

=====

**GESAMENTLIKE VERGADERING : JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 183

DISK: 150

TAKE: V.3

Mr P I DEVAN

Members must PLEASE NOT  
correct their speeches  
with a RED PEN.

Lede moet ASSEBLIEF NIE  
hul toesprake met 'n  
ROOI pen nasien nie.

<b>DINSDAG SE DEBAT</b> TERUGGESTUUR TE WORD OP <b>DONDERDAG</b> Voor 18h00	<b>TUESDAY'S DEBATE</b> DUE BACK ON <b>THURSDAY</b> By 18h00
-----------------------------------------------------------------------------------------	-----------------------------------------------------------------------

Mr C W EGLIN: Mr Speaker, I suppose it is correct to say that the hon the State President's opening speech this year lacked something of the visionary drama of 1990 and 1991. The hon the State President clearly felt it important in the early stages of his speech to do what I call some defensive political house-keeping.

He spent some time using words . . .

SE

✓PW

=====
GESAMENTLIKE VERGADERING : JOINT
MEETING

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS
=====

28 JAN 92

TAPE: 184

DISK: 151

TAKE: W .1

Mr C W EGLIN(contd):

He spent some time using words like 'to refute erroneous deductions'
and to allay suspicions, to deny that 'the Government is yielding to
pressure', or that it is 'abandoning important principles', or that it is
'committing a breach of confidence.' I defer to the hon the State
President's judgement on the need for these defensive elements in his
speech. I defer to it, because it is his party and not my party that is
fighting in Potchefstroom.

The hon the State President's speech - together with his speech <sup>delivered</sup> held at
Codesa on 20 December ~~and~~ to which he referred on Friday - is certainly
not unimportant. Indeed I see three statements contained in his speech
that have extraordinary <sup>= it =</sup> important policy implications. They reflect new
elements in Government thinking and each could have a positive impact on
the negotiation process.

Firstly, it appears that the Government is now prepared - subject to
agreement reached at Codesa and ~~the~~ approval at a referendum - to amend
the present Constitution significantly in order to provide for a
transitional ~~Government~~ and a transitional ~~Parliament~~ that is
representative of the total population. That is a significant step
forward on the part of the Government. It opens up a new vista <sup>on</sup> ~~of~~ the

=====

**GESAMENTLIKE VERGADERING : JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 184

DISK: 151

TAKE: W .2

issue of transitional Government.

The second statement is that the constitution-making process should be taken further through elected representatives of the total population. Before it was limited to leaders of political parties with proven support, but <sup>(he says)</sup> now <sub>3</sub> it should be taken further through the elected representatives of the total population. I believe that is an important step forward.

The third statement, <sup>in its</sup> ~~is an~~ important <sup>to</sup> attitude <sup>of</sup> timing, <sup>is</sup> that the sooner South Africa gets a comprehensive and all-embracing constitution the better. We welcome that coming from the hon the State President, because it imparts an element of urgency to the whole constitutional process.

4c ~~Therefore~~ we see these as three important policy declarations. We are eagerly awaiting the Government's detailed proposals - especially how it proposes to roll the concept of traditional government into the process of constitution-making and how it proposes to make these two processes one.

We in the DP want to say to the hon the State President . . .

HB/hb

W

=====

**GESAMENTLIKE VERGADERING : JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 185

DISK: 152

TAKE: X .1

Mr C W EGLIN (contd):

We in the DP want to say to the hon the State President that we doubt whether this piggy<sup>⊖</sup>back concept is going to succeed. It is for this reason that the DP has proposed constitution-making machinery in the form of an elected constitutional conference that will function alongside but separate from any transitional government.

Secondly, unlike other organisations that demand that such a constitutional conference should be sovereign in a constitutional sense, the DP believes that, in fact, it cannot be sovereign in that sense. <sup>That</sup> ~~The~~ new body <sup>is</sup> going to be elected to draw up the constitution. ~~The~~ ~~principles of that conference~~ should be bound by the principles and decision-making procedures which have already been agreed to in the negotiating process. That is a limitation on its sovereignty. Its powers should be limited to those that are negotiated in advance and conferred on it by the constitutional authority of the day.

