77. Activities on the farm will in no way, form or manner, interfere, disturb, obstruct, cause harm, threaten the safety of, or offend any other person, since it is removed far from the general access of the public.
78. The community will be a huge contributor to the regional local economy.

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79. The community will also be able to provide employment for a large number of the local people.
80. The community will attract skilled professionals and other business people to the benefit of the region.
81. The community in no way will detract from the region in any negative manner.
82. The community can only be a benefit for the region.
83. Anyone who can identify with our values, identity, language, cultural life, religions, conscience, thought beliefs, opinions, our common community attitude and decisions, our form of economic, cultural and social development, will be welcome to live in Zuidland, regardless of race, colour, sex, sexual orientation or creed.
84. Orania is a good precedent that binds and indicates that this application is reasonably possible without undue difficulties
85. Orania is an Afrikaner town in the Northern Cape Province wherein anyone who defines themselves as an Afrikaner and identifies with Afrikaner ethnicity is welcome to live.
86. The town's relations with the South African government are non-confrontational, as will ours be.
87. The Government of South Africa has recognised it as legitimate, on 5 June 1998, Valli Moosa, then Minister of Constitutional Development in the African National Congress (ANC) government, stated in a parliamentary budget debate that "the ideal of some Afrikaners to develop the North Western Cape as a home for the Afrikaner culture and



language within the framework of the Constitution and the Charter of Human Rights is viewed by the government as a legitimate ideal.

88. Orania's existence is permitted by the Constitution of South Africa under clause 235 that allows for the right to self-determination.

89. We as a cultural community share this same right.

90. Zuidland has a non-confrontational attitude towards South African authorities.

91. We intend to have our own municipal structures, and as such we will add no additional burden to the local government, the third respondent herein.


DISCRETION;

92. If this Honourable Court is satisfied that the applicant is an interested person and that there is an existing, future or contingent right or obligation, the Court's discretion arises as to whether or not it should issue a declaration.

93. In considering whether to exercise its discretion in favour of issuing a decretory order, the Court may have regard to whether there is an existing dispute, if the order will be binding and whether the claimant can claim other and consequential relief.

94. There is no existing dispute but this application will go a long way in preventing any possible disputes that could most likely arise between the applicant and the respondents.

95. This order will be binding all parties including the applicant whose main intention is to exercise its right within the legal frame work of South Africa.



INTERESTED PERSON;

96. The applicant represents a community of people sharing two common languages namely English and Afrikaans, a shared culture, religion and heritage, who have expressed their will to exercise their right to self-determination within a territorial entity in the Republic within the framework of existing sovereignty of South Africa, in a manner consistent with the provisions of the Bill of Rights.

97. The applicant intends to apply for the development of a township on the farm and wishes to do so legally and peacefully.

98. The members of the applicant are protected citizens of South Africa with the right to claim the right to self-determination; as such it cannot be denied that the applicant has material and real interest in this application as an interested party to the declaratory order it seeks.

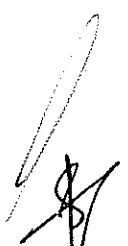
**EXISTING, FUTURE OR CONTINGENT RIGHT OR OBLIGATION;
INTERNATIONAL LAW;**

99. In terms of our constitution; Section 231 (5) of our constitution; states that the Republic is bound by international agreements which were binding on the Republic when this Constitution took effect.

100. Furthermore, in terms of Section 232 of our constitution; customary international law is law in the Republic.

101. Customary international law ensures the right to self-determination.

102. South Africa is a member state of the United Nations. To qualify as a Member in the United Nations, South Africa must accept the obligations contained in the present Charter of the United Nations and, in the



judgement of the Organization, are able and willing to carry out these obligations.

103. The principle of self-determination is prominently embodied and ensured in Article I of the Charter of the United Nations. Article 1 of the United Nations Charter ensures self-determination, sovereignty and independence to all people.
104. South Africa is a member state of the Organisation of African Unity. One of the requirements for membership in the African Union is that a State must sign and ratify the African Union Constitutive Act.
105. South Africa signed the African Union Constitutive Act. Chapter 1, article 20 of the Organization of African Unity's African Charter on Human and Peoples' Rights, states that all people have an inalienable right to self-determination.
106. The right to Self-determination is a recognised right under international law.
107. That the right to self-determination is included in the International Covenants on Human Rights and in the Vienna Declaration and emphasizes as an integral part of human rights law which has a universal application.
108. The International Covenant on Civil and Political Rights, states that all people have the right to self-determination and to pursue economic, social and cultural development, and that they may freely dispose of their natural wealth and resources without prejudice. The covenant also declares that states party to it must promote the realisation of those rights.



