

# Negotiation News

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## Can Cosag quit carping? Quest for 'equilibrium'

**While** their political colleagues posture in public, issuing promises, threats and accusations in equal measure, negotiators are bracing themselves for compromise and for settling their differences. The quest is for the seal on the 'package deal' that will deliver South Africa's transition to democracy.

After a break at the beginning of July, the 26 delegations of the Multi-Party Negotiation Process (MPNP) return to the Negotiating Council (NC) in the full knowledge that the time to bridge the gap between opposing political aspirations is here. An election date of 27 April 1994 sets a tight time-frame.

Mechanisms to facilitate swift progress were being devised by technical committees even while negotiators were enjoying a 10-day respite from their labours at the World Trade Centre, where the NC has been sitting almost daily since 26 April.

As the dust settles on the controversy and reservations raised by the Concerned South Africans Group (Cosag) over the adoption of an election date by the Negotiating Forum on 2 July, a way forward emerges, mapped out in a number of resolutions passed by 'sufficient consensus' in the NC and the Negotiating Forum.

All parties have agreed that the various phases of transition will be linked and that pre- and post-election constitutional arrangements will not be implemented on a piecemeal basis. Rather it is envisaged that a 'package' of arrangements will be negotiated and that implementation of the whole will follow agreement on its key elements.

Political opponents will therefore have to start narrowing differences by mutual concession or, as the Technical Committee on Constitutional Issues delicately put it, exploring 'equilibrium' or a 'bridge'.

Whatever it is called, what is on the table is a demand for bold compromise.

There will be little space for the method of 'constructive filibustering' deployed recently by the Cosag parties. This was aimed at slowing down the negotiation process and underlining the seriousness of their demand that due consideration be given to what they called the 'bottom-up approach' - constitution writing starting at regional rather than national level.

The only method for progress now is compromise.

The African National Congress (ANC), which views the 'bottom-up' approach as a

There will be little space for the method of 'constructive filibustering' deployed recently by the Cosag parties.

threat to national unity, has compromised considerably since its anti-federalist stance at the Convention for a Democratic South Africa (Codesa). It is now prepared to be bound by general constitutional principles that will guarantee the existence of regional governments with entrenched exclusive and concurrent powers in the long term.

A further possible compromise that the ANC could consider would be agreement that elections for and the establishment of an interim regional dispensation should take place in tandem with the national process.

To enable those seeking strong autonomous regions to consider this an acceptable compromise, safeguards in the form of regional representation in the constitution-making body and certain binding

constitutional principles might also need to be agreed upon by the MPNP.

For such concessions to be acceptable to the ANC alliance, the Cosag group in turn would probably have to accept that an elected constitution-making body would have the final say over the boundaries, powers and functions of future regions.

Both the ANC and the National Party (NP) government believe that any new form of regional government can come into being only once the Commission on the Demarcation/Delimitation of Regions has recommended new regional boundaries which would collapse the existing ethnic and provincial regional dispensation. The commission is expected to table its recommendations by the end of July.

Many believe that this commission holds the key to the federal-versus-unitary-state impasse which has locked Cosag in opposition to the rest of the NC for so long.

Its establishment has bolstered the hopes of parties seeking regional autonomy, whether in the form of the Afrikaner-dominant region sought by the Afrikaner Volksunie, or the territorial independence in a white-majority area that is the goal of the Conservative Party. A number of groupings bent on an Afrikaner homeland have made submissions to the commission.

Other components of the 'package deal' are equally important for the transition to remain on course. For months now the NP government and the ANC have been trying to hammer out an agreement on the Transitional Executive Council (TEC) that would usher in a form of joint control over selected areas.

However, the process has been bedevilled by the twin obstacles of government

## Quest for equilibrium

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reluctance to share its last days in power, and ANC suspicion of the government and hence rigidity about securing joint control over the critical areas of defence, law and order and security, finance, regional and local government, and foreign affairs.

The issue is no longer a purely bilateral one, however, and has moved firmly on to the multi-party agenda. The powers and functions of the TEC and its sub-councils – with the impact they will have on securing the party-political neutrality of state structures – are clearly relevant to the whole project of levelling the playing field during the run-up to elections.

Also clear is the fact that there will have to be a link between the TEC and the Independent Electoral Commission that is to assume responsibility for the conduct, supervision, monitoring and evaluation of the elections.

Just how critical this question of the powers and functions of the TEC is may be inferred from the recent furore which followed State President FW de Klerk's intervention in the appointment of the SABC Board. Leaving aside the issues of ambiguity and legitimacy, it is sufficient to note how the whole saga has lit up a red danger sign around the notion of future agreements with the government.

So, when Constitutional Minister Roelf Meyer announced that TEC structures could start functioning with the approval of the MPNP, and that establishment of the TEC need not wait for formal enactment of the necessary legislation during the

short parliamentary session in mid-September, people were understandably sceptical.

No one will be satisfied with puppet structures. Negotiators need more than an assurance that the TEC will not be an advisory body. The players are looking for a real stake in the transition process and statutory enforcement powers. They must have the authority not only to summon Hernus Kriel to face a multi-party panel but also to judge his actions and dismiss him.

To achieve all this before September – and subsequently the dissolution, reincorporation and integration of the TBVC states and self-governing territories before the elections – will require restraint, imagination, commitment and skill beyond what is normally expected of human beings. □

## AGREED SO FAR

**MPNP agrees that by September 1993 there will be:**

- a) Legislation creating:
  - A Transitional Executive Council (TEC)
  - Independent Electoral Commission (IEC)
  - Independent Media Commission (IMC) and Independent Broadcast Authority
  - Amendment or repeal of discriminatory legislation
- b) General constitutional principles to bind a constitution-making body (CMB)
- c) A constitution for the transition providing for:
  - Establishment of a constitution-making body
  - Interim government
  - Interim regional governments
  - Justiciable fundamental rights
- d) Regional boundaries

## BRIEFS

### Found wanting

SEVERAL parties who had hoped to gain delegate status to the Multi-Party Negotiation Process at the World Trade Centre were finally turned down when the Negotiating Forum met on 2 July.

The litmus test that those who wished to swell the ranks of the existing 26 delegations had to pass included showing an intention to participate in the forthcoming election, substantial support in a national context, and that admission would enhance the peaceful negotiating process.

