UNITED LIBERTY ALLIANCE
VERENIGDE VRYHEIDS ALLIANSIE
EX UNITATE VIRES

Introduction

The international community was both vocally and financially supportive of the transition from the 17 race-based policies of the apartheid era to a democratically elected government. This support, along with the widespread desire for reconciliation and collaboration amongst the citizens of South Africa, allowed the transition to occur peacefully in 1994. The resulting new South African Constitution was hailed as a political miracle, which struck a balance between correcting the wrongs of apartheid and protecting the significant minority populations in South Africa. During the initial years of the Mandela presidency, all ethnic groups united to work together to realise the dream of a prosperous South Africa.

Today however, more than 25 years later, that dream has been shattered by widespread corruption, incompetence at all levels of government, out of control violent crime and a reversed to 114 race-based policies and legislation.

Most concerning is that almost all the failures of the South African government are increasingly being blamed on the white minority, who constitute only 8.4% of the total population and have had virtually no political, fiscal or military power since 1994.

The United Liberty Alliance (ULA) is a civil rights movement that was formed to assist the oppressed minorities to realise sovereign self-determination according to the 1994 Afrikaner Accord which was inserted in the South African Constitution, which makes provision for a two-state solution. The ULA is an umbrella body that unifies a multitude of minority-led organisations, brown, Indian and white, through the common goal of independence.

History

The roots of the United Liberty Alliance (ULA) originated in 2009 in the USA as a social group of concerned friends of Afrikaners. Its initial function was to aid South Africans emigrating to the USA by extending a helping hand and assisting the new immigrants in settling in. At app the same time the KFA (Cape Federal Alliance / Kaapse Federale Alliansie) was formed after the so called Montaque meeting between “coloured” and “white” leaders. On this meeting it was decided that all minorities will work together towards sovereign self-determination, where each group of the minorities will govern themselves in a new Confederate system. In 2015 the American and SA groups got together and decided to merge in order to follow the route of secession together as the “Afrikaner Society”. Very short afterwards the name was changed to United Liberty Society / Verenigde Vryheids Alliansie (ULA / VVA).

Concerns regarding the wellbeing of the whites being forced into squatter camps, due to the 114 race-based policies and legislation back home in South Africa (SA), enlarged their focus. At the same time the

“coloured” communities were also in dire need of assistance due to the ever-increasing poverty due to the exclusion of the minorities from the workplace and the economy. The founder members of the ULA soon realised that problems facing those left impoverished and vulnerable to increasing crime in SA, were far too big to solve with food and clothing donations.

After lengthy discussions with many expats they came to the conclusion that the only solution was to find a way to achieve independence. The path was set for the future birthing of the United Liberty Alliance (ULA).

During 2015 the Cape Federal Alliance (CFA) / Kaapse Federale Alliansie (KFA) organization was started originally by Hein Marx, former secretary of State President PW Botha and businessman, and Peter J. Marais former Mayor of Cape Town and later Premier of the Western Cape. Meanwhile in the USA, Hannes Louw and Sonia Hruska the social group of concerned friends of Afrikaners, started the organization Afrikaner-genootskap. These two organisations amalgamated and are now known as the United Liberty Alliance (ULA) / Verenigde Vryheids Alliansie (VVA).

General Constand Viljoen’s involvement:

General Constand Viljoen demanded that self-determination for minority groups be built into the SA Constitution before the National Party surrendered power to the ANC. He predicted a coup d’état if it was ignored. On 21 December 1993, Nelson Mandela wrote a letter of approval to Genl. Viljoen of the forthcoming signing of the Accord. As a result, the Accord was signed on 24 April 1994, mere days before the 1994 general election.

Genl. Viljoen was so serious about self-determination that he became the visionary, planner and driving force behind it. It was through his efforts that self-determination was firmly inserted into the South African Constitution to specifically protect the minority groups in South Africa.

The Freedom Front (FF) political party was initially formed to obtain self-determination for the Afrikaans people and were directly involved in Section 235, the section on self-determination, being inserted into the South African Constitution.

The FF+ made the decision not to lead the agreed and legal self-determination process for the minorities for which they were founded for and entrusted with. All political parties went silent on the event for the next two decades.

