

WORKING GROUP 1

INTERNAL SUBMISSIONS

JANUARY - FEBRUARY 1992

VOL 1

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**AFRICAN NATIONAL CONGRESS
SUBMISSION TO WORKING GROUP 1 - CREATION OF A
CLIMATE FOR FREE POLITICAL PARTICIPATION AND THE
ROLE OF THE INTERNATIONAL COMMUNITY - ON THE
TERMS OF REFERENCE OF THE WORKING GROUP AND
PERSPECTIVES**

1. Working Group I has been allocated two assignments, namely :
 - 1.1 the creation of a climate for free political participation, and
 - 1.2 the role of the international community.

The Working Group will therefore be expected to decide how it is going to deal with the two assignments, whether simultaneously or consecutively. We suggest that the tasks be dealt with one after the other, as a simultaneous treatment of the assignments would unduly stretch the resources of delegations, leading to unsatisfactory results. In any event, discussions dealing with the modalities of the transition cannot be anticipated so easily at this stage. Until such time as there is some consideration given to transitional arrangements and interaction with Working Group III, it may be more satisfactory to begin with the first assignment. However, it is not necessary to be rigid about this.

2. The African National Congress therefore suggests, as a matter of priority, that the First Assignment be dealt with first by the Working Group.
3. Paragraph 1.1.3 enjoins the Working Group to identify areas of "commonality" and aspects where agreement already exists between participating delegations.
 - 3.1 With regard to "commonality", our view is that the proper occasion for identifying this is during the discussion of each item. It would be dangerous to commit participants to an agreement on commonality without such a discussion, since what might appear to be common cause at first blush could in fact later turn out to be subject to widely differing interpretations. Such an approach to "commonality" would save a great deal of anguish and disappointment.
 - 3.2 Aspects where agreements already exist include those which are covered by multilateral and bilateral agreements between some or all of the parties participating in CODESA. Other areas of agreement can only be identified following discussion and negotiation.
4. As the terms of reference stand at present, the Working Group has to decide not only how to deal with each item but also whether to deal with such items at all, without prejudice to the right of any party to raise a proposal. The Working Group must therefore decide which issues are going to be on its programme of discussion before decisions can be taken on the nature and number of sub-groups, should they be required. It may well be that from time to time during the process, issues may arise which need more detailed scrutiny and which can conveniently be dealt with by a special sub-group.
5. It is assumed, by reference to the preamble to the terms of reference, that there is broad agreement that a climate for free political participation does not exist. It follows therefore, that the Working Group must identify, catalogue, investigate and report on all the factors that militate against the existence of that climate and make recommendations on the steps to be taken to achieve the objective. In this regard, it must be noted that the brief of the Working Group goes very much further than the

creation of a climate for negotiations.

6. The premise upon which democracy rests is that every adult should not only be free to participate in the political process without fear, but also that he/she should participate on an equal footing with others. For this condition to be met, each contending party must be placed on an equal footing in regard to access to the means of communication and in regard to access to the electorate. No party must have a preferential access to public funds and facilities. This is particularly so where one party has special access to the state institutions and public resources and has a history of bolstering allied parties through clandestine patronage. In short, the political playing field must be level. Any suspicion that the practices which took place in Namibia will be repeated here must be dispelled. There must be no lingering suspicion of partisanship, either because of the law or because of administrative practice. It is obvious that where political violence is pervasive, one cannot speak of a free political climate. What is required is a level of personal security guaranteed by the transitional authority supervising the process, as well as a level of political tolerance promoted by the political parties and the electorate.

In the light of the above, the main issues are concerned with the investigation and agreement upon the necessary steps to be taken to ensure that all the political parties are free to operate and that all their members are not prevented from playing a role in the political process.

7. 7.1 The main theme obviously is the creation of a climate for free political participation in the interim phase. Two categories of factors may be discerned, namely :

7.1.1 those that ensure that every individual must be free to participate in the political process without fear, undue interference or intimidation [see Paragraph 1.1.4 (a), (b), (c), (d), (g), (h), (n) and (o)]; and

7.1.2 those that are designed to level the political playing field [eg items (f), (i), (j), (k), (l), (m), and (p)].

Item (e) seems to straddle both categories.

- 7.2 From a practical point of view, the topics mentioned in the preceding paragraphs may therefore be dealt with broadly under the following themes :

7.2.1 Activities which destabilise;

7.2.2 Dealing with the past, and

7.2.3 The rules of the game.

- 7.3 Some of these matters will be dealt with by the Interim Government/Transitional Authority in a global manner. Others may require an immediate reaction through legislative change.