Those rejected by the Negotiating Forum were: the People's Democratic Christian Party, United Federal Party, Sindawonye Progressive Party, Reform Party of South Africa, Insika National Party, National Forum, African Democratic Forum, People's Progressive Party, Merit People's Party, National Seoposengwe Party, Third Force Nationalist Party, Green Party of South Africa, Sofasonke Party, Free Cape Movement, and the United Asian Front.

Parties who withdrew their applications included the Volkseenheidskomitee and the Christian Democratic Party. The application by Carel Boshoff's Afrikaner Freedom Foundation (Avstig) is still being considered. □

### Seeing is believing

SUFFICIENT consensus is in the eye of the beholder – at least in the Negotiating Council and the Negotiating Forum, where no decree of sufficient consensus has gone unchallenged.

In most cases it has been the Concerned South Africans Group (Cosag), that has done the challenging.

The sufficient consensus ruling that allowed agreement on 27 April 1994 as the date for the country's first democratic elections was no exception. Cosag objected. Some Cosag members went so far as to walk out in protest. Both the Afrikaner Volksunie and Inkatha subsequently expressed serious reservations about the application of the sufficient consensus ruling. □

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**Levelling of the playing field for elections**  
**September 1993 to April 1994**

**IEC**  
Organises elections, including monitoring, to ensure they are free and fair

**IMC**  
Ensures state media are fair to all parties

**TEC**  
Prevents action from the government and other parties that undermines free political activity

**27 April 1994**

**ELECTIONS**

**Interim government of national unity**

Constitution-making body (with national and regional representation) drafts and adopts new constitution, bound by general constitutional principles

Interim government functions in terms of interim constitution

Interim regional governments function in terms of interim constitution

**Implementation of the final constitution**

**The figure gives details and the projected time-frames for the constitutional transition process so far agreed to in the Multi-Party Negotiating Process (MPNP).**

## A touch of transitional technique

**T**he transition process in South Africa finally has a structure and a time-frame. If all goes according to plan, an interim constitution and legislation creating the mechanisms for ensuring that the country's first democratic elections are free and fair should be in draft form by September.

Since the Negotiating Council (NC) began sitting on 26 April this year, differences over the process – in particular opposition from the Concerned South Africans Group (Cosag) to an elected constitution-making body – have delayed progress. Indications are, however, that those who favour an elected body, including the National Party government, the ANC and most of the other parties, will carry the day.

To facilitate movement beyond the impasse in the 26-member Negotiating Council, seven technical committees

with expertise in the areas identified as most pressing were created to help NC delegates come to grips with the issues.

The seven technical committees are:

- the Constitutional Issues Technical Committee (TC);
- the Fundamental Rights during the Transition TC;
- the Transitional Executive Council TC;
- the Independent Electoral Commission TC;
- the Independent Media Commission and Independent Broadcasting Authority TC;
- the Repeal or Amendment of Legislation Impeding Free Political Activity and Discriminatory Legislation TC; and
- the Violence TC.

A Commission on Regions was also created to deal with the demarcation of boundaries

and the functions and powers of regions.

The process is that the technical committees deliberate and draft recommendations for consideration and debate by the Negotiating Council. As workable compromises are struck, so draft legislation can be drawn up.

Before an interim constitution can be drafted and adopted, however, there has to be agreement on the general constitutional principles that will be binding on writers of the country's final constitution. A total of 26 such principles have been agreed on.

The formulation of further principles and the preparation of a draft interim constitution is the task of the Constitutional Technical Committee. It will also make recommendations on a framework for the drafting of a final constitution.

The hope is that Cosag fears about central government

domination may be allayed by the entrenchment in the interim constitution of the boundaries, structures, powers and functions of regional governments and the adoption of a charter of justiciable fundamental rights.

The TCs dealing with the Transitional Executive Council and its sub-councils, the Independent Electoral Commission, the Independent Media Commission and Independent Broadcasting Authority will all be instrumental in creating a transition to democracy within which all parties and government services comply with election rules. The Technical Committee on Violence will play a vital role, not least in preparing a code of conduct for political parties and politicians.

The months of July and August are clearly going to be crucial for the Negotiating Council. □

# The ultimate boys'

*A hollow victory for women, is the early verdict on the quota system grudgingly introduced by the Negotiating Council. Far from creating space for the voices of women to be heard in the negotiating process, the measure may simply have shut women up.*

The ruling late in March that reserved space for women in all the negotiating structures of the present multi-party negotiating process was an unprecedented victory for South African women, not least because it was the fruit of a multi-party women's alliance.

Had women not been so united, their demand for a voice would have been shuffled off into the wasteland of 'unsubstantive' matters, instead of being conceded, however grudgingly.

Many women who argued forcefully for a female presence in the hallowed and thus far entirely male negotiating chambers did so without the backing of their party patriarchs – many of whom still feel that they would much rather be flanked by one of the boys.

When the 26 women finally permitted to enter the Negotiating Council did so early in April it was with a sense of great expectation: what would they contribute and what could they deliver? Could they counter the negative press afforded any form of affirmative action – in particular the controversial quota system?

It soon became clear that the matter was not that simple. Regardless of gender, delegates are there on a party-political ticket and in the dog fights that have taken place over the future form of state and whether a constitution will be written by an elected or non-elected body, women have quietly slid from the agenda as usual.

The multi-party negotiation process is probably the ultimate boys' game in South Africa at present. Male bonding is the dominant culture and back-slapping and locker-room tactics dictate process and debate.

Not only do women have no influence on practical affairs in such a climate but they must also suffer the schoolboy snig-

gers and sneers, the trivialisation which is both the boys' general attitude towards women and their particular posture on the rare occasions when the issue of women's rights comes up for discussion. To say the very least, this kind of immaturity is a sad reflection of the country's hopelessly undernourished rights culture.

The technical committees set up to provide guidance to the Negotiating Council lack sensitivity and foresight and have failed to advance women's emancipation in their reports. No attempt was made to balance the presence of men and women in the composition of these technical committees and no attempt was made to include gender rights specialists.

Individual political parties do not facili-

The manner in which women gain delegate status is highly questionable. Nepotism is evident in the presence of some women while for the rest, with a few exceptions, women delegates are moved in and out of the Negotiating Council like laundry.

tate the matter. Not one so far has offered a thorough, well-researched or comprehensive approach to the legal and social status of women either in submissions to the technical committees or in responses in the Negotiating Council. Even those parties who publicly pronounce non-sexist policies and thrive on a progressive image in the whole area of gender equality have failed to adopt a serious approach.