In 2014 Genl. Viljoen contacted Hein Marx and asked him to revive the self-determination process he so hard fought for, since political parties kept it out of the public arena. Dr. Klaus Baron von der Ropp, an international witness to the Accord, then contacted Hein Marx and shared the Accord document with him the same year. Since the 2014 meeting with Genl. Viljoen, the self-determination for the minorities was revived and driven with unrestrained effort by patriot Hein Marx.

A meeting on 23 May 2015 at Montague in South Africa between the Bruin Bemagtigingsbeweging (BBB) / Brown Empowerment Movement, General Constand Viljoen, various Khoi-San groups, representatives of the military veterans of the Cape Corps, Freedom Front, representative of Orania, former ambassadors, Wes Kaap Aksie Forum, Confulsa, Khoisan United Front (KUF), Movement of the Aboriginal Peoples of SA (MAPSA) was a historic and monumental moment.

The various groups debated, discussed, exchanged views, prayed together at times for guidance, had lunch together and reached consensus on self-determination for the people of the Western Cape in terms of Section 235 of the South African Constitution. They agreed that they are one God-fearing Afrikaans-speaking-community who must reject racism in all its forms and strive to find unity in diversity between them. They also agreed to call further conferences to allow for participation of other groups who share in their ideals.

General Constant Viljoen was loudly applauded for his presence as he travelled a very long distance to attend. He gave the meeting a deep insight into his discussions with Thabo Mbeki and Nelson Mandela concerning The Right to Self Determination and what led to the ANC finally wholeheartedly agreeing to it. Hein Marx and Peter J. Marais jointly chaired the historical meeting on 23 May 2015 which led to the signing of the Montague Accord.

After the Cape Federal Alliance (CFA) / Kaapse Federale Alliansie (KFA) and the Afrikaner-genootskap organization amalgamated and the United Liberty Alliance (ULA) / Verenigde Vryheids Alliansie (VVA) was formed, the ULA founded the CapeXit in Texas USA as a marketing action for the ULA's secession process. The ULA has documented proof of the CapeXit marketing brand belonged to the ULA. Des Palm, who was part of the ULA leadership suggested they must make CapeXit a Non-Profit Company (NPC) to ask the public for money for the secession movement. Hein Marx and the rest of the Executive Committee opposed the idea, saying "it is too dangerous and it only makes you a target". Des Palmer then hijacked the ULA's CapeXit Facebook page and registered CapeXit in South Africa without the consent of the ULA Executive Committee and falsely claims he started the CapeXit movement. The CapeXit today, a movement that includes not only the minority groups, supported by the Freedom Front Plus political party, not complying with the criteria of international law, are attempting to secede the Western Cape in direct contrast as what the ULA desire to achieve for the minorities of South Africa only.

On 29 October 2018 ULA launched their petition at the White House and received more than the required 100,000 signatures in the 30-day window (29 November 2018). The target of 100,000 signatures were reached only 10 days into the petition. ULA is now officially on record at the White House Administration for international law record purposes and for requiring assistance in time of need. "We the People", is a section of the whitehouse.gov website for petitioning the administration's policy experts. Petitions that meet a certain threshold of signatures are typically reviewed by Administration officials who prepare and issue official responses. We the People serves as a public relations device for the current White House administration to provide a venue for citizens to express themselves.

Days later, on Monday, 14 January 2019, Pres. Trump signed the anti-genocide act into law (Act S1158) which made headline news: "U.S. President Donald Trump on Monday signed new bipartisan legislation committing the United States to preventing genocide." Pres. Trump is committed to send in Marines as a matter of national security interest.

On 11 February 2019 the ULA have concluded the legally required communications with the ANC Government and have delivered, by means of the Office of the Sheriff, the final ultimatum letter to them. The same letter has also been delivered to President Trumps' administration, various international embassies, and human rights establishments globally to keep them fully informed as is required by international law.

On 28 May 2019, Secretary General Mr. António Guterres from the United Nations, contacted the ULA President, Mr. Hein Marx, to inform him personally that the ULA's case has been referred to the United Nations Human Rights High Commissioner Mrs. Michelle Bachelet Jeria. In January 2020 Mr. Guterres confirmed that the ULA's secession case is on the United Nations High Commissioner of Human Rights' desk, which is the second most senior position in the United Nations for investigation.

Conclusion

Since 2014 to date: Various embassies and international role-players has been kept up-to-date with the ULA's secession process in preparation of support and assistance during the secession transition phase (transitional government).