109. On Thursday, 13 September 2007, South Africa voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples. UN General Assembly Resolution 61/295.

110. According to the United Nations Declaration on the Rights of Indigenous Peoples *inter alia* have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

111. Afrikaner people are indigenous people in terms of the definition of Indigenous Peoples. In terms of Article 4; Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

112. The right to self-determination has been affirmed by the International Court of Justice in the Namibia case 7, the Western Sahara case 8, and the East Timor case 9, in which its *erga omnes* character was confirmed.

113. In terms of our constitution and by virtue of South Africa's membership to the United Nations and the Organization of African Unity, South Africa is bound by the above-mentioned international laws on self-determination.

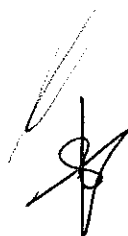
114. There is no international Law, custom, treaty or agreement that prohibits the right to self-determination.

115. As such it cannot be denied that international Law gives the applicant the right to self-determination.



SOUTH AFRICAN LAW;

116. In terms Section 231 (5) of our constitution; the Republic is bound by international agreements which were binding on the Republic when this Constitution took effect.
117. Furthermore, in terms of Section 232 of our constitution; customary international law is law in the Republic. Customary international law abandons with the right to self-determination.
118. Section 31 (1) of our constitution, states that; Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community To enjoy their culture, practise their religion and use their language; and To form, join and maintain cultural, religious and linguistic Associations and other organs of civil society.
119. In addition Section 235 of our constitution, states; 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 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.
120. Section 18 of our constitution gives the applicant the right to freedom of association.
121. Section 30 of our constitution gives the applicant the right to use the language and to participate in the cultural life of its choice.
122. Section 31 of our constitution gives the applicant the right to belong to a cultural, religious or linguistic community and this right may not be denied the right, with other members of its community to enjoy their culture, practise their religion and use their language; and to form, join



and maintain cultural, religious and linguistic associations and other organs of civil society.

123. Section 15 of our constitution gives the applicant the right to freedom of conscience, religion, thought, belief and opinion.

124. Section 12 of our constitution gives the applicant the right to be free from all forms of violence and not to be treated or punished in a cruel, inhuman or degrading way.

125. Every South African including the applicant and its members have the right as a whole to self-determination, as manifested in the Constitution.

126. Every South African community sharing a common cultural and language heritage has the right to the recognition of the notion of the right of self-determination, within a territorial entity in the Republic or in any other way, as determined by national legislation.

127. Customary international law is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

128. The Republic is bound by international agreements which were binding on the Republic when this Constitution took effect.


129. South Africa is a member state of the United Nations. To qualify as a Member in the United Nations, South Africa must accept the obligations contained in the present Charter of the United Nations and, in the judgement of the Organization, are able and willing to carry out these obligations.

130. The principle of self-determination is prominently embodied and ensured in Article I of the Charter of the United Nations.

131. South Africa is a member state of the Organisation of African Unity.



132. One of the requirements for membership in the African Union is that a State must sign and ratify the African Union Constitutive Act.
133. South Africa signed the African Union Constitutive Act. Chapter 1, article 20 of the Organization of African Unity's African Charter on Human and Peoples' Rights, states that all people have an inalienable right to self-determination, and declares that oppressed people have the right to free themselves from domination by any means recognised by the international community.
134. On 23 April 1994, the Freedom Front, the African National Congress and the National Party-led South African government signed the accord on Afrikaner self-determination that recognises the right of the Afrikaner people on self-determination.
135. In terms of the accord, inter alia the idea of Afrikaner self-determination will be discussed through negotiations between the parties.
136. The possibilities of local and/or regional and other forms of Afrikaner self-determination will not be excluded.
137. There is no Law in South Africa that prohibits or prevents the Self-determination of any South African community sharing a common cultural and language heritage, within a territorial entity in the Republic.
138. From the above it is abundantly clear and undeniable that the applicant has an existing, future or contingent right to self-determination and the declaratory order it seeks.