As if all this were not enough, the manner in which women gain delegate status is highly questionable. Nepotism is evident in the presence of some women while for the rest, with a few exceptions, women delegates are moved in and out of the Negotiating Council like laundry. Few women have permanent status and even fewer serve in the negotiating think-tanks of their parties. The result is that the majority of women delegates fail to make constructive contributions in any area, let alone in the area of gender equality and women's rights.

Women themselves cannot escape blame. There has been little evidence of informed intervention when areas affecting the rights of women have been debated.

Few are informed on the world-wide campaign to affirm women's rights. Fewer

have made any effort to deal with the conflict between the chauvinism of patriarchal Western and African traditions and universally recognised principles of human rights.

With solitary exceptions the women delegates do not rise to the occasion. When Cape Traditional Leaders delegate Stella Sigcau raised the controversial issue of how customary or traditional law oppresses women, no one in the Negotiating Council backed her and no party made an informed contribution.

Archaic rules still reduce women to the status of children, limiting their social independence, economic capability and control over their own lives.

Quite aside from questions of justice

and ideology, there is a powerful economic argument to be made for ending the oppression of women. Women make up 54 per cent of the South African population and, as Annabel Rodda points out in *Women and the Environment*, women in Africa do 95 per cent of all domestic work and, in addition, do up to three quarters of all the agricultural work. This economic muscle needs to be recognised, appreciated and unchained. Beyond this, it is an internationally recognised fact that the fastest route to the socio-economic advancement of communities – including reduction of population growth – is facilitating the advancement of women.

It is therefore vital not only for women but the entire South African community that the prevailing shortsightedness on this issue is circumvented and that this happens sooner rather than later. Ground lost now in the fertile period of negotiation and constitution writing will not easily be regained. Doors not opened now will remain closed for a long time to come, as the plight of women in Zimbabwe and Namibia shows, for example.

At the World Trade Centre final touches are being applied to those principles that will guide the writing of a new constitution. The foundations for a bill of rights are also being laid. Failure to impact

# game

decisively on these debates now will be a severe setback.

The struggle for women's rights is by no means monolithic or without conflict and women will have to battle it out with each other while also confronting their party-political colleagues in order to secure what could be described as the right to self-determination. Such controversial issues as the right to choose abortion need to be faced squarely rather than swept under the carpet as political parties are doing.

The same applies to the sensitive area of customary and traditional law. While the system is adhered to by traditional communities, a groundswell of women is challenging the authoritarian role accorded to men and women's own oppressed status.

As was evidenced by a debate on the role of traditional leaders in a new political dispensation, much of the gender arrangements in traditional law run contrary to contemporary human rights ethics. However, for fear of upsetting constituencies the majority of parties present at the negotiating table have chosen to avoid taking a stand.

So far the Women's National Coalition, which aims to unify women from across the political, racial and cultural spectrum, has been the major player in campaigning for women's rights on the basis that women's rights are human rights. The quota system for women in negotiating structures was primarily the achievement of the coalition.

Since then, however, the coalition has been ominously silent and a plan to form a women's lobby or caucus within the Negotiating Council has not materialised so far.

While the coalition moves slowly on a campaign aimed at formulating and adopting a charter which, as part of a new constitution, would entrench effective equality for women in a new dispensation, far-reaching decisions are being taken in the broad constitutional debate which could seriously hinder women.

Much more is at stake than which sex occupies the deck-chairs. A hard-hitting national campaign is urgently needed to place women's rights centre-stage. □

## Board waives the rule

The positive impact of the public hearings which preceded the appointment of the new SABC Board is all but forgotten in the acrimonious battle of wills which has followed the appointment, paralysed the beleaguered body, and delayed any projected new broadcast agenda.

The hope that the new 25-member board would be a 'non-partisan body enjoying the confidence and trust of the broad spectrum of South African society' has been thwarted by the chain of events which followed nominees' nerve-racking public grilling.

This is not surprising. From the outset, the entire campaign for a more representative and accountable public broadcast system has been plagued by political squabbling.

Those most loudly opposed to the latest developments are the ANC, the Campaign for Independent Media – a loose formation of 46 political and professional organisations, and the Conservative Party, which claims that it has never been consulted in the process.

However, the only real victims so far are the board members and the rejected nominees themselves, who have become political footballs kicked about by the main players – the National Party government and the ANC.

Those who made it on to the first list prepared by the selection panel are as affected as those who made it on to the second list drawn up after State President FW de Klerk intervened. Tainted by political manoeuvring before it even began to assume its work, the board has not been given a chance to prove itself.

Some issues which queered the pitch have been highlighted by observers whose interest is in seeing a better outcome next time:

- ◆ Despite attempts to wrest it from party-political control, the power to intervene in the appointment of the new SABC Board remained in the political domain. Those consulted by the government were all political parties and the only non-party-political formation involved in the negotiation process, the Campaign for Independent Media, has been regarded as a front organisation for the ANC alliance.
- ◆ The document which set out the appointment procedure was not clear enough on the role of the State President. If the aim was to prevent party-political intervention at the last minute, the document should have stated clearly that the selection panel had the final say. With the power to ratify the panel's list of appointments accorded to the State President, however, the door was left wide open for De Klerk to intervene legitimately. The warning sounded so often

by political observers that ambiguous wording in agreements leads to tension and difficulty that could have been avoided, needs to be taken seriously.

- ◆ The selection panel composed entirely of men and entirely of members of the legal profession, which compiled the short list for public hearings from nominations received and finally conducted the hearings, was far from an ideal panel. Not only was it unrepresentative, it also lacked adequate knowledge of the electronic media.
- ◆ The short list of prospective appointees which the panel winnowed from some 400 nominations was published less than two days before the public hearings started at the World Trade Centre. At such short notice there was no time to investigate or scrutinise candidates. All the panel could rely on was information gleaned from the biographies and motivations submitted in favour of specific candidates. If the public hearings were to have achieved the intended result of transparency, a period of at least six weeks should have been allowed between the announcement of the short list and the commencement of the hearings to allow time for public interest groups to object to candidates they regarded as unsuitable.
- ◆ The around 400 nominations received were also not given due consideration. Most nominees who made it to the short list had no idea how the SABC is structured or functions. Lobby groups had not made a study of the corporation and the field so that they could select candidates tailored to the requirements and prime them before they were subjected to public questioning. Most candidates projected a limited knowledge of what would be expected of them and focused their concern on the 8pm TV1 news. Few spared a thought for radio or any of the other TV programmes.