The following 17 fundamental secession criteria have also been thoroughly conducted and executed in compliance with international law:

1. Show Concrete Evidence for Secession: 23 April 1994 Accord on Afrikaner Self-determination.
2. Quantifying and Margination Process.
3. Feasibility Study of the Proposed New Independent Country.
4. Communicate Intention to Secede.
5. Bill of Rights of the New Country.
6. The Constitution of the New Country.
7. Risk Analysis of the Forthcoming Political and Social Instability and the Imminent Threat to Minorities.
8. System of Government: Construct Future Governance Model.
9. To Exhaust All Internal Remedial Process.
10. Communication With International Role-players.
11. White House Intervention Request.
12. Inform Public and International Role-players You Call for Secession Mandates.
13. Formulate, Advertise and Establish an Emergency Interim Government Model and Government Structure.
14. Inform the Public to Equip Themselves.
15. Writing of Unilateral Declaration of Independence Statement.
16. Foreign Policies Activation.
17. Informing the UN Secretary General Mr António Guterres.

ULA is since 2019 in the final secession process to establish the required 2 million mandates to enable them to legally call for a referendum.

Who and What is the ULA?

The ULA is a civil rights organisation. They are registered in South-Africa as well as in the USA. They are leading the legal process for independence (sovereign secession) of the oppressed SA minority groups. Additionally, the ULA acts as an umbrella organisation to unite all minority organisations and parties which have the common goal of independence.

The ULA has a very competent international legal team. Local and international advocates, lawyers and attorneys are working on the minorities' behalf. They do so at no expense to the ULA, carrying the cost

of this extensive international legal process themselves since 2014. The ULA has some of the top judicial players on-board to ensure a permanent solution for peace and prosperity.

The ULA's Vision

The ULA and its affiliate organisations envisage a free and fair society where Southern Africa's minorities can enjoy their basic human rights, free from domination and oppression. The worsening situation in South Africa has shown, since 1994, that this vision is only obtainable through independence for those regions where these minorities do in fact form the majority.

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The ULA's Mission

Their mission is to:

*Foster mutual respect and collaboration between the various minority groups in SA;

*Unite the various minority organisations thereby obtaining the mandate to pursue independence;

*Establish a Congress of Representatives who will be tasked with planning the legal, orderly and peaceful secession of the relevant regions;

*Obtain international support in the form of monitoring and oversight, financial support and political and legal recognition as well as sanctions against the South African government;

*Facilitate the democratic independence referendum by means of a voting database, where persons can register their independence vote over an extended period of time (instead of on a single day as in a traditional referendum);

*Ultimately execute the transition to independence under the leadership of the Congress of Representatives and in collaboration with the international community. The Congress of Representatives will draft the constitution and key policies of the new independent state and will form regional shadow governments in anticipation of independence.

ULA's Definition of 'Self-determination'

What is secession?

Many South Africans ask what is to be understood by the term secession? Simply put, it is the legal term (derived from the Latin word secessio) for the formal withdrawal of a group from a larger entity, more especially a political entity seeking total independence and sovereign self-determination. To further simplify: It is the term for the process of the creation of a new, sovereign state out of a portion of an existing, sovereign state or states?

What is self-determination?

Self-determination is a cardinal principle in modern international law (commonly regarded as a jus cogens rule), binding, as such, on the United Nations as authoritative interpretation of the Charter's norms. It states that people, based on respect for the principle of equal rights and fair equality of opportunity, have the right to freely choose their sovereignty and international political status free of interference.

Is there confusion in SA as to what self-determination is?

Yes, unfortunately there is. Some political parties and civil rights initiatives use the word 'self-determination' interpreting it to mean 'internal self-determination', leaving the minority groups feeling excluded and hopelessly stranded under the socialist majority government's control.

Is there an example of this concept of 'internal self-determination'?

Yes, Orania is such an example. Orania is a registered company, giving investors limited control in the registered landmass area belonging to them. Orania is however still very much under the jurisdiction of the South African government and does not, nor ever will have, sovereign independence. Were the Economic Freedom Fighters (EFF), a Marxist black political party, to motivate their masses to settle in the vicinity of Orania it could quickly change to an EFF controlled municipality and ward. Thus, the term 'self-determination' as used by some South African political parties is highly misleading to minority groups of SA.