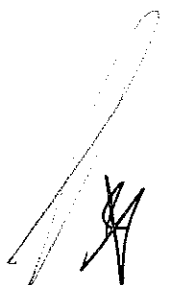


SELF-DETERMINATION;

139. The applicant and its members have the right to freedom of association, and its members have the right to use their language and to participate in the cultural life of their choice, these rights may only be exercised in a manner consistent with the Bill of Rights.
140. The applicant and its members, belonging to a cultural, religious or linguistic community may not be denied the right, and with other members of its community to enjoy their culture, practise their religion and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society. These rights may only be exercised in a manner consistent with the Bill of Rights.
141. The applicant and its members have the right to freedom of conscience, religion, thought beliefs and opinions and the right to freedom from all forms of violence, and not to be treated or punished in a cruel, inhuman or degrading way.
142. The applicant and its members have the right to self-determination, as manifested in the Constitution.
143. The applicant and its members as a community sharing a common cultural and language heritage have the right to the recognition of the notion of the right of self-determination, within a territorial entity in the Republic.
144. The right of self-determination may be exercised within the framework of existing sovereignty of South Africa.
145. There is no Law in South Africa that prohibits or prevents the self-determination of any South African community sharing a common cultural and language heritage, within a territorial entity in the Republic.



146. Self-determination means the process by which a community sharing a common cultural and language heritage controls their own life, which includes the ability or power to make decisions for themselves.
147. Self-determination means the process by which a community sharing a common cultural and language heritage has the power to decide how they will be governed and by whom.
148. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own destiny.
149. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to choose their own political status.
150. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own form of economic, cultural and social development.
151. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to determine their own management free of external interference and incursion.
152. Self-determination means the process by which a community sharing a common cultural and language heritage has the right to claim that the state respect this right.
153. Any conduct that denies the applicant the exercising of its right to self-determination is inconsistent with the Constitution, invalid and not permitted.



DISPUTE OF FACTS / RIGHTS FORESEEABLE;

154. Currently the applicant's members are being subjected to Laws that exclude them from the economy of South Africa, based on their skin colour.
155. Currently the applicant's members are being subjected to the threat of having their property expropriated without compensation based on their skin colour in violation of international Law.
156. Currently the applicant's members are being subjected to the highest crime and murder rate in the history of South Africa with no political will to protect them.
157. Currently the applicant's members are being subjected to a drive that aggressively seeks to destroy their history and culture.
158. Currently the applicant's members are being subjected to a government that is in direct opposition to their religious beliefs.
- 159.** Currently the applicant's members are being subjected to cruel and inhuman and unfair punishment by the Courts of the South African Government. ***(Attached hereto and marked CV6).***
160. Currently the applicant's members are being subjected to an aggressive drive to eliminate their Afrikaans language.
161. Currently the applicant's members are being subjected to an aggressive drive to eliminate their history.
162. Currently the applicant's members are being subjected to an aggressive drive to eliminate their culture.

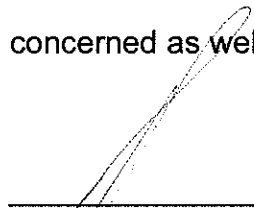


163. Its reasonably possible that should the applicant proceed with its intention to create a Self-determining community of people sharing a common cultural, language, religion and heritage, wherein they control their own life, which includes the ability or power to make decisions for themselves and wherein they have the power to decide how they will be governed and wherein they have the right to determine their own destiny and wherein they have the right to determine their own form of economic, cultural and social development and wherein they have the right to determine their own management free of external interference and incursion, but to exercise these rights in a manner consistent with any provision of the Bill of Rights, that a dispute regarding the exercise of these rights may arise with anyone of the three respondents.
164. A declaratory order is an order handed down by the Courts which defines the rights or obligations of a particular party, or the rights and/or obligations that exist between two parties.
165. A declaratory order by this honourable Court will Resolve any legal uncertainty for the parties, which in future could be very useful in preventing unnecessary, lengthy and costly litigation or disputes
166. Given the circumstances that I described above it is in all the Parties, as well as the public's interest that this Honourable Court "clear the air" between the parties in order to facilitate a productive and constructive relationship between the parties going forward, and to avoid any prejudice to any party involved.

A handwritten signature in black ink, consisting of a long, sweeping vertical stroke followed by a smaller, more complex mark at the bottom right.

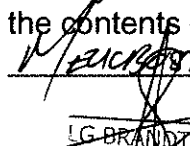
WHEREFORE;

I accordingly ask for an order in terms of the notice of motion, I respectfully submit that it will be in the public interest and the best interest of all the parties concerned as well as in the interest of justice to make the order as prayed for.



C J Viljoen
DEPONENT

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to before me at WELKOSSTRAND on this 01 day of ~~September~~ October 2019.


CST
7172104-5

L.G. BRANDT

COMMISSIONER OF OATHS
FULL NAMES: LUCINDA BRANDT.
BUSINESS ADDRESS: OTTO DA PLETTI DR.
DESIGNATION: GNST.
AREA: WELKOSSTRAND.

