

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



SECOND PLENARY SESSION

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[NATAL INDIAN CONGRESS/
TRANSVAAL INDIAN CONGRESS]**

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



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CONVENTION RESUMED

MR JUSTICE SCHABORT

Good morning Ladies and Gentlemen. Welcome back at the Second Plenary Session of CODESA. The remaining two speakers on The Way Forward, are the Leaders of the Delegation of the South African Government and of the African National Congress. Their contributions have been eagerly awaited here.

Dames en Here, die Staatspresident.

/PRESIDENT ...

PRESIDENT F W DE KLERK
SOUTH AFRICAN GOVERNMENT

Honourable Judges Chairmen, eminent visitors from overseas in various missions, your Excellencies, Ambassadors to South Africa, Leaders of Delegations and Members of Delegations, Ladies and Gentlemen.

Before turning to the issues at stake, I would just like to make a short announcement which I think is of great interest to many delegations here, in the presence of our foreign visitors. I am pleased to announce that in response to the request of the Minister of Foreign Affairs to the Commission of the European Community for Drought Aid, the Senior Vice-President of the Commission informed us yesterday that outside and in addition to assistance to the Southern African region, the Commission is prepared to consider providing emergency relief to some of the worst affected population groups and areas in South Africa. The Government, Ladies and Gentlemen, will follow this up as a matter of urgency to make the necessary arrangements, if details can be arranged, and we thank the mission of the European Community and ask them to transmit South Africa's appreciation for this gesture.

Mr Chairmen, I have been tempted to react in detail to some of the statements made yesterday but have decided to resist the temptation. However, I want to make one clear statement in reply to the accusations and innuendos that the Government promotes continued minority domination or privilege. I cannot allow that to stand. It is simply not true. When we say that the book on apartheid has been closed, we mean it. When we say Mr Chairmen, that we - all of us - must now build the South African nation,

/we ...

we are in earnest about it. When we say that in our attempt to build a new Constitution we must assure that there is no discrimination built into that new constitutional system, and that also in other spheres South Africa will be freed of discrimination, we mean it; we are totally committed to it.

En daarom Meneer, wanneer ons praat in hierdie onderhandelingsituasie oor die probleem van verskeidenheid, dan praat ons nie in 'n rassiesin daarvan nie; dan praat ons van die werklikheid van Suid-Afrika, dan praat ons soos wat soveel ander afvaardigings gepraat het, van die bekommernis in die harte van bepaalde taalgroepe, kultuurgroepe, belangegroepe, gebiedere, dat hulle wil verseker wees dat hulle ruimte om te lewe, veilig en beskerm sal wees; dat een vorm van onderdrukking nooit deur 'n ander vorm van onderdrukking vervang sal word. Dan praat ons soos ons praat as gevolg van die ingewikkeldheid van ons probleme. In talle ander lande wat nie eers so 'n komplekse samelewing soos ons s'n het nie, was dit nodig gevind om ook met wigte en teëwigte op allerlei maniere seker te maak dat ook die belange van kleiner belangegroepe in daardie lande effektief beskerm word teen die misbruik van mag.

Ons wil op geen wyse 'n voortsetting van diskriminasie hê nie en ons wil op geen wyse spesiale voorkeure en spesiale voorregte vir enige minderheidsgroep, nie die Blankes of enige ander minderheidsgroep, inbou in die nuwe grondwet of in die nuwe Suid-Afrika nie.

The Government, the National Party and the many other delegations

/Mr Chairmen ...

Mr Chairmen, who insist upon proper checks and balances do so, not to subject any majority to minority whims. They do so in the spirit in which the American Founding Fathers have instituted their checks and balances. That spirit was the spirit that no majority should ever be able to misuse its power to undermine the constitution or to dominate or to damage the interests of minorities, however that may be defined. We in Government are not defining the concept of minorities in any way in terms of race, or colour, or any other discriminatory norms.

Mr Chairmen, we are speaking about The Way Forward. From the reports of the various Working Groups and also from the progress which has been made in Working Group 2 - unwritten as yet - emanates fairly clear and laudable guidelines for the future; for The Way Forward; guidelines pointing all of us towards peaceful and attainable goals. Time does not allow me to go into detail. Important in the consensus which we have reached in many Working Groups, in the consensus which has been growing amongst all of us, are the following:

That we are jointly committed to continue with the levelling of the playing field. We must ensure a level playing field. We are jointly committed to the creation of an atmosphere and a situation on the ground which will make free and fair elections truly possible. We share with each other the conviction that the continuing violence must come to an end and we recommit ourselves, also within the framework of the Peace Accord, to attain that and to do that.

/We ...

We jointly believe that we need to move forward in phases, and we have agreed upon frameworks in that regard. The frameworks are becoming clear, are crystallizing and are materialising. And from what we have already attained, certain common practical goals are materialising. Thus it is materialising that there is a need for specific legislation on a basis of urgency, and certain legislative necessities have already been identified.

A common practical goal which has materialised is that we must have a transitional executive council with sub-councils doing the important preparatory work in many fields without which in any event, we can't really move forward. A common practical goal which is materialising is that we need a CODESA-inspired and negotiated transitional or interim constitution, and from that will result a democratically elected, transitional multi-party Government which will govern in a spirit of national unity, and from that will emerge and will flow also a transitional parliament, fully representative of all South Africans, in which they all participate. From that, in turn, must flow a final constitution agreed upon in the transitional parliament in a manner yet to be finally negotiated between us here in CODESA; a final constitution which must serve this country and its people, hopefully, for centuries to come. A good constitution, a proud constitution, a constitution in step with the best which the rest of the world can offer.

We have made remarkable progress Mr Chairman, notwithstanding the one important setback which I do not want to underestimate. All of us I believe face a choice; do we go forward along these guide-

lines, striving for these goals in a spirit of reconciliation, or do we elevate the disappointment of delaying Working Group 2 to a cause for tension, in-fighting and even conflict? The Government has no hesitation in saying, let us move forward and build on the foundations of CODESA 1 and 2 with a sense of urgency. Let us identify that which is still outstanding and then use CODESA to reach agreement on such issues. There is no reasonable alternative for that.

Let us review our procedures and methods if necessary, in order to improve our productivity and our effectiveness. In the same breath one must emphasise - however much we may be in a hurry - what we do we must do well. A transitional or interim constitution cannot be a slapdash rickety affair. In itself it must already make all South Africans proud. We must strike a balance between speed and thoroughness, between the need for time frames and the avoidance of mistakes which will later cost us dearly.

Outside this venue there are millions of South Africans willing us, demanding from us to succeed. They want peace, they want development, jobs and food, they want the fighting to stop and the building of a better life for all South Africans to begin in earnest. They want poverty to be alleviated. They want us to succeed.

Our hearts go out to all our people. It is not for ourselves that we are working in CODESA. It is for our people, for our youth, for our country that we must work and that we must succeed. We

/dare ...

dare not fall back into strife and confrontation and, therefore, we say let us move forward in faith and in hope, let us continue to reach out to all our people and to each other to bring our people together in peace and in harmony, and through reconciliation to forge here in CODESA also in the weeks to follow and the months to follow, to forge here a spirit of co-operation, a spirit and a unity of purpose which will lead this country out of the mistakes of the past, into a prosperous and a stable future.

Ons benader ons taak nie in 'n hoogheilige sin nie, maar in diepe nederigheid in die gees dat ons geroepe is tot geregtigheid, en dat alleen op die fondament van geregtigheid, van billikheid teenoor elke Suid-Afrikaner, alleen op daardie fondament 'n veilige en 'n voorspoedige toekoms vir hierdie land en al sy mense gebou kan word. Ek verklaar met oortuiging hier vandag, ons is gereed om vorentoe te beweeg. Die tyd vir magsdeling het gekom. Die tyd het gekom dat daardie nuwe grondwet gestalte kry en dat alle Suid-Afrikaners deel word daarvan en dat die Suif-Afrikaanse nasie as 'n nasie sy trotse plek inneem in die internasionale arena van state. In daardie gees sal ons positief en konstruktief bly saamwerk, bly hard werk, bly gee alles waaroor ons beskik ten einde te verseker dat ons so gou as moontlik - want ons aanvaar spoed is belangrik - time is of the essence - by finale oplossings en antwoorde uitkom wat blywende vrede in ons land kan verseker.

Ek dank u.

MR JUSTICE MAHOMED

Our next speaker has many titles, I will refer to his latest, Chancellor Mandela.

/Chairpersons...

DR N R MANDELAAFRICAN NATIONAL CONGRESS

Chairpersons, Distinguished International Guests, Fellow Leaders, Comrades, Ladies and Gentlemen. We gathered here yesterday and are meeting again today in a setting which suggests continuity, stable processes and a familiar and predictable environment. The physical circumstances in which we meet suggests that at the end of the day we will show progress built on what we achieved last December during the first historic session of the Convention for a Democratic South Africa. Yet the overwhelming message that was communicated from this hall yesterday both to our own people and to the international community at large, was that no progress towards the new South Africa that we all want had, in fact, been made over the last five months. The things we did and said conveyed this perception despite the valiant efforts that some amongst us made to demonstrate and insist that progress had indeed been achieved. So often the speeches that were delivered, carried the same refrain that could not but inspire gloom and despondency, as well as a sense that we, as politicians, could do no more than speak as I do now.

And yet the actual situation we face demands that we make a radical departure from many things which define the parameters of what we must do as these politicians. We meet here today as we did yesterday, not to play politics but because our country is in a very deep crisis. Our people continue to die as a result of brutal violence carried out by forces that are opposed to democratic change. Fear stalks our land because none of us seem to know when the identifiable as well as faceless assassins are going to strike; whether on the trains, in the townships and

/villages ...

villages, on the roads, or elsewhere. Many feel emboldened to carry and brandish guns, spears, battle-axes, pangas, knobkerries and other weapons of death as though to kill, to threaten and actually to perpetrate violence against other human beings were the most natural thing in the world. It even seems that political organisations have no problem whatsoever when their members and supporters or those who act in their name, take the lives of innocent people in the pursuit of one goal or another.

In addition the criminals who rob, rape and murder for personal benefit seem to grow in number every day and seem to get more desperate and brutal with each passing moment. The crisis facing our country is also expressed by the haunting reality of millions of people without jobs, without homes and without food. The lives of many of our people will be made even more miserable by the terrible drought which afflicts many parts of the country. After many years of gross mismanagement, the economy is in decline and holds no immediate or foreseeable prospect to address any of the urgent and pressing needs of our people. On the horizon we can therefore see nothing but even more misery and further deterioration of the fabric of society affecting all aspects of life including health, education, family life and everything else that defines human existence.

The question that faces us all is, how long can we who claim to be the leaders of our people, sit here, talk eloquently, spin out a complicated formula and enjoy the applause, while the country sinks deeper and deeper into crisis. From where can we claim the moral

/right ...

right to assert that we need to move with less speed? Why do we put off until tomorrow solutions that we can reach today? The people cannot postpone their hunger. Similarly they do not want their freedom postponed. Anyone of us who acts to delay that freedom, only serves to perpetuate our bondage. This is a situation which none of us should be willing to accept. And let none of us make the mistake of thinking that the people will do nothing to change their condition. Not only do the masses have the right, they have the duty to engage in struggle to change their condition, change any government or leader they see as acting against their common good. We all know that it is the relentless struggle of these masses that has brought us to where we are today. Through their struggles they created the possibility for a negotiated resolution of the problems of our country.

And so, when we met here last December at the first session of CODESA and as we convened again yesterday, we held out the hope that indeed we were on course towards a peaceful resolution of the problems that have plagued our country for far too long. Clearly, we cannot gather here today and send out a message to our country and the world that we have taken no steps towards the goal of ending the misery of our people. That is clearly impermissible.