What is the ULA's understanding of self-determination?

Combine all these thoughts into one idea to derive the full, intended meaning of the ULA's process:

- Acting in the interests of the diverse, beleaguered minority groups of the existing Republic of South Africa
- Withdrawal of these groups from the existing Republic of South Africa and its corrupt, racist government
- Declaration of Independence (the act of secession)
- The creation of a new, independent state for the South African minorities, where absolute sovereignty will accord these minorities the power to make their own decisions and decide for themselves how they will be governed.
- Total autonomy for the minorities in their own sovereign environment, divorced from the current, majority-ruled, culturally and racially biased dispensation
- A two-state solution to the current dilemma, whereby the united minorities are granted control of their ethnic and cultural homelands and the majority retain control over theirs. For the purpose of discussion and action, the ULA currently refers to the envisioned new minority state as Hartland. This will be revised by democratic process upon the legal formation of this state.

Identity and Role

Most people do not understand the identity and role of the United Liberty Alliance (ULA) correctly. The ULA is not a political party or political organization. Leaders and members of political parties and

organizations think that they must make a choice between the ULA or their party, group or organization's "policy". The VVA does not have a "policy" that you need to support or not. See the ULA as your lawyer or your law firm. All they do is to propose a specific legal process; that few people realize does exist, to solve a problem for all of us. That is the only role the ULA wants to play. It is indeed the ONLY law firm thus far that has followed and completed the entire legal process. This process lasted six years. Many other organizations still WANTED or are GOING TO even... But this law firm has already completed all the work. They are ready to appear in court and immediately get an interdict against the bully that is victimizing minority groups in SA.

The ULA is not a right-wing or left side or Afrikaner or "Boer" or a Broederbond group with any sinister or financial motives. It is simply a group of intelligent, thinking people with a fresh "out of the box" JUDICIAL solution for a problem that our Patriarchs have not been able to resolve in centuries. The ULA does not ask you to make a choice or to leave your political organization. On the contrary. The ULA is an "alliance" – an organization that arises when different groups join their forces for solving a specific problem. It is an organization by the people, of the people and for the people... If all your other options fail, you are going to need your lawyer a lot.

The ULA will therefore only be your attorney or law firm who has your mandate (agreement) to act on your behalf for all minority groups in SA's future. And their actions come completely without any charge to you. With an international team of lawyers, they have already done the necessary work. There are only two things remaining:

To get 2 million mandates from minorities...

or

A civil war must break out...

If chaos and a civil war become SA's fate, the ULA is the only organization in a position to immediately obtain an interdict and start the process of secession from SA. If this does not happen, it will also be just a matter of time to let 2 million thinking people understand that we really no longer have another choice than independence and that this provides a unique opportunity and solution to our problems in SA...

ULA's Purpose

Let us try to address the misconceptions about the ULA by using a simple image: Let us suppose you have a problem. There is a malicious bully who is victimizing and mistreating you around every corner. Now there are several possibilities for you to try to solve this problem:

One person suggests that you go speak to a psychologist to help you deal with the problem. The psychologist discusses with you all the methods that exist to calm your nerves and help you accept your fate. This is a political solution. Of course, it is not going to prevent the bully from mistreating you, but at least you now feel better about your fate. We also criticize nobody who wants to follow this method. If it works for you, that's alright. But just realize that this is only one method and not necessarily the only solution to the problem.

A social worker tells you that she has a better plan for your problem. You and the bully must chat with each other and you must try to negotiate with him. Her suggestion is that you can sort out your differences and learn to live together in peace. This is another political solution – a kind of parliamentary process that works like group therapy. The bully is, however, very arrogant, and complacent because he is much bigger than you, and it is doubtful whether this method will bring him to his senses. But again, we don't criticize your method.

Finally, you hear about a good lawyer. You' go to see the lawyer and he tells you that there is another process he knows about and wants to propose to you. It is namely a legitimate legal process. He can get an interdict and a protection order against the bully who will prevent him from coming near you or fight with you. It will make sure he is leaving you alone and that you can go on with your life.