<sup>The conference's</sup> ~~Thirdly, we believe that its~~ constitutional proposals should be subject to ratification by a referendum of the voters of South Africa as a whole. That is what we suggest, but we are prepared to be flexible on matters of detail, subject to two overriding principles. The first is the maintenance of the thread of constitutional continuity throughout the

=====

**BESAMENTLIKE VERGADERING : JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 185

DISK: 152

TAKE: X .2

constitution-making process and <sup>the</sup> ~~second~~ <sup>is</sup> the genuine representative character of the body that is finally going to draw up the constitution. Those two threads, ~~the thread~~ <sup>that</sup> of constitutional continuity and <sup>that of</sup> ~~the~~ representative nature of the body drawing up the constitution, are critical to the success of the constitution.

The STATE PRESIDENT: That is what I said!

Mr C W EGLIN: We said it last year. The hon the State President said it this year. [Interjections.] We said it the year before too. I can <sup>refer to a</sup> ~~cover a~~ number of other issues, but, <sup>given the extent to which</sup> ~~to the extent that~~ our hearts are beating as one on this particular issue, I am glad that we <sup>of the D.P.</sup> ~~have~~ made some contribution to the thinking of the Government.

As far as Codesa and Parliament are concerned ~~an issue that has been raised~~ I would like to expand on some of the very succinct points that were made by my colleague, the hon member for Groote Schuur, yesterday on the relationship between Codesa and Parliament. She described this quite correctly as a symbiotic relationship.

It is true that the very existence of Codesa . . .

Griebenow

VPLW

=====
GESAMENTLIKE VERGADERING : JOINT
MEETING

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS
=====

28 JAN 92 TAPE: 186 DISK: 153 TAKE: Y .1

Mr C W EGLIN (contd):

It is true that the very existence of Codesa highlights the deficiency of this Parliament as a representative body. It is true that the existence of Codesa will effect the legislative programme that comes to Parliament from the Cabinet, but it is not true that Codesa effects the legal status of Parliament as the constitutional lawmaking authority in South Africa. It does not do that.

What Codesa does do is both strengthen the process of representative government and it is starting to give meaning to the concept of democracy in South Africa. In that sense Codesa is more than a negotiating body. It achieves these two objectives by injecting an element of popular legitimacy into the process of government which Parliament as it is constituted at present does not enjoy and, in fact, cannot enjoy. It also provides a forum, which our present Parliament cannot provide, where the representatives of the people in all political parties and organisations can meet and discuss, debate, and negotiate and process the various proposals, claims and pressures that are inherent in the constitution-making and lawmaking process.

Therefore So,
Thus Codesa strengthens the process of democracy and democratic government in South Africa. I can see from my brief experience in Codesa

=====

**GESAMENTLIKE VERGADERING | JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 186

DISK: 153

TAKE: Y .2

that in doing so, it is also assisting in the process of nation-building.

I want to discuss Codesa and the negotiating process. There is no doubt ~~that it was an important step~~ <sup>setting</sup> to ~~set~~ Codesa in motion. <sup>However</sup> but it is important that Codesa ~~is~~ <sup>be</sup> not seen as an institution. It should not be a question of being for or against Codesa as an institution. It is important that Codesa <sup>be</sup> ~~is~~ not seen as an end in itself, but ~~it must~~ rather ~~be seen~~ as part of a process of negotiation that should include all groupings in South Africa. Not only should that process include all groupings, but the process of negotiation <sup>must</sup> ~~has to~~ be taken down from the national level of Codesa to local government, to community and to grass-roots level.

No greater tragedy <sup>could</sup> ~~will~~ befall South Africa than <sup>our finding</sup> ~~if we all found~~ ourselves in agreement at national level, but ~~we were~~ in conflict and ~~we were~~ killing each other in the streets and in the villages of South Africa.