What is it that our people want? What is it that our country needs? We have to move as quickly as possible to arrive at a new constitution which must enshrine the principle of a united, democratic, non-racial and non-sexist South Africa. If there is anybody

in this room who is opposed to this objective, it would be good if they would let us know. To get to such a constitution we need an elected constitution-making body, a democratically constituted constituent assembly. Once again, if there is anybody in this room who is opposed to this objective, it would be good if they would let us know.

With regard to this matter there are a number of propositions that I would like to put to the Convention as a whole. To help our country and people move forward, I would like anybody with a dissenting view to speak out openly against any of these propositions. Firstly, let us all agree that we have to create a constitution-making body, elected on the basis of one person, one vote, with the votes being of equal value. Is there any party here today opposed to this? Let us all here agree that parties elected to this body will be represented within it, in proportion to the number of votes they obtain. Is there any participant who is opposed to this? Let us also agree that in addition to a national list, there will also be candidates who will be elected on a regional basis. Is there any participant who is opposed to this?

Let us further agree that the constitution-making body shall be a one chamber national assembly with sovereign powers to negotiate, draft and adopt a new constitution. Is there anybody who is opposed to this? Let us again agree that the work of drafting the new constitution will be carried out within the framework of constitutional principles that have been and will be agreed here at CODESA. We cannot allow the interim constitution or any interim structure

/to ...

to be imposed upon or to constrain the constitution-making body. Is there anybody who is opposed to this? Let us also agree that the elections we talk about shall be conducted and supervised by an independent electoral commission made up of respected members of our community, and assisted by representatives of the international community. Is there anybody who is opposed to this?

The present Government of our country has admitted to the fact that it is not sufficiently representative of the people of our country. For the majority of our people the matter, however, goes beyond this. These masses consider this regime to be illegitimate. They accuse it of having brought the country to the sorry state in which it is through the pursuit of the evil and immoral system of apartheid. They are, therefore, convinced that it has neither the legitimacy nor the moral authority to take the country through its democratic transformation. The shocking recent revelations about the theft of public funds, the assassination of leaders of the Democratic Movement, coming on top of previous disclosures, confirm the view that the sooner all our people are able to decide who should govern the country, the better.

In the meantime, let us again agree on a number of matters. Let us agree that by the time it adjourns, the tricameral parliament will have passed the necessary legislation to create as a statutory body with executive powers, a multi-party transitional executive council charged with the task of moving the country towards the adoption of a democratic constitution, levelling the playing field and creating the climate of free political activity that will enable

free and fair elections to take place. Is there anybody who is opposed to this? Let us further agree that once the elections have taken place, the elected body will also be the interim parliament operating with a new executive together constituting an elected interim government, which will remain in power until a new constitution has been adopted. Is there anybody who is opposed to this?

Our people want to hear our answers to these propositions. Without the clear commitment of each and every participant in CODESA, we shall be unable to overcome the deadlocks, unable to give the leadership our people are looking for and unable to establish the basis for negotiations to succeed.

Having agreed to all these matters, where next should we go? We must move speedily to conclude all outstanding matters concerning the elected constituent assembly, begin discussion about the composition and other matters related to the elected interim government and, therefore, agree on the interim constitution according to which this transitional government will function. For these purposes the Management Committee should meet soon after the conclusion of this session of CODESA, to look at how it can restructure the Working Groups to ensure that we move forward urgently with regard to all these outstanding matters. The Management Committee will also have to look very closely at the question of time frames in particular to determine when the election should take place, and how long the process of drawing up the new constitution should take. Other outstanding matters must also be resolved.

In this instance I refer in particular to the release of remaining political prisoners. It is quite intolerable that these fellow countrymen remain in prison while we sit here and talk piously about creating a climate of free political participation.

Let me conclude by thanking you for your patience and by urging everybody in this room with all the force at my disposal, to commit themselves in word and deed to the speedy transformation of our country into a peaceful, stable, prosperous, non-racial and non-sexist democracy.

And finally, a word to the Government of the day; the time has come that you should truly cross the Rubicon. You must understand clearly that the days of White minority domination are over.

During the period of change and while you remain in power, you cannot and will not be both player and referee. Whether you are genuine about change will be judged not by what you say, but by what you do. Let us all move forward together to arrive as speedily as possible at our common objective of a democratic South Africa. I thank you.

MR JUSTICE MAHOMED

Ladies and Gentlemen, after those two contributions and the contributions of yesterday, the Management Committee needs to consider its recommendations and we have agreed to have a tea break of between thirty and forty-five minutes to enable them to consider a report which will then be presented after tea.

CONVENTION ADJOURNED FOR TEA

SLIDE PRESENTATION BY MR. P. J. GORDHAN
CHAIRMAN, MANAGEMENT COMMITTEE

CONVENTION RESUMED

MR JUSTICE SCHABORT

Your patience has been tested again but luckily we are back in this hall to proceed with the agenda.

Ladies and gentlemen, it has been felt that you have probably heard enough for the time being, and that it is time that you should also see something; after all, seeing is believing.

I now call upon Mr Gordhan, the Chairman of the Management Committee, who will perform a certain task here - he will present certain slides.

On the next slide we begin to capture the CODESA objectives. What is it that CODESA was actually set up for? CODESA was established, as we understand it, to move us from the current situation in South Africa to a democratic future and a democratic South Africa, that the crucial aspect that we need to resolve within the CODESA forum, is the aspect of drafting a democratic constitution on which a future South Africa would be based, and that remains today the key objective that guides us in the processes that follow.

/SLIDE PRESENTATION ...

/CODESA ...

SLIDE PRESENTATION BY MR P J GORDHANCHAIRMAN : MANAGEMENT COMMITTEE

The Chairpersons, Ladies and Gentlemen. Yesterday I, on behalf of the Management Committee, presented to you the Management Committee report on the progress made in respect of agreements in the various Working Groups. What we do today is to try to graphically capture that report with a view to capturing the vision that has been developing in CODESA on the transition process. It will give us, and indeed the people outside who are observing this, an opportunity to assess what has been accomplished in the five months that we have been working in CODESA on the one hand, and what remain as outstanding matters on the other hand.

At the Management Committee there has been a consistent concern on your behalf that marketing CODESA and the negotiating process, is a vital aspect of our work and marketing, of course, means that we have to take CODESA and the negotiation process to our people and they should understand what is it that we are doing in this mysterious place called the World Trade Centre, and are we indeed reaching agreements which can affect their lives and take them forward to a secure and peaceful future.

On the next slide we begin to capture the CODESA objectives. What is it that CODESA was actually set up for? CODESA was established, as we understand it, to move us from the current situation in South Africa to a democratic future and a democratic South Africa, that the crucial aspect that we need to resolve within the CODESA forums, is the aspect of drafting a democratic constitution on which a future South Africa would be based, and that remains today the key objective that guides us in the processes that follow even

CODESA 2.

On the next slide we examine the various aspects that emerge from the Declaration of Intent by CODESA 1, and the work that has been established as the terms of reference of the various Working Groups. In the first instance, that of constitution-making; in the second instance agreement on a Transitional Executive; thirdly, levelling of the playing fields, some agreement on the future of the TBVC States and then, finally, having reached these agreements, agreement on how do we implement them and within what kind of time frame. And it is these agreements that will finally take us to the democratic future.

On the next slide we begin to examine the process that has been involved in taking us to this future, that at CODESA 2 we will reach agreements on those various aspects, on the aspects of constitutional matters, the Transitional Executive, the levelling of the playing fields, and the TBVC States, and that these agreements would result in implementation according to time frames that we agree upon.

On the next slide we capture the total process from the past, so to speak, to the future. In other words, how do we move from present-day South Africa to a democratic South Africa? The blue on your left-hand side, reflects what we have become used to calling Phase 1 of the transition process, and in that process we are to resolve the issues indicated there, in particular the levelling of the playing fields and creating the climate for free political

/participation ...

participation, and that task will be performed by the transitional executive structure that we put in place. One of the principal tasks of the Transitional Executive Council is to establish the conditions for, and via the Independent Elections Commission, the machinery for democratic elections in this country. The green head of the arrow tells us that these elections will result in the establishment of a constitution-making body, which has two other aspects associated with it: The first, constitutional principles which will guide the constitution to be drafted, and the second, the election and establishment of an interim parliament and executive. And it is this which will take us to the democratic future. The period between the elections and the ultimate establishment of a democratic South Africa will be based on an interim constitution.

In the next slide we begin to examine Phase 1 of this process and Phase 1, as I indicated, involves those three elements, levelling, the climate for free political participation, and the establishment of a Transitional Executive Council which Working Group 3 has already agreed upon. It is the task of the TEC to create that appropriate climate and it is the task of the Independent Election Commission, to set up the machinery for democratic elections in this country. Of course, during this period, as indicated above the arrow head, the current Government and the Tricam Parliament continue, as do the TBVC States.

What then, are the structures of the Transitional Executive Council? And in the next slide we see that this structure will

/consist ...

consist of what has been called "the overarching body", the Transitional Executive Council itself, it will consist of Sub-councils and there are four Sub-councils that we have agreed upon, and there will be two independent bodies. The first, the Independent Elections Commission whose task, as I have said already, is to create the conditions for, and the machinery for, elections in this country; and secondly, an Independent Media Commission whose terms of reference still need to be defined.

What then happens in Phase 2, as reflected in the next slide? In Phase 2 we see that the elections, on your left-hand side, usher in the constitution-making body, and its task is to draft the new constitution, on the one hand, on the basis of constitutional principles that we have already agreed upon in what was Working Group 2 and, secondly, via the elected body, to create an Interim Executive. There is, however, as a result of the events of yesterday, still uncertainty about what the National Assembly will be, what its association within a Senate would be and whether there will be a Senate, and how the interim legislature will actually work. Nonetheless, these are some elements that have developed as a result of discussions in the past and, as you are aware, this still remains a matter for agreements to be arrived at.

As we move on to the next slide, which is actually a repeat of the first one, we will see that the period between the elections and the constitution-making phase, is a period which will be based on an interim constitution to be agreed upon in the prior phase.

/In the ...

In the next slide, at the top of the slide you see a reflection of possible constitutional changes that would underpin this whole process. The existing 1983 Constitution still remains the constitution of this country. It is proposed that during Phase 1 of the transition process, there would be either changes in legislation, or changes in the constitution - and that is still to be decided - which will facilitate the establishment of the Transitional Executive Council. Thirdly, that in the period of the elections and the subsequent period, there would be an interim constitution on which these structures and processes would actually be based and, finally, once the constitution-making body has accomplished its task, a democratic constitution will be established.

The Government and the Tricam Parliament continue up to the point that we have elections in this country, but you will notice that the future of the TBVC States will only be resolved after the elections. The yellow frame around the elections and the constitution-making body phase, indicates that these are matters to be resolved by processes that we establish at CODESA 2 itself.

Let me then summarise in the next slide, what we have established as the parameters of Phase 1. Firstly, the Transitional Executive Councils, or the Council and its Sub-councils. Next the Independent Media Commission. The question marks indicate that the precise terms of reference of the Independent Media Commission are still to be determined. Thirdly, the Independent Election Commission which, as we said, will establish the machinery for elections but also in terms of Working Group 3's proposals, could act as an

/arbitrator ...

arbitrator in the event that there are disputes within the Transitional Executive Council as well. Then we have the task of levelling the playing fields, the future of the TBVC States, and their participation in this particular phase and in the Transitional Executive structure, drafting of the interim constitution and elections based on this constitution.

Following on this, this is what Phase 2 could look like, in the next slide, that we need to agree on constitutional principles which would underpin the drafting of the constitution and provide a framework for that. Secondly, the elections will establish a constitution-making body. The task of this body would be to draft a new democratic constitution. The elections will also establish an interim Parliament. The precise relationship between the interim Parliament and the constitution-making body, still remains a matter for discussion. Emerging from the interim Parliament will be an interim Executive. Some call it a Government of National Unity, or an interim Government of National Unity. And once the democratic constitution has been drafted, it is for this body to then adopt the constitution as the foundation of a new democratic South Africa.