Which of these methods would best address the problem? It's not always that easy to know. It also depends on the circumstances. The attorney's suggestion may be the more radical one, but if the situation is serious enough, you should do what is necessary. As they say in English: "Desperate times call for desperate measures". However, none of the methods will exclude the other one completely. You don't have to make a choice for one against the other. In fact, you can try all the solutions and see which one gives the best results. In Science, a principle known as "the Law of requisite variety" is used to make good choices. This principle predicts that the person or organization with the most options will eventually conquer. The best option therefore remains to know and use all of the options.

So, fellow citizens, come take hands with the ULA and make sure you have a good legal team behind you. The worsening conditions in SA make it likely that you will need their help sooner than later.

Who are the Minorities?

The ULA focused on the self-determination of the oppressed minorities in Southern Africa. These minorities include the descendants of:

a. The Khoi and San, the aboriginal peoples of Southern Africa;

b. People from Continental Europe, the British Isles and even North America who settled in Southern Africa from as early as 1652;

c. Slaves and indentured individuals brought to Southern Africa before 1900, primarily from Malaysia, India and Indonesia.

Is the ULA's Process Legal?

The ULA follows international law explicitly. Below are the international laws and regulations proving overwhelming that ULA’s secession process falls within the criteria and framework for legal secession.

1. The signed 1994 “Accord on Afrikaner Self-determination”:

The signed 1994 “Accord on Afrikaner Self-determination” emphasizes the acceptance of secession by international role-players. On 21 December 1993, Nelson Mandela wrote a letter of approval of the forthcoming signing of the Accord. The Accord was signed and approved prior to the general election in

1994 by the ANC - Thabo Mbeki, the National Party - Roelf Meyer, Freedom Front Party - Genl. Constand Viljoen, and together with many world leaders such as:

a. Princeton N. Lyman was the US Ambassador to SA and was an international witness.
b. Sir Anthony Reeve was the UK Ambassador to SA and was an international witness.
c. Klaus Baron von der Ropp of Germany, was an EU international witness to the Accord.
d. (??) was the Ireland EU international witness.

The signing ceremony was supervised by witnesses Prof. Abraham Viljoen and Jürgen Kögl.

The internationally accepted “Accord on Afrikaner Self-determination” was inserted into the South African Constitution under Chapter 14 Article 235. Section 235 of Chapter 14 of the South African Constitution allows for the right of self-determination of a community, within the framework of the right of the South African people as a whole to self-determination and pursuant to national legislation. This section of the constitution was one of the negotiated settlements during the handing over of political power in 1994.

These following South African Constitutional sections allow legal secession as defined by international law:

- Section 231, International agreements - page 120
- Section 235, Self-determination - page 121

The ULA exercise its legal claim as what was agreed.

2. Article 235 of Chapter 14 of the South African Constitution:

"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".

It is important to understand that Section 235 of the South African Constitution is to be interpreted in accordance with international law, which reads as follows:

This section makes it overwhelmingly clear that the right to self-determination does not only vest in the South African nation as a whole, but in “peoples who share a common cultural and linguistic heritage”. It provides for self-determination by stating “within a territorial entity in the Republic” but then continues to state “or in any other way”, which clearly means external sovereign self-determination.

Further, the Constitution stipulates:

“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” International Law: Application of international law, 233. South African Constitution.

Based on this stipulation in the Constitution reasonable interpretation must be upheld in line with international law.

UNESCO has provided a widely accepted definition of “peoples” stating the following:

A “people” are a group of human beings who share:

1. A common historical tradition;
2. Racial or ethnic identity;
3. Cultural homogeneity (sameness);
4. Linguistic (language) 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 be, because a nation as South Africa is a prime example where heterogeneity is apparent just by looking at the fact that we have 11 official languages. This alone nullifies the CapeXit secessionist group attempt to secede as they welcome all Bantu ethnic groups, meaning a part of the South African “general nation”, into their movement and this alone disqualifies them immediately according by international law.

Only the minority groups in South Africa, white brown and Indian fulfill these criteria which is a total separate culture, language and religious ideology from the Bantu from Africa. The Afrikaner nation was birthed on Africa soil and developed their unique language on Africa soil, and this unique Afrikaans language was registered in 1925 as one of the official languages in the world. On 8 May 1925, twenty-three years after the Second Boer War ended, the Official Languages of the Union Act of 1925 was passed at a joint sitting of the House of Assembly and the Senate.

Section 9(3) of the South African Constitution states that "the state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including language".

