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TERMS OF REFERENCE FOR WORKING GROUP 1
POSITION STATEMENT BY BOPHUTHATSWANA

BASIC PREMISES

It should be recognised as point of departure that Bophuthatswana is an independent and autonomous country with its own government and legislative process. This government is firmly structured on the principles of democratic rule and a declaration that acknowledges the basic rights of free speech and association in the country.

The government is therefore on record, on more than one occasion, that it welcomes the formation of opposition political parties who are democratically formed and elected and who accepted and practices democratic principles and rules in opposing the government. Their freedom of expression, association and peaceful assembly is guaranteed under the constitution, and they are invited to participate and test their views and policies against those of the present government.

However, if it is the intention of such parties to topple the government and to try to make it ungovernable by way of undemocratic means and they resort to violence and other subversive activities to destabilise the situation, then this cannot be tolerated. No protection under the law can be granted under such circumstances.

The Government of Bophuthatswana therefore insists that its fundamental rights as a government and a country to determine how the basic fundamental human rights could be exercised in its country, also be recognised and honoured.

This implies that political parties and other interest groups such as trade unions and leagues should register in the country and abide to democratic rules and procedures in opposing existing structures and policies.

COMMENTS ON TERMS OF REFERENCE

With the above basic premises in mind, the Bophuthatswana Government has no specific preference to the order in which the different issues should be discussed.

The following comments, however, apply to individual issues:

1. FREE POLITICAL ACTIVITY

It is considered important that all political parties must register in terms of the law before they engage in political activities. Political parties with the intention to undermine governmental activities and make the situation ungovernable, must know that they will be prosecuted under the present laws of the country. They cannot expect to claim special indemnity under such circumstances.

2. TERMINATION OF THE USE OF MILITARY AND/OR VIOLENT MEANS

This is considered a pre-condition for any furtherance of political activity in a country. One does not appoint a chef if it is his declared intention to poison you.

3. FAIR ACCESS TO STATE CONTROLLED/STATUTORY INSTITUTED MEDIA

Bophuthatswana's broadcasting media, our only means of universal contact with the people, had been denied access in South Africa. At the same time however, a wide variety of antagonistic and unfriendly electronic and press media in South Africa have been allowed free access to Bophuthatswana.

Control of Bophuthatswana's own media, created at great costs by its people must remain in the hands of its own people. It is therefore not considered appropriate to interfere in the management structures and decisions of the present Broadcasting Corporation.

Fair access is thus regarded as the provision of equal opportunities to all media to participate and put forward the views and perspectives of their respective control and funding structures. Freedom of expression and association for the press and media is guaranteed and recognised within the basic premises provided.

4. FAIR ACCESS TO PUBLIC FACILITIES AND MEETING VENUES

Once again these facilities belong to the people and ratepayers in Bophuthatswana and is therefore available for the use of people and political parties registered and operating in the country. Actions and activities resulting from such gatherings are also subject to the rules and laws of the country. Violence and undemocratic ways and means of making the government ungovernable will not be allowed.

5. FULL AND REASONABLE ACCESS FOR POLITICAL PARTIES TO ALL POTENTIAL VOTERS

In view of the premises stated, political parties are free to register as political party and will be guaranteed freedom of speech and expression. If these groups resort to violence and subversive actions to achieve their objectives and do not intend to follow democratically acceptable ways and means of negotiating with government, they will be treated according to the prevailing laws of the country.

6. ROLE OF THE INTERNATIONAL COMMUNITY

It is considered basic that each country should be allowed its own ways and means to address internal issues according to the aspirations and wishes of its own people. The future of a country can best be determined by the people living there.

Any effort to exert external pressure to achieve internal solutions for a country is not considered appropriate nor acceptable. This applies equally to political pressure groupings from outside Bophuthatswana in South Africa, than to the activities of international groupings in general. It should be acknowledged however, that external events and opinions will influence developments. No country can live in isolation and a balanced view need to be taken of what the best outcome should be. Individual pressure groups, each with its own personal agenda can however, not be allowed to make ad hoc and unco-ordinated contributions and threats.

It is concluded therefore that the international community can at best only perform a "watchdog" function to ensure jointly that freedoms, principles and values are applied that meet basic internationally acceptable norms and criteria. The Bophuthatswana constitution with its Declaration of Human Rights is available as frame of reference in performing this responsibility.