But the dust is far from settled. At the second meeting of the board on 24 June, Van Zyl Slabbert, who had agreed to act as chairperson for the first two meetings, handed the helm over to Ivy Motsepe-Casaburri. She is expected to preside as acting chair until the board has appointed a chairperson and deputy chairperson.

The hope is that this might undo some of the damage wreaked by the State President's intervention, which included the replacement of Njabulo Ndebele as chairperson.

Time is fast running out, however. The country's first democratic election is less than ten months away. □

# Constitution

**T**he arduous and often frustrating task of thrashing out a framework for a future constitution by means of negotiated compromises has fallen to the multi-party process's Constitutional Technical Committee.

Since receiving its mandate from the Negotiating Council early in May the technical committee has had to steer a path through the full range of constitutional options in quest of the improbable point where the interests of those who favour federalism intersect with the interests of those who favour an elected constitution-making body, those who favour secession, and those wishing for homelands of whatever kind.

Faced with lengthy submissions from the 26 negotiating parties, the Constitutional Technical Committee's approach has been to systematically eliminate extremes to reveal middle ground. The first pole to fall under the axe was the Conservative Party's interpretation of self-determination as embracing the 'right of self-determination of peoples' and territorial independence.

While recognising the right to self-determination in a broad legal sense, the technical committee emphasised that the individual's right to self-determination took precedence over any possible group right. In addition, virtually no collective right to self-determination could be recognised effectively without ensuring the individual's right to freedom, own choice and self-fulfilment.

Noting, however, that rights of self-determination are of importance to minority groups and that minorities should not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, and to use their own language, the committee suggested that these rights be protected by various legal instruments and state institutions.

A rider was added, however: rights of self-determination should not impinge upon the rights and freedoms of others or endanger national safety or the integrity of the state. The committee's draft argues that the law should 'not recognise or enforce rights of self-determination which may lead to discrimination or unequal treatment on the basis of colour, race, gender'.

This is the argument that sank the CP demand for confederalism and a state where only white Afrikaners and some English-speaking white South Africans would have citizen status.

Turning to the Concerned South Africans Group (Cosag) demand that debate around the future form of state, federal or unitary, should precede debate on all other matters, the technical committee adopted a clinical approach, excising emotive terminology and exploring and gaining perspective on individual components such as the separation of powers, and the boundaries, powers and functions of the regions. The committee has not

While recognising the right to self-determination in a broad legal sense, the technical committee emphasised that the individual's right to self-determination took precedence over any possible group right.

been too perturbed by the fact that this approach has caused temperatures to rise in the Cosag camp.

The committee has emphasised the importance of reaching urgent agreement on general constitutional principles as a priority in the constitutional process. It has also stressed that making such principles binding on further constitution making would give direction and security to all relevant interests.

'The adoption of a comprehensive set of constitutional principles could therefore be an expression of a national consensus on the constitutional way forward for South Africa,' the committee argued and urged the Negotiating Council to urgently compile a set of constitutional principles, a matter already noted in a Declaration of Intent adopted by the Negotiating Council as early as April.

In the eight reports which followed the committee tried to steer the council towards adoption of these much-needed general constitutional principles and ultimately paved the way for compromise which included give and take from all sides.

The list (not yet complete) of constitutional principles refined in two months of horse-trading in the Negotiating Council and finally adopted at the Negotiating Forum meeting on 2 July stipulates that:

■ The Constitution of South Africa shall provide for the establishment of one sovereign state, a common South

African citizenship and a democratic system of government committed to achieving equality between men and women and people of all races.

- The Constitution shall be the supreme law of the land, shall be binding on all organs of government, shall prohibit racial, gender and all other forms of discrimination and promote racial and gender equality and national unity.
- There shall be a separation of powers between the legislature, executive and judiciary, with appropriate checks and balances to ensure accountability, responsiveness and openness.
- The judiciary shall be competent, independent and impartial and shall have the power and jurisdiction to safeguard and enforce the Constitution and all fundamental rights.
- There shall be representative government embracing multi-party democracy, regular elections, universal adult suffrage, a common voters' roll and, in general, proportional representation.
- Provision shall be made for freedom of information so that there can be open and accountable administration at all levels of government.
- Formal legislative procedures shall be adhered to by legislative organs at all levels of government.
- The diversity of language and culture shall be acknowledged and protected, and conditions for their promotion shall be encouraged.
- Collective rights of self-determination in forming, joining and maintaining organs of civil society, including linguistic, cultural and religious associations, shall, on the basis of non-discrimination and free association, be recognised and protected.
- All shall enjoy universally accepted fundamental rights, freedoms and civil liberties, protected by entrenched and justiciable provisions in the Constitution.
- The legal system shall ensure the equality of all before the law and an equitable legal process. The principle of equality before the law includes laws, programmes or activities that have as their object the amelioration of the conditions of the disadvantaged, including those disadvantaged on the grounds of race, colour or gender.

# by committee

- The institution, status and role of Traditional Leadership, according to indigenous law, shall be recognised and protected in the Constitution. Indigenous law, like common law, shall be recognised and applied by the courts subject to the provisions on the fundamental rights contained in the Constitution and to legislation dealing specifically therewith.
- Provision shall be made for participation of minority political parties in the legislative process in a manner consistent with democracy.
- Amendments to the Constitution shall require special procedures involving specified majorities. Government shall be structured at national, SPR (state, province or regional) and local levels.
- At each level of government there shall be democratic representation.
- Each level of government shall have appropriate and adequate legislative and executive powers and functions that will enable each level to function effectively. The allocation of powers between levels of government shall be made on a basis which is conducive to financial viability at each level of government and to effective public administration, and which promotes national unity, legitimate regional autonomy and cultural diversity.
- A framework for local government powers, duties, functions and structures, shall be set out in the Constitution. The comprehensive powers, duties, functions and other features of local government shall be set out in parliamentary statutes and/or SPR legislation.
- The powers and functions of the national and SPR levels of government shall include exclusive and concurrent powers as well as the power to perform functions for other levels of government on an agency or delegation basis.
- National and SPR governments shall have fiscal powers and functions which will be defined in the Constitution. The framework for local government referred to shall make provision for appropriate fiscal powers and functions for different categories of local government.
- Each level of government shall have a constitutional right to an equitable

share of revenue collected nationally so as to ensure that SPRs and local governments are able to provide basic services and execute the functions allocated to them in the Constitution.

- A Financial and Fiscal Commission, representing *inter alia* each of the SPRs, shall recommend equitable fiscal and financial allocations to the SPR governments from revenue collected nationally, after taking into account the

The committee has emphasised the importance of reaching urgent agreement on general constitutional principles as a priority in the constitutional process.

national interest, disparities within the SPRs, as well as the population and developmental needs, administrative responsibilities and other legitimate interests of each of the SPRs.