The state increasingly neglects the language rights of minorities in South Africa. Unless active steps are taken to develop and advance South Africa’s indigenous languages (Afrikaans and KhoiSan language) - especially at official level - they will soon be in a weaker position than before 1994. This would put South Africa in the same situation as other post-colonial African states where colonial languages (such as English, French and Portuguese) were associated with power, modernity, school, government and officialdom, whereas African languages were relegated to the domestic domain, informal use and primordial solidarities.

The ULA’s secession will not only prevent this but enhance the Afrikaans and the KhoiSan language which is called Khoekhoe (or Nàmá) of Namibia.

3. Declaration on the Rights of Indigenous Peoples:

The Declaration on the Rights of Indigenous Peoples (UNDRIP or DOTROIP) is a non-legally-binding resolution passed by the United Nations in 2007. It delineates and defines the individual and collective rights of “Indigenous peoples”, including their ownership rights to cultural and ceremonial expression, identity, language, employment, health, education and other issues. It "emphasizes the rights of

Indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations". It "prohibits discrimination against indigenous peoples", and it "promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development".

The goal of the declaration is to encourage countries to work alongside indigenous peoples to solve global issues, like development, multicultural democracy and decentralization. According to Article 31, there is a major emphasis that the indigenous peoples will be able to protect their cultural heritage and other aspects of their culture and tradition in order to preserve their heritage from over-controlling nation-states.

Both the KhoiSan and the Afrikaner are indigenous people for which the ULA advocates for. Both were born in Southern Africa, both have distinct languages and both are cultural different from the African Bantu tribes.

4. African (Banjul) Charter on Human and People's Rights:

The African (Banjul) Charter on Human and Peoples' Rights was promulgated by the Organization of African Unity (OAU). The Banjul charter is one of the clearest, most useful commitments to self-determination. This convention was adopted in 1981 and entered into force in 1986.

The International process of secession is clear and the ULA strictly adheres to it. In fact, the OAU laws make provision for secession in:

Article 20:

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.

Article 21:

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

The African Charter’s proof that the charter does not refer to “people” as a “nation” but a unique people: it states that the right belongs to all people and then goes on to recognise “colonized” or “oppressed people” in particular as is the case with the minorities of South Africa.

The RSA government signed this Charter on **16 March 2004 and it was ratified on 17 December 2004** and thus must comply with the African Charter on Human and People's Rights stipulations. The ULA conforms with the criteria.

5. International Covenant on Civil and Political Rights:

Article 1 of the International Covenant on Civil and Political Rights referring to self-determination:

1. "All peoples have the right of self- determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Article 1 of the International Covenant on Civil and Political Rights, was signed by the South African Government on 3 October 1994 and ratified on 10 December 1998. The South African government is therefore legally bound by the Covenant's provisions. The ULA conforms with the criteria.

"Apart from the right to self-determination now being widely recognised by the international community, and confirmed in international law through its inclusion in legally binding agreements such as the aforementioned covenant on civil and political rights (there are various other international legally binding documents confirming the right), the right to self-determination has also attained the status of an erga omnes and ius cogens norm.

Erga omnes means that it is an obligation that is owed to the international community as a whole, and ius cogens means that it is a peremptory norm of international law. The latter means it trumps other rights and obligations in international law." South African minorities' right to self-determination in the 21st century, Marieke Roos, 1 Desember 2014.

6. Lotus-principle under international law:

According to the Lotus-principle under international law, that which is not prohibited, is allowed. On a regional level, a legal basis for the right to self-determination can firmly be found in the "African Charter on Human and Peoples' Rights" in article 20 as mentioned:

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."

In the South African minorities' context, the right to self-determination is guaranteed in section 235 of the South African Constitution.

7. Uti possidetis, ita possideatis:

According to Marieka Roos[1] in her academic research paper “South African minorities’ right to self-determination in the 21st century - 1 December 2014 ” explains that the Latin maxim uti possidetis, ita possideatis, meaning as you possess, so may you possess or which roughly translates to ‘you may keep what you had’. Roos says this maxim was particularly applied in the “colonial context”. The rule of uti possidetis was applied in the colonial context to ensure that decolonisation took place in an orderly fashion. Until recently, it was held to be one of the primary legal principles that had to be applied in cases of external self-determination and secession.

