

AFRICAN NATIONAL CONGRESS  
SUBMISSION TO SUB-GROUP 3 OF WORKING GROUP 1 OF CODESA  
ON  
CREATING A CLIMATE FOR FREE POLITICAL ACTIVITY

- 1. The two Assignments of this Working Group are:
  - (i) the creation of a climate for free political participation, and
  - (ii) the role of the international community.
 With regard to the First Assignment, three sub-divisions have been identified, namely:
  - (i) Completing the Reconciliation Process;
  - (ii) Continuing the Security and Socio-Economic Process;
  - (iii) Creating the Climate and Opportunity for Free Political Participation.

In terms of the present arrangement, the WG has divided itself into three sub-groups to deal with each of the above themes to facilitate its work.

- 2. The Three Sub-Groups:
  - 2.2. We are not convinced that the description of the themes is entirely appropriate; that is, however, neither here nor there since all the matters listed in Paragraph 1.1.4. of the Terms of Reference are capable of being discussed under the one or other of the three headings. We are, nevertheless, extremely serious in our intention to pursue the resolution of the political conflict in this country and to transform it into a just and democratic society in which all its citizens shall enjoy the freedom to exercise all their fundamental rights. We believe, together with our compatriots in this forum, that a proper climate for free political participation is a prerequisite to the exercise of true democracy. It is in that spirit therefore that we look forward to a full ventilation of the issues set out in the Terms of Reference.

- 3. We do not believe that anyone here can be in any doubt that the requisite climate for free political activity does not exist. This needs no elaboration. Our sad history of racial oppression and monopoly of power is still too vivid in the minds of our people. But it would be naive for us to completely forget what has been part of our lives for some decades now. We must secure the future by ensuring that the aberrations of the past can never be repeated. We contend that it is extremely urgent that the foundations for the future of this country be laid in a proper climate, free of violence and fear and in which the exercise of the rights of free expression, assembly and association will

be guaranteed to all. We believe that every individual must be free to take part freely in the political life of the country and that there must be fairness and even-handedness in the treatment accorded by the State and its institutions to political organisations and formations; there must be equality of opportunity for all political organisations as well as equality of access to resources and facilities.

4. Sub-Group 1:

4.1. Under the first heading, the WG must investigate and agree upon the necessary steps to be taken in order to ensure that all political parties and organisations are able to operate freely and that all their members are free to play a full role in the political process of the country.

4.2. In particular, the WG needs to address:

- (i) the issue whether all political prisoners, including those still awaiting trial or those who might be undergoing one or other form of detention, have been released (a);
- (ii) the steps that need to be taken to ensure that all exiles return (b);
- (iii) the question whether any law exists which limits, proscribes or inhibit political activity or the expression of any political viewpoint; the task of the WG includes the identification of all discriminatory legislation with a view to their elimination (c).

4.3. With regard to (i) and (ii) above, we draw attention to the existence of bilateral arrangements between the African National Congress and the SA Government. We agree with the view that the issue of political prisoners and the cessation of political trials, as well as the return of exiles are matters which can never remain the sole preserve of just two of the participants. CODESA is entitled to revisit the subject and the agreements, such as they are, will not be able to escape the scrutiny of the Working Group. More importantly, CODESA must now ensure that implementation is facilitated and that this issue is disposed of without any further delay.

4.4. In dealing with Paragraph <sup>4</sup>2.(iii) above, we draw

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attention to the need to have regard to laws which give rise to arrangements and practices which inhibit political activity in the entire country, including self-governing territories and the TBVC states.

5. Sub-Group 2:

- 5.1. The subject for discussion by this Sub-Group relates to measures which need to be taken to prevent political intimidation and violence. It is clear that members of political organisations must be able to exercise their right to free association, expression and assembly. The WG will have to identify and examine those activities, be they by individuals, parties, organisations or governments, which destabilize our society in general as well as particular communities, groupings or organisations.
- 5.2. In specific terms, the WG must make recommendations in relation to the ending or prevention of political intimidation (d); the elimination of the use of or the threat to use "private armies" for political objectives (e); the elimination of violence-related crime (h); guaranteeing fairness and impartiality in the role played by the security forces (i); the elimination of covert funding for political objectives, the use of assassination squads and kidnappings for political ends (j); the elimination of the causes of socio-economic disparities and the improvement of existing economic conditions (m).
- 5.3. In dealing with the above, the WG will obviously look at existing arrangements such as the National Peace Accord (f). It must have regard to the effectiveness or otherwise of the mechanisms which have been established as well as the manner of their implementation. It may be necessary to revise and improve some of the provisions.

6. Sub-Group 3.

- 6.1. We had suggested elsewhere that a more precise theme for this Sub-Group would be "Levelling the Playing Field". The task given to the WG is to make recommendations to ensure that there is fairness and equality of opportunity among the contending parties and organisations.
- 6.2. It is relevant to note that the playing field has never been level in the history of this country. This fact is

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important if we are to realistically grapple with the problem of achieving that state of fairness and equality in the provision of opportunities and resources for organisations and parties to pursue their political activities and to sue for support from members of every community.

- 6.3. There is thus a need to look closely at those institutions which are State-controlled or have been established pursuant to certain specific statutes and which are powerful propaganda instruments; the WG must devise guidelines for their control, conduct and functioning in order to ensure neutrality and that no party, organisation or Government will enjoy, or continue to enjoy an unfair advantage because of past inequitable arrangements.
- 6.4. In the light of the above, we will be making specific submissions with regard to the itemised Terms of Reference in order to facilitate the process of achieving the requisite climate. In particular, we endorse the view that this Sub-Group must:
- (i) make recommendations with regard to the composition of security forces with a view to the constitution of an impartial force which will assist in facilitating the transition period (i);
  - (ii) ensure that no political party is specially favoured, directly or indirectly with funding from public moneys (j);
  - (iii) recommend measures which will ensure fair access to public facilities and meeting venues (k);
  - (iv) guarantee equal opportunities to political organisations to establish their own media (l);
  - (v) make recommendations with regard to the provision of intensive education in political tolerance (o) as well as tolerance among political parties (m);
  - (vii) ensuring that there shall be fair and reasonable access to all voters, in all parts of South Africa (including self-governing territories and TBVC states).