The following criteria shall be applied in the allocation of powers to the national government and the SPR governments:

- The national government shall not exercise its powers (exclusively or concurrently) so as to encroach upon the geographical, functional or institutional integrity of the SPRs.
- Where it is necessary for the maintenance of essential national standards, the maintenance of economic unity, the maintenance of national security or the prevention of unreasonable action taken by one SPR which is prejudicial to the interests of another SPR or the country as a whole, the Constitution shall empower the national government to intervene through legislation or such other steps as may be defined in the Constitution.
- The essential principles of the Constitution, including the fundamental rights contained therein, shall apply to all organs of the state at all levels of government.
- Where there is necessity for South Africa to speak with one voice, or to act as a single entity – in particular in relation to other states – powers should be allocated to the national government.
- Where uniformity across the nation is

required for a particular function, then legislative power over that function should be allocated to the national government.

- Where minimum standards across the nation are required for the delivery of public services, the power to set such standards should be allocated to the national government.
- The determination of national economic policies, and the power to promote inter-SPR commerce and protect the common market in respect of the mobility of goods, services, capital and labour, should be allocated to the national government.
- Where mutual co-operation is essential or where it is required to guarantee equality of opportunity or access to a government service, the powers should be allocated concurrently to the national government and the SPR governments.
- In the event of a dispute concerning the legislative powers allocated by the Constitution concurrently to the national and SPR governments which cannot be resolved by a court on a construction of the Constitution, precedence shall be given to the legislative powers of the national government.
- The Constitution shall specify how powers which are not specifically allocated in the Constitution to the national government shall be dealt with as necessary ancillary powers pertaining to the powers and functions allocated either to the national or SPR governments.
- Notwithstanding the provision of any other clause, the right of employers and employees to join and form employer organisations and trade unions and to engage in collective bargaining shall be recognised and protected.
- The independence and impartiality of a Commission for Administration, a Reserve Bank, an Auditor-General and an Ombudsperson shall be provided for and safeguarded by the Constitution in the interests of the maintenance of effective public finance and administration and a high standard of professional ethics in the civil service.
- Every member of the security forces (police, military and intelligence) and the security forces as a whole shall be required to perform his or her duties and functions and exercise his or her powers in the national interest and shall be prohibited from furthering or prejudicing party political interest. □

# Right rides the tiger

**T**he Afrikaner Volksfront, which unites such differently emphasised right-wing organisations as the Afrikaner Weerstandsbeweging and the Afrikaner Volksonie, may prove to be a mere papering over of the cracks.

Since the generals, all stalwarts of the 'total onslaught' years, met in secret on 21 April, one day after the funeral of assassinated South African Communist Party secretary-general Chris Hanu, the rejuvenated right wing has displayed an ambivalent and often contradictory attitude to the current multi-party negotiation process.

The Conservative Party in its role as chief Volksfront member in the multi-party process has staged walk-outs, issued threats of civil war, and resorted to the negotiating equivalent of plea bargaining. The Afrikaner Volksonie (AVU), the only other Volksfront member in attendance at the World Trade Centre, has focused its efforts on bilateral discussions with the big players, the South African government and the ANC, to achieve recognition of its demand for a non-racial Afrikaner volkstaat.

Outside (excepting one obscene forced entry) the centre, the Afrikaner Weerstandsbeweging (AWB) led by Eugene Terre'Blanche has rejected negotiations out of hand.

The AVU relationship with the rest of the Volksfront has been cautious but has weathered the threat of expulsion over AVU objections to a racial clause in the Volksfront constitution. Similarly, it has survived the thuggish raid on the World Trade Centre which, although some hailed it as a right-wing victory, did serious damage to the right-wing cause not only in terms of image but in escalated tension between the allies, who remain divided also over where the boundaries for an Afrikaner volkstaat should be drawn.

The trio of retired generals holding the reins of the Volksfront, securocrat veterans of the PW Botha era who still embrace racist policies, have emerged from an array of grassroots splinter groups on the right.

Lieutenant-General Koos Bischoff, former Army Chief of Operations who headed the CP's mobilisation drive launched in February, has been active in the paramilitary Pretoria Boerekommando; Lieutenant-General Tienie Groenewald, former head of Military Intelligence, is a founding member of the Volkseenheids-

komitee (Vekom), a think-tank researching an Afrikaner homeland solution; and General Constand Viljoen, former chief of the South African Defence Force, has been active in the politics of organised agriculture.

In a sense the Volksfront has its roots in the CP mobilisation drive launched at the party congress in Pretoria in February and presided over by Bischoff. The cam-

**The generals took the gap and cast their nets wide to bring the largest grouping yet of right-wing organisations under the umbrella of the Volksfront.**

paign was lacklustre until the nation-wide surge of protest that followed Hanu's death unleashed the rage of the right. The death a few days later of CP leader Andries Treurnicht left the driver's seat open to a radical leadership.

The generals took the gap and cast their nets wide to bring the largest grouping yet of right-wing organisations under the umbrella of what they called the Volksfront. Whites-only trade unions and farmers feeling both the economic pinch and the threat posed by killings and inflammatory talk aimed specifically at farmers, were ready allies.

The main aims of this new alliance of the right were reported to be establishing an Afrikaner volkstaat, opposing a future ANC government, and forming a white army.

However, when news of the new formation leaked, Groenewald denied that the main aim of the front's Committee of Generals was to prepare a military option. He said the committee believed that a constitutional option in the form of negotiations should be attempted first.

'We are working on ways to force the government and the ANC not to attempt to bypass the Concerned South Africans Group in the negotiation forum and to ensure that self-determination of nations forms part of a negotiated settlement,' he said. He added that while the aim was not armed insurrection, this could not be excluded should the constitutional door be closed on the Afrikaner.

A few days later, wearing his Vekom hat, Groenewald threatened a white break-away state through secession within months. 'The Army will not fight against

us, they will not shoot their own people,' he asserted in a BBC television interview broadcast on 4 May, predicting that the volkstaat would have self-defence structures which would include defectors from the South African Police and South African Defence Force.

From the point of view of Viljoen, who heads the Committee of Generals, the issue is the threat posed by communism, terrorism and a failure to wring an Afrikaner homeland out of negotiations.