If we then take an overview in the next slide, of both the processes, we will see that CODESA 1 as of December 1991, took place in the context of what we might call present day South Africa. That following on CODESA 2 there was the hope that we would move on to the tasks of Phase 1, that is levelling of the playing fields and creating the conditions for free political participation, and

/the ...

the establishment of a Transitional Executive Council.

The question that just still faces CODESA 2, and future plenary sessions of CODESA, is what is the time frame for these future processes, as indicated in the block above the slide, and it is at this stage very difficult to anticipate what that time frame would be, but hopefully as we discuss The Way Forward, we will be able to address this issue.

Ladies and Gentlemen, that is the graphic summary of the processes in CODESA on the one hand, of an overview and a vision of how we could move into the future. It indicates very clearly areas in particularly Phase 1, where we have agreement in the Working Groups that have been established by CODESA 1. It also indicates very clearly the outstanding tasks to which CODESA 2 has to address itself, and it is in this context that the Management Committee will present to you certain proposals on The Way Forward, as we move to the next item on the agenda.

Thank you very much.

MR JUSTICE MAHOMED

The next item is a purely formal one. It is to note the report of the Working Groups, and the report of the Management Committee on their activities. It is not to adopt, it is not to discuss, it is just to note and that is just a formality. After which, having noted this, Mr Z Titus from the Daily Management Committee, will give us the results of their deliberations during the tea interval by telling us what the recommendations of the Management Committee are in relation to the reports of the Working Committee, which you all have before you. I will call upon Mr Titus.

/MR Z TITUS ...

MR Z TITUS
MANAGEMENT COMMITTEE

Thank you, Chairpersons. Distinguished Guests, Honoured Delegates, Leaders of our country, Fellow Countrymen, Ladies and Gentlemen. Flowing from the discussions we had yesterday and today, regarding the manner in which the various Working Group Reports would be handled, the Management Committee had to consider the way in which the CODESA negotiating process would be taken further, taking into account in particular the difficulty which CODESA Plenary has had with the further consideration of the work of Working Group 2. We have analysed carefully the different remarks made by the various leaders who addressed Plenary yesterday and today.

Without going into detail, it has been observed that despite varying views on this matter, not a single leader has rejected negotiation as the best acceptable option for South Africa. A number of speakers have emphasised the urgency of the matter under discussion, and expressed the view that unless an acceptable solution is found as soon as possible, difficulties may arise. We are conscious of the fact that the impasse which retarded progress yesterday, may endanger the whole negotiation process and consequently as the Management Committee we are committed to finding an acceptable way in which the views and aspirations of all can be accommodated. The Management Committee has taken all the above considerations into account and after having had recourse to the Working Groups views on The Way Forward, we have now formulated a Way Forward which we think will meet the requirements of all concerned, and the people of South Africa in particular.

We are mindful of the fact that the outside world too is anxiously

/awaiting ...

awaiting the final outcome of CODESA negotiations. But before I can deal with specifics, I would like to make a few brief comments on the reports of the other Working Groups, for the recommendation to be made hereafter does not only relate to Working Group 2, but to all CODESA negotiation structures.

The Working Group Reports which have been tabled, indicate clearly that there is still a lot of ground which needs to be covered before it can be said that we have reached the goals we set for ourselves when we agreed and appended our signatures to the Declaration of Intent. The question which now arises for consideration is: What kind of structures should be put in place to ensure that outstanding work is processed properly and on a coherent and urgent basis. It is clear from the reports referred to that a number of decisions and agreements need to be implemented. CODESA needs to devise a way which will ensure that the implementation process goes on smoothly and in a well-structured and well co-ordinated manner which will be worked out by the Management Committee, at which all the CODESA participants are represented.

As has already been said, the Management Committee has given careful consideration to the views expressed by the leaders. In the light of the above, the Management Committee recommends that for purposes of promoting co-ordination and improving the efficiency and effectiveness, CODESA 2 approves of a complete review by the Management Committee of the structures currently in place. The structures currently in place were created at a time when we were ignorant of the programme which would be encountered during the course of

the negotiation process. The Management Committee is of the view that with the experience that we now have, we are in a position to improve on the existing situation. As has already been indicated by the Chairperson of the Management Committee in the report presented yesterday, the present structures do not take into account the overlapping functions as between the various Working Groups. With the benefit of hindsight, it is our view that we are now in a position to make structural adjustments which will ensure at the end of the day that we will glean the desired results, and that agreements will be implemented in a well-structured form and with the minimum of delay. As lawyers say: Justice delayed is justice denied.

I now turn to the recommendations. Copies are in front of the representatives here and I will go through them quickly. We'll have an opportunity at a later stage to go through them seriatim and to have discussion on them.

RECOMMENDATIONS:

We, therefore, recommend that:

2. In order to promote better co-ordination and improve efficiency and effectiveness, CODESA 2 mandates the Management Committee as follows:

2.1 The Management Committee shall suspend the work of the Working Groups with the mandate to convene any Working Group if necessary.

/2.2 The ...

- 2.2. The Management Committee shall be given responsibility for resolving all outstanding matters flowing from the work of Working Groups.
- 2.3 The Management Committee shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate implementation.
- 2.4 The Management Committee shall establish such structures (e.g. technical committees, sub-committees, Working Groups) as are necessary to assist the Management Committee in accomplishing the tasks allotted to it.
- 2.5 The Management Committee shall call a CODESA plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by CODESA 2.
- 2.6 The Management Committee shall be given the authority to constitute a mechanism which will draft all the legislation required as a result of agreements reached at CODESA.
- 2.7 Subject to 2.5 above, the Management Committee be authorised to exercise such authority as is necessary, to ensure that the objectives of the Declaration of Intent are attained; including the power to implement

/any ...

any agreement reached by Working Group 1, and also any other agreement falling within its mandate.

3. CLOSING REMARKS

3.1 The Management Committee is extremely conscious of the fact that the participants in CODESA entered the negotiation process in the belief that it can take our country to a stable order. We have a responsibility to approach our task in such a manner that the confidence of the participants, and our people, in the negotiation process is reinforced. The Management Committee's commitment in this regard has been made public on a number of occasions.

3.2 I accordingly move the adoption of these recommendations. The recommendations, it will be observed, are inclined more towards flexibility. They also take into account the dynamics of the negotiation process. I also attach hereto a summary of the substantive agreements reached so far at CODESA, and also to my report will be attached a list of all the matters which are still outstanding and which, therefore, deserve further consideration by the Management Committee.

I thank you, Mr Chairman.

/MR JUSTICE MAHOMED ...

MR JUSTICE MAHOMED

Thank you, Mr Titus.

Ladies and Gentlemen, you have heard the recommendations.

Mercifully "MC" does not mean my learned friend or me; it means the Management Committee is going to be given all these powers. You will see that it is not a recommendation dealing with the specifics of the reports of the Working Committees.

MR JUSTICE SCHABORT

Ladies and Gentlemen, we shall call the speakers forward in tandem so that the one is waiting here to commence his speech as soon as the other one has finished.

The first speaker is Dr Zach De Beer of the Democratic Party and after him, Mr Reddy of Solidarity.

/Gentlemen ...

DR Z J DE BEER
DEMOCRATIC PARTY

Gentlemen of the Chair, Distinguished Guests, Ladies and Gentlemen. A few months ago we - all of us - came to know and to use and to believe in, a new phrase. That was: The spirit of CODESA. What was this spirit? It was simply the acceptance and the application in our work, of the idea that it is more important to obtain agreement about the new South Africa than it is to score political points on behalf of our parties.

Now, of course, this is not to ask anyone to sell his or her moral principles, but it does suggest an approach, an attitude, a style, which strives for agreement. Yesterday the spirit of CODESA seemed to have evaporated. It was regrettable but perhaps understandable, that Group 2 could not reach agreement. It was very sad indeed that there was a great deal of public recrimination between two very important organisations in the sight of all the world. South Africa was, ill-served by those events.

This morning we listened to the leaders of these two organisations. I select from the President's speech the key phrase:

"There is no reasonable alternative to CODESA."

I believe he spoke for us all when he said that. Mr Mandela's speech contained a list of extremely important matters on which he believes we are all agreed. Subject perhaps to interpretation here and there, I think we all support those views.

We see, therefore, that CODESA is the vehicle we must use and that we have an urgent agenda of vitally necessary things we must do. The Management Committee has just put forward workable proposals

/to ...

to make this possible and we urge Plenary Session to endow that Committee with the authority and the responsibility it needs, to bring us back on track as soon as possible. I hope the spirit of CODESA is coming back into our hearts.

Chairpersons, following upon yesterday's presentation here, a gloom had descended over our land and thank God that this morning the State President and Dr Mandela, demonstrated beyond any doubt that deep in their hearts there was a concern for the future of our people. Mr Mandela talked about the unemployed, the starving, the sick; yes, about that we haven't got to be told anything, it's there, a reality right around where we look.

And therefore, Ladies and Gentlemen, calling people names or trying to open up old wounds, will serve no purpose. We must bury the past and leaders have demonstrated over and over again that we need to kindle the flame of reconciliation. Because you cannot with anger and hurt go forward to find solutions when you have to work with those with whom you have disagreed in the past. So we need that spirit of reconciliation. That should become the 11th Commandment of South Africa: Reconciliation. And we must go forward.

/Chairpersons ...

And to those of you who are critical of what has been happening here in the past few months, and who were prepared to lay blame

/on ...

MR J N REDDY

SOLIDARITY PARTY

Chairpersons, following upon yesterday's presentation here, a gloom had descended over our land and thank God that this morning the State President and Dr Mandela, demonstrated beyond any doubt that deep in their hearts there was a concern for the future of our people. Mr Mandela talked about the unemployed, the starving, the sick; yes, about that we haven't got to be told anything, it's there, a reality right around where we look.

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And to those of you who are critical of what has been happening here in the past few months, and who were prepared to lay blame

/on ...

on some because an agreement had not been reached at Committee 2, you had before you the developments of a number of other Committees who are the very same people working together through a process of compromise, give and take, and have found answers. So, therefore, in pointing a finger because there was a measure of failure in Committee 2, was not entirely right. We will have failures but failures must be a challenge to cause us to approach the matter with much more determination to succeed, and we will have many failures but every failure has to be made a stepping stone to success.

And I want to again say to Dr Mandela: We need that reinforcement from you. At the moment when there seems to be no hope, you have come forward with words of encouragement. This country needs that from you regularly and it also needs it from the State President. Both you gentlemen have a task. This country cannot succeed without a partnership between Black and White both politically and economically, and anybody who has any ideas that one group can go alone, is in a dreamland. South Africa's future depends on a political and economic partnership between Black and White and to that this nation must commit itself. It means sacrifices, it means a process of give and take. That alone will bring success, prosperity, peace in our land. To that I pray Almighty God will commend this land and all its leadership. Thank you.

/Chairpersons ...

MR M C ZITHA

INYANDZA NATIONAL MOVEMENT

Chairpersons, Leaders of Delegations, Ladies and Gentlemen. I wish to speak on point 2.5 of The Way Forward and propose an amendment so as to be very specific about the time frames, because it is our feeling that we need to strike a balance between urgency and the proper resolution of the remaining matters at this Convention. Our belief Mr Chairman, is that a clear target date for the completion of our work, concentrates our mind to achieve that objective. We believe that the remaining matters can be completed by June, and we therefore propose that the date of the end of June should be our target for the next Plenary Session.

