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ANC

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<p>INTRODUCTION</p>	<p>Much has happened since the deadlock in negotiations at Codesa II. The ANC responded to the deadlock by initiating a process of widespread consultations to establish the way forward. This culminated in the ANC National Policy Conference at which guidelines for the transition to democracy were formulated (See: Bulletin No. 11).</p> <p>On the evening of the 17th June, 1992 more than 50 people were massacred in Boipatong. An emergency meeting of the National Executive Committee of the ANC was convened on the 23rd June, 1992 to discuss the implications of the massacre. At this meeting it was decided to break off both bilateral and Codesa negotiations. The ANC also made 14 demands on the NP regime.</p> <p>These demands on the regime were accompanied by a memorandum. The memorandum gave the ANC's reasons for breaking off negotiations. This memorandum was delivered to De Klerk on the 26th June, 1992. De Klerk responded on the 2nd July, 1992. His responses failed to address the demands made by the ANC. Instead of addressing the demands made in a constructive way, De Klerk merely denied ANC charges of government complicity and involvement in the violence. He refused to commit his government and party to the democratic principle of majority rule and merely accused the ANC of stalling the process of negotiations.</p> <p>The ANC replied to De Klerk in a letter from Cde. Nelson Mandela on the 9th July, 1992. A summary of the exchanges between the ANC and the NP regime follows herebelow.</p>
<p>WHY DID THE ANC BREAK OFF NEGOTIATIONS?</p>	<p>There are essentially two reasons why the ANC decided to break off negotiations. Firstly, there arose a deep crisis in the negotiations process as a result of the regime's opposition to the principle of majority rule. Secondly, it was the regimes continued complicity in the violence and failure to take any concrete measures to stem the tide of violence.</p>
<p>THE CRISIS IN NEGOTIATIONS</p>	<p>Whilst the regime continued with the process of negotiations, it continued to unilaterally restructure the economy and social services in a way in which would restrict a democratically elected government fundamentally. Despite its proclamations of democracy, the regime also rushed through</p>

parliament a series of Bills which further deny citizens their human rights.

Furthermore, the regime has refused to agree to the constitution being drafted and adopted solely by a democratically elected Constituent Assembly. The conflicting positions are as follows:-

THE POSITION OF THE ANC IS AS FOLLOWS:-

- a) The constitution making body shall be sovereign;
- b) The constitution making body shall be bound only by the general constitutional principles agreed upon at Codesa;
- c) It shall be democratically elected on the basis of one-person-one vote in the context of multi-party democracy where each party would be represented in proportion to the votes gained;
- d) It shall be single chambered and not subject to the veto or overseeing powers of any other body;
- e) The constitution making body shall arrive at decisions by a two-thirds majority;
- f) In order to ensure that regional differences, irrespective of whether they arise from ethnic factors or vested interest nurtured by the apartheid fragmentation of our country are fully accommodated, the Constituent Assembly shall:
 - * be composed of 50% delegates elected by means of a national list, and 50% elected on the basis of a regional list, both on proportional representation and one person one vote;
 - * In deciding on those aspects of the Constitution which deals with regional structures, their powers and duties, the Constituent Assembly would take decisions first by means of a two thirds majority of the entire Assembly and further that such a decision would require the endorsement of a two thirds majority of that half of the Constituent Assembly delegates who have been elected through the regional list.

THE POSITION OF THE NP REGIME IS AS FOLLOWS:-

The regime wants CODESA to draft an entirely new constitution. Although it will be called a "Transitional Constitution", it would have the status of a permanent constitution. It would be virtually impossible for a new elected body to change such a Transitional Constitution.

The result would be a permanent power-sharing government in which the NP regime would always enjoy the veto.

THE GOVERNMENT AND VIOLENCE

The negotiations crisis and the issue of violence, particularly with regard to the regime's involvement in it, are inter-related and impact on each other. The Boipatong massacre on the 17th June, 1992 is but a tragic culmination of policies and practices followed by the regime. The evidence shows that either the regime at its top most levels, sanctions covert activities or that it is powerless to restrain the very forces it created. In this regard, the letter by cde. Nelson Mandela to De Klerk dated the 9th July, 1992 contained facts detailing the complicity and involvement of the security forces in the violence.

The response of the regime has been to instruct the very police, who have been implicated in the violence, to investigate their own complicity in the violence. This is unacceptable to the ANC. Accordingly, the ANC has called for an international commission of inquiry into the violence and an

international monitoring force.

This call was first made by Cde. Nelson Mandela at the recent OAU meeting at Dakar. The OAU endorsed this idea, despite vigorous diplomatic lobbying against it by the regime, and agreed to sponsor a special debate on the question of violence in South Africa at the United Nations Security Council which is to take place on the 15th July, 1992. Cde. Nelson Mandela, who will address this meeting, will make this call to the international community.

ANC'S DEMANDS

Thus, when the ANC NEC met on the 23rd June, 1992, while it reaffirmed its commitment to a negotiated resolution of the conflict, it also resolved to break off all negotiations and to make the following demands:-

- * The creation of a democratically elected and sovereign Constituent Assembly to draft and adopt a new constitution; and
- * The establishment of an Interim Government of National Unity;
- * The immediate termination of all covert operations including hit squad activity;
- * To disarm, disband and confine to barracks all special forces as well as detachments made up of foreign nationals;
- * To suspend and prosecute all officers and security force personnel involved in the violence;
- * To ensure that all repression in some of the self governing states, and in the so-called independent states, is ended forthwith;
- * The immediate implementation of the programme to phase out the hostels and convert them into family unit accommodation;
- * The installation of fences around these establishments;
- * Guarding of these hostels by security forces on a permanent basis, monitored by multi-lateral peace structures, and the expulsion of those who occupy the hostels illegally;
- * Regular searches of hostels with the participation of multilateral peace structures;
- * Banning the carrying of all dangerous weapons in public on all occasions, including so-called cultural weapons;
- * The establishment of an International Commission of Inquiry into the Boipatong Massacre and all acts of violence as well as the international monitoring of the violence;
- * Release all political prisoners forthwith;
- * Repeal all repressive legislation.

This decision was endorsed by the Tripartite Alliance and the Patriotic Front. However, the ANC further resolved to keep the situation under continuous review. The response and practical steps taken by the NP regime to these demands will play a critical role in determining the direction and speed with which bona fide negotiations can take place.