Addressing 15 000 farmers in Potchefstroom on 6 May, he said: 'Only when we, the Afrikaner people, achieve unity, stand together and show visible signs of our solidarity can we hope to be victorious – without having to resort to the great unpleasant step of armed conflict.'

Ferdie Hartzenberg sketched the bottom line in Parliament on 5 May: Afrikaners would not accept a unitary state in which they had no self-determination. 'Acknowledge our right to self-determination, and we will negotiate,' he said, adding that the CP was prepared to put forward concrete proposals on the borders of its proposed volkstaat once the principle of self-determination had been accepted by the multi-party negotiators.

However, at the launch of the Volksfront working committee in Pretoria on 7 May, the multi-party negotiation process was formally rejected and a call was issued for it to be stopped. Hartzenberg subsequently said that the CP would stay in the talks as long as it could achieve self-determination. 'If that door is closed, then we shall not stay there and arrange our own funeral,' he said.

Hartzenberg was echoed by Viljoen who said in a TV interview on 10 May that the binding factor in the new right-wing front was the threat posed to the Afrikaner people by a unitary state. Viljoen said the South African Communist Party (SACP) had 'unleashed a tiger in our black areas'.

**H**e said he could not endorse multi-party negotiations until there was stability, nevertheless he would not call on the CP and AVU to withdraw from negotiations.

Suspicion and allegations of a CP takeover – Hartzenberg was elected first chairperson of the Volksfront executive and five more positions out of nine on the executive went to CP members – nearly scuttled the formal Volksfront launch



attended by 17 organisations and a number of interest groups on 19 May. At the heart of the conflict were different interpretations of 'the right to self-determination'. Attempts were made to have the AVU expelled and Viljoen himself was in the process of withdrawing from the meeting when Hartzenberg intervened.

Those who finally committed themselves to the Volksfront were: the Conservative Party, Afrikaner Volksunie, Afrikaner Weerstandsbeweging, Free State Agricultural Union Farmwatch, Iron and Steel Related Industries Union, Afrikaner Kultuurbond, Afrikaner Vryheidstigting, Afrikaner Volkswag, Boerekrisisaksie, Boere Vryheidsbeweging, Pretoria Boerekommando, Transvaal Municipal Association, Oranjewerkers, SABRA, SEGA, Transvaal Agricultural Union Security Committee and Die Verkenners.

Since the launch Volksfront statements have become more bellicose, predicting civil war and a Bosnian option.

At a big right-wing rally in Pretoria on 29 May the government was warned that unless it accepted the demand for a white volkstaat, massive labour unrest among whites or even civil war could follow. In a series of meetings around the country Viljoen reiterated the demand for negotiations to be stopped and raised fears about joint control of the security forces.

In East London Viljoen urged his audience to join commandos, begin military training and arm themselves, but called for restraint and dignity.

**B**y early June the Volksfront was calling on De Klerk personally to abandon negotiations and call a referendum or general election for whites.

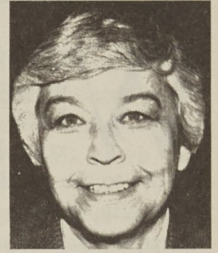
The first physical attack on negotiations was conducted by the AWB on 3 June when a three-person delegation, armed and dressed in military gear, demanded to read a statement in the presence of the Negotiating Council. While they waited inside about 100 of their supporters stood outside the gate, brandishing firearms and angry placards.

The second attack, mounted by hundreds of armed right-wingers, was staged on Friday 25 June. Although this event has caused tension between Volksfront allies, their biggest obstacle to remaining a cohesive force is the difficulty of finding an acceptable formula for the broad demand of self-determination. AVU leader Andries Beyers believes that self-determination without racism or domination within a federal state is the only realistic and achievable demand. □

## 'Bottoms up!'

# KOBIE GOUWS

*Kobie Gouws is not a card-carrying member of any political party. Her passion is reserved for the attainment of a homeland for Afrikaners and this is what lured her into occupying the 'women's seat' for the Afrikaner Volksunie in the Negotiating Council*



**A** seasoned right-wing intellectual, Gouws quickly made her mark on the negotiating body. She is a notable presence both for her insistence on a 'bottom-up approach' to negotiations and for the domestic flavour of the interjections she deploys to further her volkstaat ideals.

Born Jacoba Kok in Kimberley on 9 July 1935, Gouws lost her parents at an early age and spent her school years at boarding schools and living with family. She was head girl at the Diamantveld Hoërskool where she matriculated in 1952. She then moved to Pretoria where she studied part-time to obtain a teacher's diploma before going on to join the staff of the Laerskool Orban in Johannesburg.

In August 1964 she joined the Afrikaner publishing concern Voortrekkerpers (forerunner to Perskor) as editor of women's and children's books, later becoming senior editor. In 1980 she helped HAUM launch its women's and children's section, Femina Juventus.

In 1986 Gouws launched her own publishing consultancy. In January last year she and her husband Felix left Roodepoort for Philippolis where she continues to consult while also restoring what will become a guest house and tea garden. She is hopeful that one day Philippolis will fall within a volkstaat.

Gouws is proud of her own Afrikaner history. Her mother was detained as a young girl in the Grootrivier concentration camp during the Anglo-Boer War. Her father served in the Ossewabrandwag Afrikaner resistance movement, refusing to take up arms against the Germans during World War II. Anecdotes about these events left Gouws filled with pride for the 'endurance' of the Afrikaner.

At school her interest in history fanned the flames of her commitment to Afrikaner nationalism, sparking off a keen interest in politics and laying the founda-

tion for her belief that culture and politics are inseparable.

Throughout her life Gouws has served in a number of leading cultural organisations and study groups aimed at furthering Afrikaner nationalism. She was a member of the Voortrekker movement for 27 years, earning its highest accolade for service. In the 1970s she joined SABRA, a think-tank launched in the 1940s to provide academic justification for apartheid. Its emphasis later shifted to exploring the possibilities of a white state.

Gouws was a founding member of the SABRA offshoot, the Oranjewerkers, launched in 1980 to actively develop an area (Morgenzon) where no blacks lived and to explore white self-reliance.

In 1981 she was a founding member of Aksie Eie Toekoms, formed by right-wing intellectuals before the 1981 elections and later merged with the Conservative Party after its launch in March 1982.

She was also a founding member of the Afrikanervroue-Kenkrag (AVK), a political study group formed in 1983 to unite right-wing women.