If this particular clause, Clause 2.5 could read:

"2.5 The Management Committee shall call a CODESA plenary with suitable representation before the end of June 1992 to adopt the agreements and to receive a report on all matters which have been assigned to it by CODESA 2, and to confirm the composition of the Transitional Executive Committee."

We need to see those delegates or those persons who will be serving as members in the TEC. That is my proposal to this Convention, that by the end of June we have CODESA 3. Thank you very much.

/The Chairpersons ...

MR A RAJBANSI

NATIONAL PEOPLE'S PARTY

The Chairpersons, members of the various participating organisations. All of us want our task to be concluded urgently and the necessary actions must follow. These recommendations of the Management Committee are designed to improve upon the structures and the procedures to reach our goals within the shortest possible time.

In addition to deliberations in the structures of CODESA, we exhort participants to have more bilateral or trilateral talks. My party wants to emphasise that while there has been a tremendous measure of emphasis on nation building, we must apply equal or sometimes more emphasis, on foundation building.

These proposals ladies and gentlemen, have a message of urgency, a message that the deliberations of Working Group 2 must be concluded on an urgent basis, so that South Africa can have the first and second phase of the transitional arrangements implemented urgently.

Accusations against each other about police matters or police actions, or the actions of the security forces, or the actions of the private armies, will cease if there is a joint control of key matters in South Africa, especially the security matters.

/The ...

MR C SALOTTE

NATIONAL INDIAN CONGRESS/PANINDIAN INDIAN CONGRESS

The Management Committee's proposals will move, Ladies and Gentlemen, to the early establishment of the Transitional Executive Council. This is also needed in particular to enable the international community to lift sanctions against our country. The past is over and I want to suggest to the various participants at CODESA: That in accordance with the spirit that prevailed yesterday afternoon and today - early this morning - that we must place a tremendous emphasis on what Dr J N Reddy has said, that the past is now over and the future beckons, and as far as national reconciliation and one community in South Africa not being able to do without the other communities, I want to compare it with a common thing which we have used all our lives: The blackboard in our classrooms. The blackboards that are used in the various forums in this country are useless without a white chalk. And on the other hand we must realise that all the white chalk manufactured in this country is useless without a blackboard.

We recommend that these proposals be adopted as has been proposed by Mr Titus. Thank you.

/Mr Chairpersons ...

MR C SALOOJEENATAL INDIAN CONGRESS/TRANSVAAL INDIAN CONGRESS

Mr Chairpersons and Honoured Participants, we wish everyone to know that the central issue for us to address in the next few weeks is the unwillingness of this Government and the Nationalist Party to give up minority domination. No matter what they say and how often they say it, the position on minority domination should be understood; not from what they say but from what position they take on what constitutes a majority; what percentage determines a meaningful majority.

We maintain that one of the great advances in the development of human society over the ages has been universal agreement on mechanisms by which we resolve differences of opinion. One of the abiding achievements of civilisation has been the recognition when differences exist between groups of people, that the majority view must prevail. What this recognition implies is that although everyone is entitled to hold a view and to express it, in the end the position of most of the people or groups must be accepted.

Another interpretation flowing from this essential contribution from humankind's endeavours to find ways of living with each other in peace and without conflict, is that each vote, each person's view, is of equal importance and that no man or woman is superior or inferior. When you overturn this basic principle of civilised rules, norms, procedures, then you are endangering a fundamental rule which allows societies to resolve differences. This is what the Nationalist Party and the Government's proposals are asking us to do.

/We...

We also recognise that in recent years society has increasingly been called upon to deal with problems which occur when nation states reflect many divisions/diversities in the population. We do not wish to undermine the importance of this problem, and we believe that the solution to such problems is intended to prevent the domination and oppression of minorities by the majority. To this end, the universal trend has been to address these problems through a well-constructed Bill of Rights which is approved by a substantial majority and which is enforceable and testable by an independent judiciary.

In preventing domination and oppression by the majority, we should not be trapped in opting for a minority veto which is what the government and the Nationalist Party proposals amount to. We have lived through a sad history in which the minority has been systematically privileged through practical domination.

Finally Mr Chairpersons, we wish to indicate that the proposals made by the Management Committee are acceptable to us, with minor modifications which we might suggest later. But we hope desperately in terms of the cause of peace and justice, and for us to move to a situation where we could live in justice and in peace, that we will achieve that point rapidly.

Thank you.

/Honourable Chairpersons ..

BRIGADIER O J GQOZOCISKEI GOVERNMENT

Honourable Chairpersons, their Excellencies Members of the International Community, Fellow Leaders, Ladies and Gentlemen. My delegation wish to express its acceptance of the recommendations of the Management Committee, and we want to appreciate and commend the Management Committee for these brisk and clear-cut recommendations which will reduce the workload and the pressures placed on all our delegations as far as the business of CODESA is concerned.

However, although some of the points I want to endorse here for recording are more of a bilateral nature between the Ciskei Government and the South African Government, I would like the delegates here to take note of them. On Group 4, the recommendations as stated in this Working Group's report have omitted one of our very strong points which we think touches on the fundamental principles of my Government's policy.

The Ciskei Government wishes to put its position clearly in regard to the first draft of the report of Working Group 4 to CODESA 2. Ciskei has consistently on all previous occasions stated its position clearly on re-incorporation into South Africa. In regard to Ciskei's participation in an interim government, our position is clear in that Ciskei will not participate in an interim government at this stage, but would like to reserve its position, and in a positive light on The Way Ahead, reserve its position until such time that it has seen how these interim government structures are going to work.

/Our ...

Our position is also clear that, until the constitutional principles have been clearly stated and approved by CODESA and regional boundaries and all other related matters have been determined, Ciskei will keep its options open. At that stage Ciskei will decide on re-incorporation into South Africa.

The fundamental considerations on the part of the Ciskei Government is that Ciskei must be better off in the new South Africa than has been the case under its present circumstances. Therefore the Ciskei Government would like the endorsement on the report of Working Group 4, para 3.1.5, to read:

"The Ciskei Government wishes to record that it will keep its options clear and may participate at a later stage in the interim government structures."

A comment on the report of Working Group 4 on the subject of land reform and land moratorium. In Working Group 4's report, it is recorded that sufficient consensus was reached that no further transfers of land should take place from RSA to the TBVC states. It must however be remembered that there are a number of communities of people in the Republic of Ciskei who have been waiting for almost twelve or fifteen years for the fulfilment of promises on land issues made to them by the South African Government. In some of these cases the community has been waiting more than fifteen years for these promises to be fulfilled. And it is difficult to contemplate that these people will be denied the compensatory land promised to them. The Ciskei delegation would wish to propose that these land issues be

/addressed...

addressed with immediate effect, and the promised compensatory land be transferred to the communities without further delay.

Our argument in this regard is that irrespective of whether the Ciskei is re-incorporated into the greater united South Africa today or tomorrow, this inevitable fact should however not overshadow the rightful historical claim to their compensatory land. These communities were resettled from Herschel, Glengrey and Humansdorp since 1972. The negotiations between the RSA Government and the Ciskei Government in this regard has already progressed to a point of merely formally transferring these lands to these people. It will be unthinkable while these people are awaiting the actual transfer, to tell them that they are no longer getting these lands.

Thank you very much.

MR JUSTICE MAHOMED

Thank you, Brigadier Gqozo.

Whilst these contributions are being made, if anybody wishes to, he can also address his mind to the amendments which were proposed by Mr Zitha.

/Mr Chairpersons ...

/Dr Mandela...

MR W S FELGATEINKATHA FREEDOM PARTY

Mr Chairpersons, Mr President, Distinguished Guests from overseas, Delegates. I am going to comment on behalf of Inkatha Freedom Party. I would like initially to start with a word of caution. Para 12 of Working Group 3 reads as follows:

"The following recommendations are made in regard to the first stage of the transition. These recommendations and their implementation are dependent upon agreement being reached by CODESA in respect of the second stage of the transition (and mark these words) including an interim constitution and general constitutional principles."

First there must be an interim constitution, and first there must be an agreement on general constitutional principles. And then, and then only, are we in any position to establish any transitional mechanisms whatsoever. That is the agreement that we've come to in Working Group 3.

I believe that there is a tendency in the Management Committee to rush too far ahead, and is rushing ahead of the people. Dr Mdlalose this morning I believe, urged the Management Committee not to rush ahead at such great speed. And I'd like to just point to one event this morning which bears out I think the need for us to just to stop and think a little bit.

Dr Mandela, in his address to us, made a number of statements and asked on a number of occasions for those in our midst who disagreed with what he was saying to make his/her disagreement known. When

/Dr Mandela...

Dr Mandela had finished speaking, you'll have noted that something like less than half of the hall stood up to approve of what he said, and you will notice that something like more than half of the hall - well, let us not say half, let us say that a substantial proportion of the delegates - remained seated, registering disagreement with the statements that were made; not in principle but in the context in which they were made.

We, in IFP, believe that despite the difficulties and the shortcomings that there are in CODESA, the real achievers of CODESA in establishing the basis of consensus politics, and the way in which CODESA has actually reached agreements across very difficult lines of division, must be praised. We are today faced with the consequences of yesterday's disruptions. And the Managing Committee is asking us to make decisions about what we do to remedy those disruptions; to remedy the fact that Working Group 2 could not reach any conclusions.

The next meeting of the Management Committee is scheduled I believe for 25 May, that's just over a week and some days away, and we in the IFP urge - we really urge - that no decisions are made about the restructuring of CODESA today because we just have not had the time to consider them, we've not had the time to discuss them amongst ourselves, we are being rushed into a request to decide now on issues which will have long-term implications.

/In ...

UNITED PEOPLE'S FRONT

In order to relieve the pressure on the decision-making process in each of our delegations, we would propose that the work of the Working Groups be suspended and that Management Committee must debate on the 25th, some revised working structure for CODESA.

At this stage, we want to urge that we are dealing with the future of the nation and that mistakes made now are going to be enormously costly in terms of the time that it will take to recover from them. And we really do urge that we do not allow ourselves to be rushed into decision-making about the future of CODESA this morning.

Thank you.

Furthermore, we in the United People's Front, wish to state categorically that as patriotic South Africans who place the national interest over and above sectional interests, fully endorse the sentiments expressed by the leader of the African National Congress, Dr Nelson Mandela, with specific reference among others, to the immediate introduction of legislation by the Tricameral Parliament to enable the election of an interim transitional executive body to draft a new constitution. Such a constitution will, we agree, be approved of by a single supreme Parliament for the whole country.

/Chairpersons ...

Furthermore, we endorse the principle that the election of that body

/Will...

MR M N N RAMODIKE

UNITED PEOPLE'S FRONT

Chairpersons, Dignatories, Ladies and Gentlemen, the UPF endorses the proposals as submitted by the Management Committee to improve efficiency and to facilitate the urgent implementation of the agreements made in the various Working Groups. We believe that a period of four weeks will be reasonable for the Plenary Session to come together to endorse the progress made. And in view of a comment by my colleague, the leader of Inyandza National Movement, Comrade Zitha, I want to support his proposal that the Plenary Session should reconvene by the end of June, before Parliament adjourns in Cape Town.

May we further state that the Management Committee should ensure that the appointment of the sub-councils and technical committees, should be such that participating organisations and governments are not prejudiced in any manner.

Furthermore, we in the United People's Front, wish to state categorically that as patriotic South Africans who place the national interest over and above sectional interests, fully endorse the sentiments expressed by the leader of the African National Congress, Dr Nelson Mandela, with specific reference among others, to the immediate introduction of legislation by the Tricameral Parliament to enable the election of an interim transitional executive body to draft a new constitution. Such a constitution will, we agree, be approved of by a single supreme Parliament for the whole country.

Furthermore, we endorse the principle that the election of that body

/will...