Codesa is not a closed shop . . . /SP

✓w

=====

**GESAMENTLIKE VERGADERING : JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 187

DISK: 154

TAKE: 2.1

Mr C W Eglin (contd):

Codesa is not a closed shop. It would genuinely like to see all political parties, whatever their views, included in the negotiation<sup>=ing</sup> process.

Codesa does not have a closed agenda. Let me say to my friend the hon member Mr H D K van der Merwe and others in the CP that some of the

opponents of Codesa have seized upon the Declaration of Intent <sup>and said</sup> to say it is prescriptive, ~~but~~ <sup>that</sup> this is not so. It <sup>reflects</sup> ~~represents~~ a certain area<sup>=s</sup> of

consensus among 17 out of the 19 organisations that were present, but it does not pretend to <sup>reflect</sup> ~~represent~~ the final consensus that will be reached among all political parties on a new constitution for South Africa. It

does not purport to do that. [The D <sup>of Intent makes provision</sup> ~~Declaration makes intent~~ for people who differ to put forward their arguments. This has been pointed out. ~~It~~

~~makes~~ <sup>has been made</sup> provision for amendments to the Declaration of Intent. The working group which is going to look at constitutional proposals has the specific

mandate <sup>of</sup> to investigate<sup>=ing</sup> and to report<sup>=ing</sup> on all proposals and make<sup>=ing</sup> recommendations. The <sup>working group's terms of reference</sup> ~~declaration~~ goes on to say that these proposals must

be consistent with democracy, but ~~they~~ are not limited by the Declaration of Intent. Mr Speaker, the door is wide open for those who wish to seek a peaceful negotiated solution in South Africa.

The hon the State President has announced that the Government's representative at Codesa will place the issue of self-determination on



=====

**GESAMENTLIKE VERGADERING : JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 187

DISK: 154

TAKE: 2.2

the agenda of the working group <sup>Two</sup> ~~the~~. I ~~wish to say~~ <sup>that is</sup> well and good. We certainly support that. ~~I wish to say~~, However, ~~that~~ viewed <sup>in</sup> fundamental ~~terms~~ <sup>terms,</sup> against the background of South Africa's history of colonialism, minority domination and racial exclusion, the reality is that at this moment, the people of South Africa as a whole, for the first time in their history, are engaged in the process of self-determination. We are all engaged in a process of self-determination for the people of South Africa. That is what it is about. ~~We are engaged in~~ <sup>It is a</sup> the process of self-determination.

It may be the prevalent view of those at Codesa at this stage that self-determination should take place within the context of an unfragmented South Africa. *That is their view.*

*However, this places ---*  
~~That is their view~~

VVH/vvh

✓W

=====

**BESAMENTLIKE VERGADERING I JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92                      TAPE: 188                      DISK: 155                      TAKE: 2A.1

Mr C W EGLIN (contd):

However, this places a heavy onus on those who believe that self-determination should take place within the context of separate nation states, to come to the negotiation<sup>=ng</sup> table and to put their case. If we are all engaged in the process of self-determination, let the various competing forms of self-determination be brought to the table.

Let those people who want separate nation states define their nation. Let them test their territorial claims against the realities of South Africa. Let them work out with other South Africans a pattern of coexistence that will make for co-operation instead of confrontation, <sup>but</sup> ~~Let them for~~ heaven's sake <sup>do</sup> ~~not~~ <sup>let them</sup> intensify White and minority frustration by conjuring up a concept of self-determination without being prepared to come to the negotiation<sup>=ng</sup> table to argue the case for it.

Events in South Africa are moving with dramatic speed. For those who really want to find solutions, the option of negotiation is still available. However, ~~I believe that~~ The time will come when that option will no longer be there. It is not there for an indefinite period of time. That option of negotiation one day will be replaced by the certainty of violence. Unless we use the opportunity to negotiate while it is there, we are going to force South Africa to face a future of

=====

**GESAMENTLIKE VERGADERING | JOINT**  
**MEETING**

Copies: MEMBER : TRANSLATORS : FILE : DATA : PRESS

=====

28 JAN 92

TAPE: 188

DISK: 155

TAKE: 2A.2

violence.

*P*  
Mr *P* W SAIMAN