Inspired by the notion of 'Afrikaner freedom', Gouws became a founding member of the Afrikaner Volkswag in 1984 and later of the Afrikaner Vryheidstigting (Avstig), a campaigning body spearheaded by volkstaat prophet Carel Boshoff and launched in 1988 with the aim of obtaining an Afrikaner volkstaat in the north-western Cape through negotiation.

She serves on the Avstig executive and is involved in the development of Orania, an embryo volkstaat in the Northern Cape.

A forceful presence positioned between the AVU and CP delegations, Gouws is working hard at untangling the broedertwis, believing that they should all join forces in 'putting the Afrikaner's case'. □

# Quantum leap on 'wayward ways'

While others were holidaying in July, a committee of the Local Government Negotiating Forum (LGNF) kept its nose to the grindstone, hammering out the details of draft legislation to replace apartheid-style local authorities with appointed non-racial councils.

The almost unanimous decision by the LGNF to press for the dismantling of segregated municipalities was taken on 30 June at the second plenary session of the forum. Since the LGNF had been formed a bare three months earlier, observers accustomed to snail's-pace constitutional negotiations were surprised by the bold step forward.

The LGNF, which comprises 30 delegates from statutory bodies and an equal number from non-statutory organisations, agreed on principles for transitional structures and resolved that a Local Government Transition Bill should be ready for tabling when Parliament sits for a short session in September.

The LGNF spelled out the following vision of transitional structures:

- ◆ Elections for interim local government should occur only after the national elections on 27 April next year.
- ◆ In the 'pre-interim' phase, non-racial appointed structures should replace segregated councils at both the metropolitan and local levels. These structures should be known as transitional local councils (TLCs) and transitional metropolitan councils (TMCs).
- ◆ Inclusive local negotiating forums should choose the members of the TLCs and TMCs. The non-statutory parties would be entitled to choose half the members, and the statutory parties the other half.
- ◆ Transitional councils would be constituted 'to unite politically those areas where local government has been divided into separate racially determined units'.
- ◆ A demarcation board would be set up for each region to apply national guidelines in determining the geographic reach of local and metropolitan authorities. If local parties negotiated their own local authority boundaries and their solution complied with the guidelines, the demarcation board would merely confirm these jurisdictions for the pre-interim phase.

The sole dissenting voice in the LGNF

was that of the Conservative Party-dominated Transvaal Municipal Association (TMA). Its representative, Ben van den Bergh, insisted that the decision was too hasty and that it would fail to 'bring unity at local level as envisaged'. Rather the result would be increased conflict.

If the LGNF was determined to go ahead with the plan, he said, at least it should allow for a 'local option'. This would permit CP-controlled white councils, in effect, to veto any deracialising of local government in their areas, at least in the short term.

At first glance it appeared that the LGNF scheme was based on some form of local option. After all, if the setting up of TLCs and TMCs depended on the existence of functional multi-party negoti-

'We cannot allow the present situation at local government level to go on much longer.'

ating forums, then surely parties opposed to change could prevent it by boycotting such forums?

But, in interviews with journalists since the LGNF meeting, government, ANC and South African Civic Organisation (Sanco) representatives have all made it quite clear that the envisaged Local Government Transition Act will have coercive features.

Deputy Minister of Local Government Yacoob Makda, who is co-chair of the LGNF, pointed out that before the LGNF came into being the government had been prepared to compel white local authorities to allocate a portion of their non-residential property rates to black local authorities if they failed to do so voluntarily.

He implied that a similar mechanism could be used to ensure movement to non-racial appointed councils. The new South Africa, he declared, was for all.

His co-chairperson, Lechesa Tsenoli of Sanco, said the LGNF contemplated 'creating conditions that will make it very difficult for people to continue their wayward ways'.

The ANC's Mathole Motshekga said it was expected that the regional authority would be given overriding powers to

create TLCs where parties failed to do so through the channel of voluntary forums.

The clear support at various levels of government for the appointed pre-interim option certainly represents something of an about-face.

Only three months ago Local Government Minister Tertius Delpoort would not even consider it, and insisted that the way to go was local government elections as soon as possible and certainly before national elections in some areas.

But the Transvaal Provincial Administration's representative to the LGNF, Andre Cornelissen, said that pragmatism and realism had won the day. The crisis in the townships had driven the administration to concede that some mechanism which could be more swiftly implemented than local elections was essential. 'We cannot allow the present situation at local government level to go on much longer,' he said.

Nobody in the LGNF attempted any pretence that appointed councils were democratic. But virtually all accepted that they were a practical way of addressing the question of the legitimacy of local government. The draft legislation will specify a time period, linked to the holding of national elections, within which these appointed structures must give way to elected interim councils.

A question which remains to be debated is the size of the appointed councils. From the statutory side there is a move to have large bodies so that all councillors, potentially, could keep their jobs and simply be joined by other appointees. The non-statutory side is opposing this, arguing for more compact, economical councils.

Although the pre-interim and interim structures were addressed in some detail, other features of the proposed transitional 'package' on local government were left virtually unmentioned at the second session of the LGNF. Tagged to the end of the resolution was a catch-all provision, referring 'the questions of arrears, finances, tariffs, provision of services and payment therefor' back to the LGNF management committee with instructions to formulate proposals by the next plenary.

The LGNF plenary ended with Makda appealing to all to take 'the quantum leap forward' which had been mapped out by the plenary. □

# All passion spent?

**The all-**important resolution mapping out a joint approach towards the establishment of a new constitutional order was delivered by one of the most emotional days experienced in two months of Negotiating Council (NC) meetings.

It began at 10am in sombre mood in the wake of the previous day's deliberations, which had strained relationships. The main problem was Concerned South Africans Group (Cosag) unhappiness at the sixth report of the Constitutional Technical Committee (CTC).

The report rejected the Cosag appeal for a 'bottom-up' approach – writing regional constitutions before a national one – as opposed to the 'top-down' approach – writing a national constitution first – which the Cosag parties felt was being forced on them.

In the hope of reassuring Cosag, the NC agreed to return to discussion of the CTC's fourth report, which deals with the powers and functions of regional governments. By 11.30am it was clear that no progress was going to be made and it was decided to pursue the matter in bilaterals and reconvene after lunch.

However, emotional bilaterals between the various groupings continued until 4.35pm, when the NC reconvened in a palpably lighter mood. First the ANC's Baleka Kgositsile presented a birthday cake with burning candles to the IFP's Faith Ghaza. Delegates then sang 'Happy Birthday' to Ghaza who was one of the women assaulted by AWB interlopers during the Afrikaner Volksfront invasion.