MR JUSTICE NEARPORT

will be conducted by an independent electoral commission which should enlist the assistance of an international monitoring body to ensure that the elections are free and fair. However, to facilitate that process Messrs Chairpersons, as leaders of the respective political organisations or governments, we must take it upon ourselves to bring violence and intimidation to an end; as so adequately stated by the State President this morning.

The days of political posturing and mud-slinging exercises must now give way to a new spirit of reconciliation and reconstruction, of "togetherheid" and not apartheid. If we are serious and dedicated to our commitment to peace and stability, as leaders we must refrain from talks and jointly have peace rallies in the affected communities. In this task the issue of an independent monitoring body such as OAU and/or other organisations such as UN, as well as a joint control of the Security Forces, remains of paramount importance. This will in my view not only give credibility to the Security Forces, but will reduce to a minimum the atrocities purportedly committed by "hit squads" that are allegedly linked into the present Security Forces.

I want in conclusion Messrs Chairpersons, to remind with all humility those of our colleagues in the homelands and the TBVC States, who would like to stick to their positions like glue, that the position that we are

(Inaudible)

We should be

in a position to distinguish between a standing ovation and an approval.

Thank you.

/Thank you ...

MR JUSTICE SCHABORT

Thank you, Mr Ramodike.

Ladies and Gentlemen, we have received a message to the effect that luncheon has been ready now since 12h30. It is evident that all speakers will not have completed their speeches before we can adjourn for lunch anyhow. So at this stage we are adjourning for lunch and please be back sharply at 14h00.

CONVENTION ADJOURNED FOR LUNCH

MR Z TITUSMANAGEMENT COMMITTEE

Thank you, Mr Justice Mahomed.

The first amendment relates to clause 2.7 of the document that was handed out to you. Right at the end, after the word "mandate" there are some missing words. This is purely a typographical mistake.

What I'm going to read out to you was approved at the meeting of the Management Committee this morning. So I have now been given the liberty to make that addition. After the word "mandate" in clause 2.7, I request you to add the following words:

...without summoning a Plenary Session of CODESA, and that it also be given the power to increase the representation

/CONVENTION RESUMED ...

CONVENTION RESUMEDMR JUSTICE MAHOMED

Ladies and Gentlemen, we are ready to resume. Before I carry on with the batting order of the speakers, there are two short amendments one of which will come from Mr Titus merely because a part which had been typed had been omitted from your draft. And the other will come from Mr Gordhan, who is Chairman of the Management Committee, and both of them are intended to facilitate further disputes and I have reason to believe that that will accelerate our proceedings very considerably.

MR Z TITUSMANAGEMENT COMMITTEE

Thank you, Mr Justice Mahomed.

The first amendment relates to clause 2.7 of the document that was handed out to you. Right at the end, after the word "mandate" there are some missing words. This is purely a typographical mistake. What I'm going to read out to you was approved at the meeting of the Management Committee this morning. So I have now been given the liberty to make that addition. After the word "mandate" in clause 2.7, I request you to add the following words:

"...without summoning a Plenary Session of CODESA, and that it also be given the power to increase the representation

/of...

of individual parties/administrations/organisations on the Management Committee."

So that full sentence then reads:

"Subject to 2.5 above, the MC be authorised to exert such authority as is necessary to ensure that the objectives of the Declaration of Intent are attained, including the power to implement any agreement reached by Working Group 1 and also any other agreement falling within its mandate without summoning a Plenary Session of CODESA, and that it also be given the power to increase the representation of individual parties/administrations/organisations of the Management Committee."

MR JUSTICE MAHOMED

Mr Gordhan will move the other amendment which is simply to give to the word "urgency" in the proposed resolution a more relevant context.

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

Mr Chairperson, the clause that I'm referring to here is clause 2.5 which should now read as follows:

"The MC shall call a CODESA Plenary with suitable representation as a matter of urgency to adopt all agreements and to receive a report on all matters which have been assigned to it by CODESA 2, having regard to the scheduled adjournment of the current session of Parliament."

/Chairmen ...

MR JUSTICE MAHOMED

There was a potential area of dispute which arose from the speeches of Mr Zitha and Mr Felgate which may now be resolved in consequence of these amendments. I will call Mr Felgate, on behalf of Inkatha, to confirm this.

MR W S FELGATEINKATHA FREEDOM PARTY

Mr Chairman, Delegates, the amended version of the resolution put to the floor is quite acceptable and it caters for all of the concerns that I had.

Thank you.

MR JUSTICE SCHABORT

Ladies and Gentlemen, there being agreement on these matters, we shall now proceed. There are several more speakers. The following two speakers are Mr I Richards of the Labour Party and Mr Joe Slovo of the South African Communist Party.

/Chairman ...

MR I M RICHARDS

LABOUR PARTY

Chairmen, Distinguished Guests, Ladies and Gentlemen.

There are some things that are best left unsaid. Unfortunately this morning somebody said something that I most certainly have to reply to. It is my belief that nobody in an assembly should be singled out singularly. And these are, after Comrade Mandela had spoken, I respected all other delegates and I did not rise. But I want to assure him sir, that I agreed with what he had said, but certainly there's a greater agreement and feeling for the spirit in which he had said this.

Now talking about spirit Mr Chairmen, as the Chairman of the Working Group 2 Committee, the Committee that had caused so much bloodshed - and I don't mean that in a physical sense - and heart-sweat, but certainly it affected the spirit of this CODESA 2. I want to assure you that we did not reach consensus, not because we did not want to reach consensus but simply because in the short space of time, it may not have been possible. But sir, what must now flow from this assembly is a spirit of commitment, a spirit of greater commitment to the people outside that we're committed to a government of consent, so that we can in the process remove the old etiquette of illegitimacy finally.

You see sir, it is all very well to speak about the "closed book of apartheid", but for a long time we are going to have to live with the legacies and the effects of apartheid. And until there is an interim constitution and an interim government, that legacy will still be

/with...

with us. Therefore I appeal for the urgency of this situation. You know apartheid was once described in Parliament as "an experiment that failed"; excepting that it was not displayed to those present who paid that dear price for apartheid. Not only millions of Rands but hundreds of lives were lost in the process of this experiment being shared by all the peoples of South Africa. Sir, we cannot go on paying that price.

In the process there is a great crisis facing our country, and as long as we live with the effects and legacies of apartheid, millions of people are going to remain jobless; millions of people are going to remain homeless, hungry, but most of all violence is going to remain with us until all that has finally been buried.

Sir, I want to make an appeal to the Management Committee that so much work has been done in that Working Group, and that it is essential that Working Group 2 be kept intact so that it may continue and finally complete the document for submission. But I also want to warn that there is a state of absolute urgency in the completion of that document. You see the whole world and more particularly every South African, is waiting for that breath of fresh air to be blown into the new South Africa. And while there was tremendous expectation when that document was first produced by the Steering Committee - and I want to assure you that that document was examined several times and was continuously improved on - I do not believe that the spirit of that document can ever be improved upon or made better than it is at the moment. And it is the spirit of that document that must be endorsed by CODESA, and only CODESA.

Thank you very much.

/Mr Chairpersons ...

MR J SLOVO

SOUTH AFRICAN COMMUNIST PARTY

Mr Chairpersons, Fellow Delegates, Distinguished Guests and Comrades. Firstly we want to congratulate the Daily Management Committee for the slide show, but we all know of course that this is not enough to market CODESA to the puzzled millions on the ground. Because at the end of the day the process belongs to them. And we feel that more of our proceedings should come under public scrutiny. The public would in such circumstances if it came under more public scrutiny, for example, be able to judge not only the facts but the expressions on the faces of delegates when the Government rejects a motion to put in the words "democratically elected" before the word "senate".

We suggest Mr Chairperson, as food for thought for consideration to be given to a small pool of journalists to attend some of our crucial debates beyond just the Plenary Sessions of CODESA. It could of course lead to some posturing, but it could also make some delegates less ready to advance some patently devious proposals.

The second point I'd like to make, in case there is any misconception about this, is that the South African Communist Party wants to state that without agreement on the constitution-making body there cannot be an agreement on the arrangements for the first phase. And in such circumstances the crisis facing us will not pass.

Lastly Mr Chairperson, despite the amendment that has been placed before us, I want to speak in support of Chief Minister Zitha's
/amendment...

MR J. COETZEE
SOUTH AFRICAN GOVERNMENT

amendment on the time frame. For good reason there is a perception on the ground that CODESA is an endless open-ended process with each instalment ending in a false climax like the soap opera "Dallas". As one speaker expressed yesterday, for ordinary people time is of the essence. Each day that passes is a day of deprivation, of hunger, of rising unemployment, of violence, and of experiencing the indignity and humiliation and inequality of apartheid in their lives.

The Government welcomes the proposals of the Management Committee, and as Mr Chairperson, the poor and disadvantaged of our population don't begin to understand appeals for patience by those who occupy comfortable office. These can afford to mark time; the wretched of our country cannot, and let's stop hearing remarks like: Why are we in such a hurry? And we've had enough of using words such as "a matter of urgency"; because Mr Chairperson, in our experience it becomes a euphemism for "môre is nog 'n dag".

Thank you.

/Geagte Regters ...

/Honourable...

MR H J COETSEE
SOUTH AFRICAN GOVERNMENT

Geagte Regters Voorsitter, Gaste, Dames en Here, hoe langer ons neem om van mekaar te verskil waar ons eintlik behoort saam te stem, hoe langer gaan dit neem om by oplossings te kom van sake wat ons dringende aandag geniet. En derhalwe dink ek die drie minute reëling is a goeie reëling en ek sal poog om daarbinne to bly mnr die Voorsitter. Ek kom by die kern van die saak.

The Government welcomes the proposals of the Management Committee, and we confirm that they be mandated in terms of the submission by Mr Titus. And in particular, we support the modification proposed by the Chairman of the Management Committee. Mr Chairman, it would be the height of imprudence to minimise the collective power of CODESA to make adaptations to resolve its own problems, deadlocks - yes, only from within.

CODESA has proved to be a crucible for thoughts and interests taking cognisance of the existence of the large and the small alike. From this crucible emanated respect for individuals, for parties, for regions, no matter their size, and has brought about a meeting of the minds on a variety of issues already, such as emergency, public safety, abolition of discriminatory legislation, independence of the media, an independent body to regulate telecommunication, transitional councils. Yes sir, awareness of the fact of CODESA's inherent power and abilities can help strike the proper balance between complacency on the one hand, and sabre-rattling on the other hand. The Government is, therefore, convinced that CODESA's mechanisms are capable of attending to incomplete business, and the Government would continue to support the CODESA process in every possible way.

Thank you.

/Honourable...

PRINCE S S J MAHLANGUINTANDO YESIZWE PARTY

Honourable Chairpersons, Honoured Delegates, Distinguished International Guests, Ladies and Gentlemen.

I've had an opportunity to discuss the content of the document containing recommendations of the Management Committee, as well as the amendments to this Plenary Session, with my Party.

It emanated from our discussions that the intention of the recommendations collectively suggest that we confer some additional authority to the Management Committee. Shall I point out that we in fact have no serious problem with conferring powers or authority to the Management Committee with a view to assuring improved co-ordination, effectiveness and efficiency. Of course these are normally achieved with ease and speed by a smaller group of people. We must, however, caution the Management Committee to guard against the degeneration of its good intention into an obstacle towards the achieving of the very noble objectives we want to achieve.

Another point of serious essence Chairpersons, is the question of urgency with which we have to treat our task. It cannot be a responsible attitude to regard the changed South Africa as an ordinary matter that deserves no urgent attention. The speed and vigilance, Chairpersons, Ladies and Gentlemen, is of essence.

I thank you very much.

There has developed over the years in our country events and cultures and sub-cultures, the continued existence of which can only lead to further crisis and disaster in our country. Let us regard the task

/of...

of CODESA, which in effect means a move towards liberation to most South Africans; this also means the move from the culture of mistrust, hopelessness, frustration and anger. Let us work towards creating hope and trust amongst our people. Let our leaders approach once again the problems of negotiating in a spirit of trust, reconciliation, national unity, and the need to establish a stable, prosperous country for all.