The uti possidetis rule has been applied in the past in order to limit border conflicts. However, arbitrary borders drawn by colonialists were a particularly big source of ethnic and border conflicts. Why uphold a principle that in its essence already gives rise to conflicts, if the very reason for purporting it is to limit those conflicts? Higgins puts it as follows:

“The principle of uti possidetis provides that states accept their inherited colonial boundaries. It places no obligation upon minority groups [or indigenous peoples or other distinct peoples] to stay a part of a unit that maltreats them or in which they feel unrepresented. If they do in fact establish an independent state, or join with an existing state, then that new reality is one which, when its permanence can be shown, will in due course be recognized by the international community.”

The United Nations General Assembly confirmed that secession was always thought to involve the clash of two international law principles; the right to self-determination and the territorial integrity of the state 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, Professor James Crawford[2] concluded that individuals or groups of individuals are not bound by the principle of territorial integrity:

“[T]he 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”.

Roos says this was 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).

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[1] Marieke Roos, currently employed by the EU in Belgium , previously lecturer in law studies (LLB and Diploma in Law), University of Johannesburg, LLD in International law, University of Johannesburg, LLM in International law (cum laude) 2013, University of Kent, Canterbury, UK, LLB in International law (cum laude) 2011, The Hague University, Den Haag, previously served at the Constitutional court of South Africa, under Honourable Justice.

[2] Crawford James: 'The Right of Self-determination in International Law', i.D Alston (ed), People's Rights (OUP, 2001), 50; Contra Orakhelashvili, 'Statehood, Recognition and the United Nations System: A Unilateral Declaration of Independence in Kosovo', 12 Max Planck Yearbook of United Nations Law (2008) 12.

Professor Dr. Peter Hilpold[3] also argues that territorial integrity is directed at the protection from infringements by other states and "surely no 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 human rights of the people asserting a right to external self-determination. This is also asserted by McCorquodale when he argues that a state can only claim territorial integrity if it internally provides for self-determination. According to Simpson, the aim of territorial integrity is to "safeguard the interests of the people living in that territory". The defence of territorial integrity is thus 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 and the fact that the principle can ordinarily only be invoked in relation to infringements by other states, and not by peoples living within the state in question.

Roos states it becomes evident that the argument that secession would violate the territorial integrity of a state is no longer a valid argument, since only states can violate the territorial integrity of another state under international law, and not individuals. Furthermore, the state cannot assert territorial integrity and sovereignty when it is violating the human rights of those exercising self-determination.

The ULA conforms with these criteria.

8. Universal Declaration of Human Rights (UDHR):

The Universal Declaration of Human Rights (UDHR) was conceived as a United Nations General Assembly resolution on 10 December 1948. Article 21(3) of the Declaration states that "the will of the people shall be the basis of the authority of government..." and provides support for a proposition that peoples MUST FIRST SEEK to "exhaust its remedies" within the status quo before taking a radical step such as secession.

On 10 December 1996, the Constitution of South Africa was signed into law by former South African President Nelson Mandela. Ms Thoko Modise, GM for Communications for Brand South Africa said: "Premised on the Universal Declaration of Human Rights, South Africa has included amalgamated human rights in our own Bill of Rights, Chapter 2 of the Constitution of the Republic of South Africa, 1996".

The ULA has exhausted all internal remedies available with the ANC government since 2014. Sufficient evidence shows that ULA has fully complied with Article 21(3) which the ANC must honour according to them signing the Declaration.

9. United Nations Twin Covenants: International Covenant on Civil and Political Rights:

Since the 1960s, international documents have become more directly affirmative of self-determination. For example, Article 1 of both the International Covenant on Economic, Social, and Cultural Rights and that on Civil and Political Rights, refers to self-determination AS A RIGHT, not just a mere principle.

[3] Peter Hilpold, Self-determination and Autonomy: Between Secession and Internal Self-determination: University of Innsbruck, Faculty of Law, Innsbruck, Austria, International journal on minority and group rights 24 (2017) 302-335.

Article 1 of the treaties, both of which were signed in 1966 and entered into force in 1976, provides in relevant part that:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources... In no case may a people be deprived of its own means of subsistence.

These provisions are important not just because they accord self-determination the status of a right, but because they link the political destiny of a people to its economic foundation.