The Planning Committee and the CTC were then given the task of formulating a workable resolution. Other smaller meetings continued as an honest attempt was made at progress.

The NC finally reconvened at 7.20pm

and the committees' resolution – on which the Cosag parties and the PAC then reserved their positions – was adopted after a ruling of 'sufficient consensus' from the chair. It reads:

1. The Negotiating Council agrees on the following steps to be taken for the purposes of establishing a new constitutional order:
  - 1.1. The MPNP will adopt Constitutional Principles, including principles of regional government, providing for both strong government and national government.
  - 1.2. The Constitutional Principles shall be binding on the Constitution-Making Body and shall be justiciable by a Constitutional Court/Tribunal.
  - 1.3. The Commission on Delimitation/Demarcation appointed by the MPNP will make recommendations to the MPNP on regional boundaries for the purposes of elections and regional government for the transitional phase.
  - 1.4. The MPNP shall agree on legislation to make provision for the following structures for the purpose of levelling the playing field and promoting conditions conducive to the holding of free and fair elections:
    - 1.4.1. A Transitional Executive Council;
    - 1.4.2. An Independent Electoral Commission;
    - 1.4.3. An Independent Media Commission and Independent Broadcasting Authority.
  - 1.5. The MPNP shall agree on details of discriminatory legislation to be repealed.
  - 1.6. The MPNP shall agree on a Constitution for the transitional period.

2. The Negotiating Council accordingly requests the Technical Committee on Constitutional Issues to draft a Constitution for the transition which shall make provision for:

- 2.1. The election according to a system of proportional representation of a Constitution-Making Body, legislature and national government for the transitional phase which will include a national and regional component. With regard to constitution making, this Constitution shall provide for deadlock-breaking and special majorities by which decisions will be taken;
  - 2.2. The election of regional legislatures and the establishment of regional governments in transition;
  - 2.3. The powers, functions and structures of regions for the transitional period;
  - 2.4. Fundamental human rights on a justiciable basis during the transition period;
  - 2.5. A Constitutional Court/Tribunal to ensure the justiciability of the Constitutional Principles, of the fundamental rights and of the Constitution itself.
3. Participants are given until 12 July 1993 to make further inputs to the Technical Committee with regard to the above draft Constitution for the transition.
4. This is agreed against the background of paragraph six of the Explanatory Memorandum adopted by the Negotiating Council on 30 April 1993.
- (Paragraph six noted that the council would reach a 'package' of agreements and that on every matter agreed upon the council would expressly determine when and how it would be implemented.)

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*More active behind the scenes than in the public eye, Zam Titus is a regular on facilitating structures, one of the quiet movers and shakers who keep the negotiation process on track.*

With no history in politics but a reputation earned as chief state lawyer of Transkei, Titus unexpectedly entered negotiations in the pre-Codesa planning phase. His quiet determined manner and administrative and legal drafting skills secured his position on successive facilitating bodies charged with driving the shaky process.

Titus was born on 26 October 1956 in Engcobo in rural Transkei, the third of five children of teacher Brights Titus and his wife Nomathemba. Although raised in a non-political home Titus was given the name Zamindlela (try to find a way) by his father – with the firm instruction at an early age that he should try to find the road leading to freedom.

When Transkei became the first homeland to take 'independence', Titus was told on his twentieth birthday that the freedom his father had in mind was 'that which the Congress has been fighting for' and not that offered by a discredited homeland system.

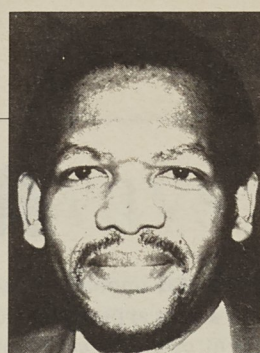
Titus completed his primary school education at the All Saints Primary School and matriculated from St John's College in Umtata in 1974, subsequently enrolling at the University of Fort Hare.

As a Transkei government bursary holder, he worked as a prosecutor in Fort Hare during the holidays, an experience which exposed him to the plight of rural communities in South Africa. On obtaining his LLB in 1979 Titus joined the Transkei Justice Department in Umtata as a legal draughtsperson.

Titus had met Bantu Holomisa briefly

## Zam Titus

### Quiet mover



in 1978 and, although the December 1987 coup led by Holomisa took him by surprise, he strongly supported Holomisa's anti-corruption efforts. He chaired the Alexander and Van Reenen commissions set up by Holomisa to investigate and counter corruption in the homeland, and still heads a special committee chosen to implement the decisions of the commissions.

Titus was asked by Holomisa to join the Transkei delegation to multi-party negotiations at a TBVC states conference titled 'Quo Vadis' convened in Venda in October 1991. In the same month he attended the Patriotic Conference in Durban, where he was moved by the spirit of the meeting which brought together over 100 anti-apartheid organisations.

By November the pre-Codesa preparatory phase was proceeding by fits and starts and Titus was appointed to the steering committee set up to smooth over the difficulties. When Codesa 1 got off the ground in December 1991 Titus was appointed to the seven-person Management Committee charged with facilitating the unwieldy process.

When the multi-party process resumed in April this year after the long rupture that was presaged at Codesa 2, Titus was appointed to the Codesa Management Committee's successor – the ten-person Planning Committee, which is ultimately responsible for keeping the whole show on the road.

At home Titus is leader of the Transkei negotiating team, which operates on the advice of the Cabinet Forum, a non-deci-

sion-making steering committee representing 60 organisations active in the Transkei, and the larger UniTran Forum in which each of the 60 organisations is represented by five delegates.

Titus has never belonged to any political party and had never been active in politics until roped in by Holomisa. He is philosophical about serving in a military dictatorship. There is far greater freedom after Holomisa than before, he says.

He says that he has no political ambition for the future other than the big one of attaining a democratic and equitable society for all South Africans.

Titus is apprehensive about the early reincorporation of Transkei. Suspicious of the National Party government, he believes that reincorporation should not take place until the incumbent government's power has been curbed.

Although the Transkei government is not opposed in principle to a two-phased process, which envisages reincorporation during the first stage of transition, it wants a guarantee of 'irreversibility' before it will let go of the reins, he says.

At present Titus is one of two chief law advisers in the Transkei Justice Department. He serves on the Transkei Structural Adjustment Committee which advises on budget matters. Since 1989 he has chaired the Multi-lateral Technical Committee on juridical matters, which coordinates legal matters between the South African government and the TBVC states.

He is married to Nozibele (Kose). They have three children and live in Umtata. □

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