Honourable Chairpersons, I want to conclude by commending the two of our colleagues who spoke this morning, for the messages of hope that emanated from their speeches. We want to call upon these leaders and all of us to try at all times to translate our good words into actions. I am of the opinion Chairpersons, that the sentiments expressed in the speech of the Honourable F W De Klerk, notably that his Government has no intention to entrench minority privileges, should be taken down to those who still think in the opposite way. I am also of the opinion that if the reasonable and democratic proposals by Dr Nelson Mandela could be adopted by this session, a giant and historical step towards a better society shall have been made. I urge you all dear leaders, to consider adopting this.

We, the Intando Yesizwe Party, Honourable Chairpersons, support the proposals and the recommendations of the Management Committee be adopted by this gathering.

I thank you very much.

/Ladies...

MR JUSTICE SCHABORT

Ladies and Gentlemen, we believe that those delegates who have thoughts to express here have now submitted their cards. Those with afterthoughts - well, we have now closed the gate.

We still have about six speakers or so, and the next two persons will be Brig M G Ramushwana of the Venda Government, and Mr R H Mopeli of the Dikwankwetla Party.

It is proper and fitting that the Management Committee be empowered to implement decisions and agreements approved within its mandate and to increase the representation to so desired to address issues/tasks to be accomplished. This support stems from our conviction in that we have observed confidence in the actions of the Management Committee. Plenary session should be convened as matter of urgency.

I propose that the Management Committee should seriously consider time-frames. A schedule of time frames should be compiled by Management Committee, and be submitted to principals or participants for their comments.

/Esteemed...

Thank you.

/Honourable...

BRIGADIER M G RAMUSHWANA
VENDA GOVERNMENT

Esteemed Chairpersons, Leaders of Organisations, Members of the International Community of Nations, Members of the Organisation of African Unity, Ladies and Gentlemen.

I stand to comment and commend the contents of the report: The Way Forward. I support the idea that the Management Committee be mandated to exercise authority to suspend and reconstitute rationale structures, including technical committees, as seen necessary, to address the implementation of the agreements and outstanding tasks.

It is proper and fitting that the Management Committee be empowered to implement decisions and agreements approved within its mandate, and to increase the representation it so desires to effectively address issues/tasks to it to accomplish. This support stems from our conviction in that we have unreserved confidence on the matters of the Management Committee, however, Plenary session should be reconvened as matter of urgency.

I propose that the Management Committee should seriously consider time-frames. A schedule of time frames should be compiled by Management Committee, and be submitted to principals or participants for their comments.

Thank you.

/Honourable...

DR T K MOPELI
DIKWANKWETLA PARTY

Honourable Chairpersons, Honourable Ladies and Gentlemen, Honoured Guests, Fellow Countrymen.

We, of the Dikwankwetla Party, wish to reiterate the comments we made yesterday, that the set-back suffered yesterday is not insurmountable. This, Mr Chairpersons, is evidenced by the recommendations we have just received from the Management Committee in which some urgent outstanding matters will further be handled.

But, Mr Chairpersons, I must emphasise the fact that in all the decisions that are taken in CODESA, all participants in CODESA must be involved. We, Mr Chairpersons, unreservedly support the special recommendation to 2.5, without reservations, and the recent amendments which have been made.

Further, Mr Chairpersons, experience has now taught us that we must always make sure that all assignments in all the groups are completed, to avoid the impasse in which we found ourselves yesterday. It is, further, Mr Chairpersons, not advisable to determine the date for the following session of CODESA before the Working Groups have completed their tasks.

And in conclusion, I feel most heartened to realise that the spirit of CODESA has not been dampened by the set-back that was encountered yesterday. For this I wish to thank most heartily the leaders of the various delegations for their sense of balance and determination

/to...

MR R CRONJE

to assure the success of CODESA. The spirit of CODESA must live on. CODESA must not fail! CODESA dare not fail! CODESA is our last hope! There is no other alternative.

Thank you.

MR JUSTICE MAHOMED

Our next two speakers are Mr R Cronje of the Bophuthatswana Government, and Major-General H B Holomisa of the Transkei Government.

/Honourable...

MR R CRONJEBOPHUTHATSWANA GOVERNMENT

Honourable Chairmen, Distinguished Guests, Respected Fellow Delegates. We are moving into a new dispensation. We, in Bophuthatswana, have often stated that we are not blind to the enfolding new dispensation that is evolving in Southern Africa. We've indicated quite clearly that we approach this with a completely unbiased open mind; that whilst we are proud of what we have achieved and of what we are, we are sufficiently realistic to understand that there are other options that have to be considered on the medium and long term basis.

But a fundamental issue that will affect possible consideration of incorporation into South Africa, will be the Constitution. The Constitution, its Bill of Rights, its values, its freedoms and its principles, and one aspect in particular, the degree to which such a Constitution will make provision not only for the three-tier system of government, but to a degree the powers and the functions and the boundaries of such regional governments, because we believe, as has been the case, and is the case in many countries of the world, similar to our in many respects, it has proven to be the most successful way of accommodating the complexities that we, ourselves, are also faced with.

But there is also another consideration. We all support the principle of democracy, and democracy means the support and the acceptance of the will of the majority of the people. And that stands without argument. But there is one aspect that we should bear in mind: Majoritarianism, in itself, does not mean that the actions and decisions are correct.

/We...

We have many incidents and many examples in modern world history where governments with major substantial support have made mistakes and have involved themselves in disasters. So, majoritarianism, in itself, as a principle, does not equate as being right and being correct.

We support those who say that the process at CODESA must work at speed. We accept that because the issues are urgent. But at the same time, we will caution that what we are dealing with, indeed, is the future, and decisions which will affect the future of all these millions of people that we are all talking about, for a long time to come. So we are pleading for a balance between the urgency of speed which we support on the one hand, but also the caution to make the correct, informed and well-assessed decisions which will affect their lives; a balance between the two. And in that respect, sir, we urge that the documentation which will enable us to make considered, well-analysed and consulted approaches, that those documents be provided to members of Management Committee timeously. We have not always had that opportunity.

We've had calls for reconciliation; we are now moving forward. This forum is a window to the rest of the international community, and we ask that the level and the tone of our speeches will reflect the dignity of moving towards a new future. People who walk forward, looking over their shoulders, stumble over their own feet. Let us bury the past.

Finally Mr Chairman, we have all talked about the violence and the

/unacceptability...

MAJOR GENERAL H. B. HOLMES

TRANSITION GOVERNMENT

unacceptability. We are all committed and all disturbed and concerned. May I end by saying: The violence can be ended by the people sitting around these tables.

Thank you.

I cannot over-emphasize the urgency of completing the work of Working Group 2 at the earliest possible opportunity. I also endorse the proposal of Colonel Mitha and Colonel Rasodike, that the next Plenary session of OORSA be convened before the end of June. It boggles the imagination that there are delegates in this conference room who would rather delay the democratic process. For various reasons, that speedy resolution of the political logjam we find ourselves in, is fraught with dangers.

Mr Chairman, I urge the delegates to take a serious note of the stipulated Way Forward, and challenges put by the President of the ANC, Dr Nelson Mandela. Participants who wish to opt out of the transitional period, for various considerations, are urged that they do not in any way hinder the free and democratic participation in the political process of South Africa of the people residing in those territories over whom they have jurisdiction. Transitional Executive Councils will be obliged to ensure a judicious use of funds transferred to those territories, to ensure that they are not used to disrupt the levelling of the playing field. Seconded South African security personnel, with the exception of special personnel

/Messrs Chairpersons ...

MAJOR-GENERAL H B HOLOMISA
TRANSKEI GOVERNMENT

Messrs Chairpersons, Distinguished Guests, Ladies and Gentlemen.

I rise to endorse the recommendations of the Management Committee and underscore their emphasis on improved efficiency and expeditious implementation of agreements reached by Working Groups.

I cannot over-emphasise the urgency of completing the work of Working Group 2 at the earliest possible opportunity. I also endorse the proposal of Comrade Zitha and Comrade Ramodike, that the next Plenary session of CODESA be convened before the end of June. It boggles the imagination that there are delegates in this conference room who would rather delay the democratic process. For various reasons, that speedy resolution of the political logjam we find ourselves in, is fraught with dangers.

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/in...

in those territories, must be withdrawn immediately the TEC is in place.

Finally, we shall take a very serious view of the administrations who stay out of the democratic process, if they should in any way prejudice the ideals and process emanating from CODESA. Yes, we agree, trust, honesty and reconciliation are the key words if we are to move forward. However, there is a growing perception by many in this country that the unbanning of liberation movements - yes, it is clear it was not meant to facilitate the cause for just solution to the intractable political problems bedevilling race relations in this South Africa - but it was a bold premeditated strategy to let these into the heart of the country with a view to rounding their members up, and finally inflicting severe political defeat on them, by systematically embarking upon schemes to discredit their leadership, with the resultant lowering of morale amongst their rank and file. Thank you.

MR JUSTICE SCHABORT

Thank you, Major-General Holomisa.

"Where have all the ladies gone? Gone elsewhere, every one".

Not really. Our next speaker is Dr F Ginwala of the African National Congress.

And the last speaker is Professor H W E Ntsanwisi of the Ximoko Progressive Party.

/Chairpersons...

DR F GINWALA
AFRICAN NATIONAL CONGRESS

Chairpersons, Distinguished Delegates, Comrade President Mandela and Delegates.

The ANC is anxious that there be speedy implementation of the agreements that we reach here and at further CODESA meetings. However, implementation must follow and be on the basis of full agreement. To avoid ambiguity, we wish to move the following amendment to clause 2.3. After the word "facilitate", we wish to insert "speedy". And at the end of the sentence, we want to add "as soon as all agreements have been adopted". So the amended clause would read:

"The Management Committee shall examine all Working Group agreements with a view to establishing what work can be done in order to facilitate speedy implementation as soon as all agreements have been adopted."

Secondly, we wish to put an amendment - and I want to speak to it first. In our view the Management Committee is to be commended for having agreed on the implementation of a Gender Advisory Committee. The need for such a committee has been underlined in the proceedings these last two days, where women have been absent on the platform, on the floor of this Convention, and previously as well as now, in the Management Committee, the Steering Committee and the Working Groups. To ensure no further repetition, the amendment we wish to put is that: Realising that the Gender Advisory Committee came late into the process of CODESA; appreciating the work that the Gender Advisory Committee has covered within a period of a month of its existence, we

/recommend...

recommend that the Gender Advisory Committee be re-convened as soon as possible to continue its work as a sub-committee of the Management Committee.

And finally, I want to say a few words, which I think I will be speaking on behalf of a lot of people who are not present today. Welcome as this Gender Advisory Committee is, we note that it is only advisory to the Management. I want to point out that the days when the majority of the population of this country were only able to be part of advisory and consultative bodies, are over. This applies as much to the African people, and their exclusion from decision-making, as it applies to the exclusion of women.

An important aspect of democracy is about participation of people in making the decisions about their lives. That is what we have been talking about here these last two days; that is why we are here. And at the moment it is about negotiations, about participating in the constitutional process. So far CODESA is a bad start for women.

And I want to end by addressing myself particularly to the gentlemen here. You cannot talk of democracy and demand it for yourselves, if in your own organisations, your governments and administrations, women are not seen to be engaged at every level. Women are a majority of the population. And I want to end by reminding you, they will be the majority of the voters.

/Messrs...

PROFESSOR H W E NTSANWISI
XIMOKO PROGRESSIVE PARTY

Messrs Chairpersons, Distinguished Guests, Ladies and Gentlemen.