The South African government signed it on 3 October 1994, ratified is on 10 December 1998 and enforced it on 10 March 1999 and is now legally bound by it. The ULA also conforms with the criteria of Article 1 of the United Nations Twin Covenants of 1966.

10. The Unrepresented Nations and Peoples Organization (UNPO):

The Unrepresented Nations and Peoples Organization (UNPO) is an international membership organization established to facilitate the voices of unrepresented and marginalized nations and peoples worldwide. It was formed on 11 February 1991 in The Hague, Netherlands. Its members consist of indigenous people, minorities and unrecognized or occupied territories.

UNPO works to develop the understanding of and respect for the right to self-determination. It provides advice and support related to questions of international recognition and political autonomy. It trains groups on how to advocate for their causes effectively and directly. It advocates for an international response to human rights violations perpetrated against UNPO member groups.

The ULA's case of self-determination, for the unique KhoiSan and Afrikaans speaking indigenous people, birthed and established on Africa soil, conforms to the guidelines of the UNPO.

11. The Moosa-declaration:

On the 5th of June 1998 Mohammed Valli Moosa, the then minister of Constitutional Development ot the then ANC ruling party, said during a parliamentary debate that:

"The pursuit on the part of the Freedom Front and other Afrikaners to strive towards the development of a particular region in the country (the North Western Cape corridor) as a home for Afrikaner culture and language within the framework of the constitution and Bill of Rights, is in government's view indeed a legitimate pursuit." "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." — Mohammed Valli Moosa (ANC), Minister of Constitutional Development, 1998.

The ULA seek all minority groups to be included in the development of a new country free from domination and oppression.

12. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Resolution 47/135 was adopted by the United Nations General Assembly on 18 December 1992. The requirements set out by international law are explained by Prof C. Lloyd Brown-John of the University of Windsor (Canada), as follows:

"A minority who are geographically separate and who are distinct ethnically and culturally and who have been placed in a position of subordination may have a right to secede. That right, however, could only be exercised if there is a clear denial of political, cultural and religious beliefs."

Its key provisions include that "Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination" (Article 2.1).

The “Framework Convention for the Protection of National Minorities” refers to the Declaration in para. 24 of its Explanatory Report. The Commonwealth of Independent States (CIS) “Convention Guaranteeing the Rights of Persons Belonging to National Minorities” (in other translations - Convention on the Rights of Persons Belonging to National Minorities, or Convention on the Protection of the Rights of Persons Belonging to National Minorities) also refers to the Declaration in its preamble.

The ULA proved overwhelmingly that the minorities in South Africa are oppressed in a formal letter to President Cyril Ramaphosa dated 11 February 2019.

13. Peaceful means:

Article 2(4) of the United Nations Charter prohibits states from resorting to the threat or use of force against another state. It does not provide for a prohibition against the threat or use of force by a people claiming self-determination per se but there is a presumption that the use of force is illegal, unless it is in self-defence. The prohibition against the use of force is also a jus cogens norm. A 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 Professor Dr. Malcolm Shaw[4] the use of force to suppress self-determination is unacceptable under international law. States can therefore not use disproportionate force against self-determination movements. Should the state however resort to the use of force in an attempt to curb the self-determination movement, said movement can seek assistance from the international community and act in self-defence.

14. Conclusion:

International law presents a recourse for the establishment of an independent area over and above that which the South African Constitution offers. Available to all minorities who wish to achieve self-determination in the form of independence. The international community have done their part to assist the United Liberty Alliance, now it is up to the will of the minority people.

[4] Shaw, Malcolm N. International law and the use of force by states: International Law, pg 1118. Professor of International Law at the University of Leicester. One of the world’s leading international lawyers, he has been awarded the decoration of ‘Officier de l’Ordre de la Valeur’ by the Republic of Cameroon. He is a member of the Advisory Council of the British Institute of International and Comparative Law and a founding member of the Curatorium, Xiamen Academy of International Law. He is also a practising barrister at Essex Court Chambers.

15. Facts established:

1. International law recognises a right to self-determination and does not prohibit secession.
2. The South African Constitution recognises the right to self-determination and does not prohibit secession.
3. There are certain guidelines that need to be followed before secession would succeed, the United Liberty Alliance already conforms with all the criteria as required by both the South African Constitution and international law.
4. The perceived obstacles hindering secession are archaic and no longer constitute obstacles to secession.

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