The Ximoko Progressive Party has entered upon the great enterprise of CODESA in the deep conviction that the alternative to negotiation for South Africa is one of violence and bloodshed on an unprecedented scale. As I remarked in my address to the Plenary Session yesterday, future generations will hold us responsible for the momentous events of the present. Let us not fail them. Because we dare not fail them.

We have been at once demoralised by the signals of dissent emanating from the crucial Working Group 2, and encouraged by the messages of hope that indeed there is potential for resolving them. The restrained and statesmanlike contributions of the State President and the leader of the African National Congress today, bear testimony to the ability of real leaders to rise above petty posturing, and truly to show The Way Forward.

I believe that to the extent CODESA has brought us all together, and that it stands upon the brink of agreement which will, by peaceful means, set South Africa upon a new path, it can in no way be regarded as having failed. Problems are inevitable, and we would do well to remind ourselves that CODESA exists for the very reason that problems need to be addressed and to be solved.

It would be very simplistic to regard CODESA as a process; merely as a formality, with immediate consensus and total unanimity as the order of the day.

/In respect...

In respect of the present impasse in Working Group 2, the Ximoko Progressive Party has argued the principle of exclusivity in that most fundamental of matters, namely constitution-making. We have supported significant special majorities for constitutional amendment, as we have done in respect of amendments affecting regional and local government. As a political party with a strong regional focus, we in the Ximoko Progressive Party, strongly support the principle of regionalism as a natural extension and enrichment of structures for democratic government. Allowing regional communities the right to conduct their own affairs, and protecting that right constitutionally, is surely a positive step forward, broadening the very basis of the democracy which we seek.

We have also supported, in concert with emerging consensus, the principle of bicameralism for the new South Africa, with the Second Chamber constituted so as to represent regional interests in a manner consistent with democracy. This principle is preceded in many of the world's great democracies; most notably the United States of America.

The Ximoko Progressive Party, above all, stands for a constitutional dispensation in South Africa, which will provide freedom, justice and security for all in our land, and which will accord the full diversity of interests in our complex society, the formal recognition which it deserves.

I thank you.

/The cards...

MR JUSTICE MAHOMED

The cards which we've had of speakers who wish to speak is now exhausted. And I would just call on Mr Gordhan, the Chairman of the Management Committee, to respond to some of the suggestions with regard to amendments.

MR P J GORDHANCHAIRMAN : MANAGEMENT COMMITTEE

Thank you, Mr Chairperson.

I wish to address two issues, the first is in respect of the Gender Advisory Committee. I think it is important to place on record, as one of the speaker's has indicated, that this Committee had worked under tremendous stress, and in a very short period of time, in responding to the challenge, in a sense, of the Management Committee that they provide guidelines and responses to the agreements in the various Working Groups. And I think Plenary needs to give a significant acknowledgement of the effort that they have put in in that regard.

May I also inform you that the Management Committee at its meeting earlier today, returned to this particular matter, and the status of the Gender Advisory Committee, and by total consensus had agreed that the Gender Advisory Committee still stands in place post-CODESA 2, and that the relationship between the GAC and the Management Committee is open to discussion and negotiation. And we trust that we

/can...

can constructively take this understanding forward post this particular meeting.

The second matter, Mr Chairperson, is in relation to the Working Groups. We have become aware of some concerns amongst participants that suspending Working Groups might mean disbanding them. Let me assure you that the Management Committee is extremely mindful of the very valuable contribution that Working Groups have made to the process of arriving at agreements on extremely difficult issues.

At the same time, through your own responses and feedback, it has become quite clear that we might need additional structures which can provide better co-ordination and efficiency. In that sense, Working Groups are going to be treated very, very sensitively, and will assure all of you that the Management Committee will be mindful of your concerns in this regard.

Thank you very much.

/After that...

MR JUSTICE MAHOMED

After that discussion, what is clear is that the original amendments proposed by Mr Zitha fall away; his concerns have been accommodated. The proposal by Dr Ginwala also falls away. And we will be undertaking an explanation given by Mr Gordhan. What you have before you, is the original resolution, as amended initially by Mr Gordhan and the Management Committee, and there has been, since, one other amendment on behalf of the ANC, which has not fallen away; it simply gives some urgency to 2.3 by the addition of the words "speedy implementation of all agreements". You can take the original resolution as amended in these respects, including the resolution proposed by Dr Ginwala in regard to paragraph 2.3.

With those amendments, is there any opposition whatever?

Then I declare that these resolutions are carried unanimously and with acclaim.

The next item on the Agenda is supposed to be "Closing Remarks", but I have had a special request in the last few minutes from two speakers of great stature, and I have considerable reason to believe that it will add to the spirit in which we have approached our work, and offer faith, and hope, and optimism, after the disappointments we initially suffered. In consultation with my esteemed colleague and the Management Committee, we have decided, for these special reasons, to allow both these speakers to make brief statements. They are the State President, Mr De Klerk, and Dr Nelson Mandela. The preference expressed by both is that Dr Mandela will speak first.

/Comrades...

DR N MANDELA
AFRICAN NATIONAL CONGRESS

Comrades and friends, I would like to thank all those who expressed appreciation of the remarks made this morning by Mr De Klerk and another fellow. We have expressed our views on matters which were discussed here - friendly, without pulling any punches. When addressing national questions it is necessary for public figures to speak out honestly, and as they feel it is necessary, to draw the attention of the community to issues that must be rectified. Having expressed ourselves friendly on these issues, nevertheless, problems remain to be resolved. We have come here in order to seek solutions for those problems. Yesterday and today I listened carefully to the comments which were made. In my view, one of the striking features was the fact that in spite of all the differences, men and women emerged from all political parties, who have the capacity to seize and to concentrate on those issues that unite us.

Secondly, there is a realisation, again of a number of speakers from all political organisations, that tensions in the community can be very dangerous. And we regard it as our duty to contribute towards the eliminations of those tensions. We are entrusted in removing tensions. Firstly, because they are harmful to one's health. Equally important, because they make it difficult for talented and gifted men and women to make their contribution towards the resolution of difficulties.

Men of ability, men and women of peace, they function better in an atmosphere where there are no tensions. When there are tensions, it is the wrong persons who come to the top, and we want to prevent that situation at all costs. I hope I am speaking for the majority here

/when ...

when I say that because of the contribution of men and women of that calibre, we have been able to save CODESA and the Peace Process. We are going back home full of strength and hope.

I just want to correct some mistake - which I do not know how it arose - I believe that there is circulating here, reports that African National Congress has changed its approach to the question of linkage of the mechanisms which we have put forward in order to ensure a transition from an apartheid to a non-racial society. I believe some people go so far as to say that we entered into such an agreement with Mr De Klerk last night. Nothing could be further from the truth. The ANC believes in linkage, that the mechanisms which are set out in Phase 1 can only be agreed to by us if all the mechanisms in these phases are agreed upon. There can be no agreement by us on any particular phase if we fail to agree on the rest of these mechanisms. That linkage forms the central part of our strategy. Nevertheless, I am sure that many of those who subscribe to that point of view, that there has been agreement, have done so honestly and genuinely. But now that I have made this statement, they know where we stand.

I must add my voice in thanking the Management Committee for the excellent work they have done. I also wish to express, with all humility, my appreciation of the role which has been played by each and every one of you here. Few individuals have spoken, but we know that for one individual to make a contribution, he needs ten men and women behind him to enable him to make that contribution. The test of addressing political problems is a collective task, and no

/individual ...

individual, no matter how gifted he is, can himself make the maximum contribution towards a resolution of these problems unless as he acts as part of a collective.

I also want to thank our honoured visitors, members of the international community, because these are our best friends. We have made the advances which enable us now to sit together to address the problems of our country, partly because of the solid and sustained support they have given to the anti-apartheid struggle. Our victory is their victory, and we hope that the next time they visit us, we will be able to welcome them as a free country that is participating in the problems of the world, and that is as part of the world bodies that are there to address those issues.

I must also, in addition to my remarks in appreciation to the work of the Management Committee, of the Working Groups, thank our co-Chairpersons who have conducted these proceedings with remarkable skill and dignity. Had it not been for their wise leadership, it is possible that we would not have recorded the success which we have achieved, in spite of our disappointment that CODESA 2 has not been able to deliver the goods. Having said this, I wish to say that today I'll be leaving the country, and I will do so in the spirit of a man who comes from a meeting which has done a remarkable job. To members of my delegation and I, we will always think of this meeting with fond memories. I have gone around the entire country and met the leaders of almost all the political parties here, and tried to address mutual problems with them. There is not a single leader here, from all sides, whom I have not met and discussed common problems. And I am

/encouraged ...

encouraged to see that in spite of all the differences that have emerged here, where I can say confidently that we are members of one family, and one day we will all be able to deliver the goods.

Thank you very much.

MR JUSTICE MAHOMED

I have the privilege of calling upon President De Klerk.

/Mr Chairman...

PRESIDENT F W DE KLERK
SOUTH AFRICAN GOVERNMENT

Mr Chairman, I would like to start out by just putting a misunderstanding right, and that is: I didn't ask specifically for an opportunity to address CODESA at the close, but being a seasoned politician, we seasoned politicians never refuse an opportunity when offered, and therefore I have decided to accept the offer which was made.

Mr Chairman, I would like to start out by moving an unopposed vote of thanks to the Chair, to the Secretariat, and to all those who were directly involved in the arrangements beforehand and in the day-to-day arrangements here on the floor, and with regard to everything which went with it, the wining and dining, the food, the logistical services, everything was arranged very well. And a specific word of thanks to Mr Neil Swart and his staff who run this marvellous venue. Thank you very much on behalf of all the delegates at CODESA for the hard work which ensured the success of this meeting.

I would also like to extend a word of thanks to all delegates for the dignified way in which we dealt with a very difficult session of CODESA. We started off on the wrong foot. There was an atmosphere of crisis in the air. We have managed jointly, through the wisdom and the commitment of the leaders of all the delegations, to make sure that we tranformed crisis to success and progress. We thank you for that. That is how South Africa will have a Way Forward. We share a common destiny with each other, we come from a troubled history. In many speeches it became apparent that it is difficult for many of us to forget our grievances and to put it behind us; that there is a tendency to constantly revive grievances from a past era in our

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history. I am an Afrikaner. If we Afrikaners were to keep grievances alive with regard to suppression, and injustices done to us in our history, we would have been the most gripey nation on this continent - we have reason to keep them alive. But that is what CODESA is about. It is about building a future. It is about correcting that which is wrong in our society. It is about creating a new and a just society. It is about making of that common destiny, a glorious destiny; a destiny within which there is no victory for a part of our people - with its negative other side of being the victim - but a destiny in which all South Africans become winners; in which on the basis of justice we create a dispensation not only constitutional, but also in the economic sphere, in the social sphere, with regard to education, in all spheres of life, where each and every South African will, without any discrimination whatsoever, be able to be a proud, and a happy and a prosperous South African, enjoying stability, enjoying security, enjoying opportunity. That is the goal towards which I know that all those, who take CODESA seriously, are reaching out. That is the goal which the millions and millions of South Africans, not here today, want us to achieve. We won't achieve it if any significant part of this meeting, in any way works for a victory for a situation in which there will be victors and victims; winners and losers. We will only reach that ideal if we continue to work on a basis of cooperation; of finding each other in a real process of negotiation, which means give and take, which entails sacrifice, which entails meeting each other half way - even if it means letting go - letting go of points of view which might be thirty or forty, or fifty, or sixty, or seventy years old. Even if it means compromising on basics. That is the only way in which we can really reach an accord; an agreement which binds in

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the overwhelming majority of South Africans towards a new dispensation which offers security to those who have much to lose. And I am not speaking in the material sense, in the sense of money or the rich. The poorest man having a decent life, going to Church every Sunday, having a roof over his head - he has much to lose. He has a stake in stability. We must strike a balance between the needs of those who have much to lose, and those who have suffered as a result of backlogs, those who have not as yet enjoyed equal opportunities and full rights. If we want to advance the cause of the one, to the detriment of the other, we will never have peace. Only if we strike that balance, and only if what we do in truth will be in the interest of all South Africans, will our solutions last. Let us work for that. We're on one ship, if it sinks, all of us will drown. Let us keep that ship afloat. Let us give the ship direction towards a better and a proud future built on the foundation of justice. Let us work in terms of the procedures which we have agreed upon today, to attain that goal as soon as possible. Time is of the essence.

I thank you.

MR JUSTICE MAHOMED

Dr Mdlalose would like just a minute to add to the same spirit.

/Respected...

DR F T MDLALOSE
INKATHA FREEDOM PARTY

Respected Chairpersons, Distinguished Guests, Ladies and Gentlemen. You may not believe this, but I did not ask for it. That is a fact, and I am sure the co-Chairman will know that that is a fact.

Chairpersons, I do like to say CODESA is the only show in town. Democracy and justice arise out of solved problems and out of settled disputes. As the latest co-signatory, I do want to assure the co-Chairman, the participants here in CODESA, and the world at large, that the Inkatha Freedom Party is as committed as anybody to the process of CODESA. We have given commitment to this, we have given commitment to negotiation, we have given commitment to the new Republic of South Africa. We are praying for tolerance, we are praying for understanding, we are praying for broadening of participation. I would like to thank you very much.

/Ladies...

MR JUSTICE SCHABORT

Ladies and Gentlemen, we are very close to the end of these proceedings. We have received a request, which is eminently worth acceding to, and that is by the International Observers at this gathering. We have been requested to read it out to you, and I shall do so:

"At the conclusion of CODESA 2, we, the Observers from the United Nations, the Organisation for African Unity, the Non-Aligned Movement, and the Commonwealth congratulate the representatives of the South African people for the progress they have made in the last five months towards the establishment of a united, non-racial and democratic South Africa.

The proceedings of CODESA 2 have demonstrated the commitment of the people of South Africa, as a whole, to build on the progress made thus far towards the establishment of the new South Africa.

We reiterate our total support for the CODESA process, and urge all the representatives of the South African people, as a matter of urgency, to make a renewed and determined effort to finalise arrangements for the transitional period, including agreement on the establishment of an Interim Government. The International Community will continue to support the endeavours of the people of South Africa to achieve these objectives."

Ladies and Gentlemen, we have now reached the so-called closing remarks by the Joint Chairpersons - who happen to be Chairmen. CODESA has spoken for itself. I need say no more. Dankie. Thank you.

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MR JUSTICE MAHOMED

This brings us right to the end of our proceedings. There has been, if not in objective content, then in emotional temper, a perceptible change in how we felt yesterday and how we are feeling today in the last minutes of this Convention. Truth is an enormously powerful force. It has the quality of persistence and of endurance, and the capacity to ultimately triumph over illusion, over fantasy, over diversion, after all these actors have made their brief, if sometimes seductive and daunting presence in our lives. This has been mercifully and brilliantly clear after two days of very intense discussion and negotiation. No amount of frustration or agony, or of disappointment, or even of disenchantment, which have all made their fleeting and nagging appearances in the last two days, have succeeded in concealing certain basic irreversible truths about the reality of our existence in South Africa today. And it is these truths which have caused us to move from despair and disappointment to the kind of hope which enabled Dr Mandela to say that he leaves abroad a satisfied man in many respects. But like all truths, they are very simple truths, but not less crucial because they are simple. What are these truths, which must impact themselves over and over again? Very simple truths. The first truth is: Apartheid has brought us to a crisis. It has brought massive historical and political and economic consequences which need very radical restructuring and reversal. We have to now irradicably abandon that past and look to the future. As they say: There is no future in the past.

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The second simple truth is that the cure for that pathology is just as dramatic; and is self-evident. It has to be premised on a new political order based on what the civilised world accepts as a defensible and caring universal democracy, disciplined by a constitution articulating and generating fundamental human rights, with a totally independent and courageous judiciary.

The third basic truth is that the need to address ourselves to this very, very urgent solution is self-evident, because pathology has a self-perpetuating power, and it is haemorrhaging our economic and political, and even our emotional resources, with an intensity which might become seriously eversible, in material respects, if the cure of democracy is not urgently applied.

The fourth, also simple and manifest truth is, that there is no access to this road which is swifter, which is more productive, which is more defensible and which is more enduring than the road of absolutely honest, courageous and earnest negotiations and peace. The atmosphere has to be conducive to peace and rationality. Indeed, there is no other road which will not be longer, which will not be more painful, and indeed which will not be totally disastrous. This became strongly evident from the contribution of the State President and Dr Mandela.

And the fifth and final, and simple truth is this: That we know it. After all the speeches and all the fancy footwork, we know it. Deep in our hearts we know it. There is no other road. We can have no longer honest delusions about pursuing an alternative, other than persistent, courageous and honest negotiations with urgency. Now, this

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awareness, and confession, itself generates enormous reservoirs of energy and goodwill among all sections of our nation in thirst of peace and justice, and it causes an accelerating consensus between us in important areas of constitution-making, several of which were identified with great clarity and precision by Dr Mandela as he spelt out, sentence after sentence: Do you disagree with this? And we cannot pretend that we disagree that we need a constitution-making body. We cannot pretend that we need proportional representation in adult universal suffrage. We cannot pretend that we don't need constitutional principles which determine this. We cannot pretend that we don't need transitional authority. So in the end, the contributions made by the President and by Mr Mandela have brought us back to certain central realities. The central reality is that there are truths which won't allow us to perpetuate disappointment and depression for too long. There is no alternative to a democracy; there is no alternative to doing it by peace and through negotiation.

Therefore, in our view of the mood of this Conference, which ended so positively by contributions from Dr Mandela, President De Klerk and Dr Mdlalose, this Conference is our moment of truth, but it is not our moment of despair. On the contrary, it is a moment of profound challenge and excitement and renewal. A courageous and wide response will enable us to overcome. Our people are entitled to demand this of us, and neither they, nor history, will forgive us if we avoid the obvious solution: democracy. Or seek to postpone it. Or if we avoid or seek to postpone the way to democracy, which is peace, negotiation and rational debate. I thank you all for your tremendous input throughout this Conference and I have pleasure in closing this Session.

/Ladies ...

MR JUSTICE SCHABORT

Ladies and Gentlemen, I would just like to tell you that I received a note to the effect that the European Community are associating with the joint statement which I have read out to you.

There are now votes of thanks to be delivered by two speakers. The first is Dr Zach De Beer, who will apparently refer to the Management Committee in his speech, and then one by Professor S Rapinga of the Daily Management Committee.

/Honourable...

DR Z J DE BEER
DEMOCRATIC PARTY

Honourable Chairmen, Distinguished Guests, Ladies and Gentlemen. As the Chairman has told you, it falls to my colleague, Professor Selby Rapinga, to make the main speech of thanks. I have a small but important part of the thanking to do, and that is on your behalf, to express gratitude to Mr Pravin Gordhan for his important part as Chairman of both the Management Committee and the Daily Management Committee.

His has been no light task. These two bodies have been meeting intensively, and often under great strain. One or other of them meets almost every day, certainly every couple of days. It's frequently necessary to convene meetings or change dates at short notice. Venues are not always convenient, and he is involved in a tremendous amount of travel. Throughout all this, Pravin has displayed an urbanity, a quick intelligence and humour, an articulacy, and a charm, which have made it possible for the bodies concerned to do far better than they otherwise could have.

In the light of what I have said, it's all the more a pity that I have to refer to the special matter which I now mention. Yesterday, during our deliberations here, there were posters outside referring to Mr Gordhan by name and to his membership of the South African Communist Party, and tending to suggest or imply that in his conduct as Chairman of the CODESA Management Committee, he is influenced by his political loyalties. I regard this as an ugly and shameful attempt at intimidation.

Having got to know Mr Gordhan quite well - and I work on these two

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bodies - I want to state for the record that I know what Mr Gordhan's politics are. They are, as it happens, by no means mine. They have simply never appeared during the course of his work as Chairman. He has been impeccable in that regard. He has been a truly impartial and excellent Chairman of both these bodies and I pay tribute to him, as I thank him for all the hard work he has done for CODESA.

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PROFESSOR S S RAPINGA
INYANDZA NATIONAL MOVEMENT

The Chairpersons, Justice Mahomed and Justice Schabort, leaders of political organisations, parties, governments and administrations, representatives of the United Nations, the organisations of African Unity, the Commonwealth, the Non-Aligned Movement, and the European Community, heads of missions, religious leaders, delegates of participating organisations, ladies and gentlemen, I would like on behalf of the Management Committee to add our voice of gratitude to a number of people, who in one way or another, made a contribution to this very important Convention. The tireless efforts you have put into seeing this occasion come into fruition are noted with appreciation.

I wish to thank in particular the following: Firstly, the Chairpersons, Justice Mahomed and Justice Schabort. You have managed the complex process of the Convention in a very skillful, wise, indefatigable, and in an impeccable manner. To yourselves, I wish to say thank you very much.

The various participating Religious Leaders, we thank you for the spiritual guidance; in your deliverance of prayers in this time of turmoil, uncertainty, indecision and great expectations, such prayers generate a ray of hope and spiritual comfort. Thank you.

The various International Organisations, we thank you for identifying with CODESA - hopefully a negotiation process to usher in a non-racial, non-sexist, and democratic South Africa - your presence here to observe the Convention is highly appreciated. Your role is crucial in helping us to democracy.

We wish to thank also the Heads of Missions. The importance of monitoring a process of this nature cannot be over-emphasised. Thank you for accepting our invitations.

I would also like to thank the millions of South Africans who have followed the proceedings with interest and patience in the past two days. Without you, the people of our country, and without your support a democratic South Africa will be only an illusion.

Lastly, Chairpersons, I would like to thank the Secretariats and their administrative staff for the logistical arrangements. We are aware that you have spent long hours in your offices preparing for this Convention, sometimes having to leave in the early hours of the morning. Your efforts help to facilitate progress in administration. The country is indeed thankful to you. I thank you.

MR JUSTICE SCHABORT

The last item are the prayers from leaders of the Hindu, Anglican and Moslem faiths. I call upon Pundit Maharaj who is a leader in the Hindu faith.

PRAYERS BY:PUNDIT T S MAHARAJBISHOP W NDUNGANESHEIKH N MOHAMEDMR JUSTICE SCHABORT

These proceedings are now closed.

CONCLUSION OF THE CONVENTION

DECLARATION OF INTENT

Declaration of Intent

CODESA

Convention for a Democratic South Africa

DECLARATION OF INTENT

We, the duly authorised representatives of political parties, political organisations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country,

declare our solemn commitment:

1. *to bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;*
2. *to work to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;*
3. *to strive to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;*
4. *to create a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;*
5. *to set in motion the process of drawing up and establishing a constitution that will ensure, inter alia:*
 - a. *that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;*
 - b. *that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;*
 - c. *that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;*
 - d. *that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;*
 - e. *that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;*
 - f. *that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.*

We agree:

1. *that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy.*
2. *that CODESA will establish a mechanism whose task it will be, in co-operation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA.*

ADDENDUM TO THE DECLARATION OF INTENT

"For the avoidance of doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereof, no provision of the Declaration, interpreted alone or in conjunction with any other provision thereof shall be construed as -

1. *favouring or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal, or otherwise, consistent with democracy;*
2. *preventing any participant from advocating the same or the separation, in terms of any constitutional model, of powers between a central government and the regions; during the proceedings of CODESA or any of its committees or Working Groups;*
3. *and that this Addendum shall be added to and form part of the Declaration."*