8. As far as the Second Assignment is concerned, the African National Congress will submit a detailed memorandum on the necessity for the participation of the international community in the formal or informal processes involved in the period leading up to the introduction of a new constitution for South Africa, as described in the preamble to the Second Assignment.

9. The Working Group will be invited, following the reasons for the desirability of such intervention, to investigate the extent to which the international community can assist in the transition period. The options available are not exclusively limited to the following:

- 9.1 An investigation of the possibility of an international guarantee concerning the process of transition and, in particular, a guarantee of recognition of a definitive election for the transfer of authority, providing that it is certified as fair and free;

- 9.2 The necessity or otherwise for a peace-keeping force in order to provide security, to ensure the maintenance of order and compliance with agreements reached by the parties;
- 9.3 The necessity or otherwise of the appointment of a Special Representative in South Africa by the Secretary-General of the United Nations or by any other acceptable body who could participate in the capacity of an observer in the talks and in the negotiations and the extent to which such a Special Representative could convene negotiations and submit mediating proposals to overcome deadlocks;
- 9.4 Whether a limited international presence could monitor and verify the compliance by the mandated authorities of the tasks and obligations assigned to them under the agreements and use its good offices in the case of disagreement on the interpretations and application of the agreements;
- 9.5 Whether international participation could be used to secure the impartiality of the transitional government either by monitoring the operations of such a government or by being included in the transitional or interim government as a "deadlock breaker";
- 9.6 If the option of a peace-keeping force is rejected, the extent to which international participation could supervise and secure the impartiality of the transitional security mechanism. In particular, international participation could be utilised to expand national commissions of enquiry or for the deployment of a UN or other international mission of experts for effective investigation and decision-making;
- 9.7 The usefulness of observers from international and regional bodies to ensure that agreed procedures are followed and who could report back to their own constituencies;
- 9.8 The extent to which UN or other international participants could, if necessary supervise and control vital areas of national administration;
- 9.9 The extent to which the international community could provide machinery for the independent investigation of complaints against the security forces and sensitive areas of administration;
- 9.10 The extent to which international participation could assist a national electoral body - composed of representatives of all political parties - with the implementation of elections. Such a role could involve the monitoring and surveillance of all the aspects of importance for the holding of free and fair elections and the securing of a climate free of intimidation and fraud by a limited presence on the ground. Finally, such a body could assist by providing technical assistance and provide a conclusive judgement on the character of the elections.

27 January 1992

3. We, the Government of Bophuthatswana declare ourselves, subject to the proviso and reservation stipulated herein, to be bound by agreements we conclude or reach together with other participants in CODESA in accordance with the - standing rules, and hereby commit ourselves to the implementation thereof within our capacity, powers and authority: Provided that we shall not be bound by, nor shall we be obliged to implement any decision of CODESA, if such decision directly or indirectly conflicts with, affects or impinges on the sovereign independent status or autonomy of Bophuthatswana, or in any way pertains to the incorporation of its territory, or any part thereof, in South Africa or any other State whether federal, confederal, federation or confederation or of any other constitutional nature whatsoever, unless the Government of Bophuthatswana acting within its powers and capacity aforesaid has expressly consented to any such decision, or has signified its approval thereto.

That political parties and other interest groups, trade unions and leagues should register in order to abide to democratic rules and procedures in their internal structures and policies.

BASIS OF REFERENCE

On the basic premises in mind, the Bophuthatswana government has no specific preference to the order in which issues should be discussed.

The following comments, however, apply to individual issues:

POLITICAL ACTIVITY

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

PROHIBITION OF THE USE OF MILITARY AND/OR VIOLENT MEANS

It is considered a pre-condition for any furtherance of political activity in a country. One does not become a member if it is his declared intention to poison the country.

RESTRICTIONS TO STATE CONTROLLED/STATUTORY INSTITUTIONS

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

It is expected that the people of Bophuthatswana will be able to make their own decisions of their own accord.

The principle of equal representation and put forward the respective expression of the people is guaranteed and protected.

OPPORTUNITIES

The government will ensure that the people and their representatives are available to the registered political parties and subject to the discipline and control of the government.

APPLICABLE TO ALL

All political parties are expected to follow the principles of democracy and will be held accountable. If these principles are not followed, the government will be forced to take actions to ensure that the people are able to follow their own interests and negotiating with the government.

2. Common criminals should not be permitted to go free under the ruse of being political prisoners.
3. It should be noted that TBVC laws should be observed notwithstanding indemnities by RSA.
4. Returning exiles should not be disadvantaged because of their exile but likewise should not receive preferential treatment upon their return.

B. CONTINUING THE SECURITY AND SOCIO-ECONOMIC PROCESS

Noting the need for stability and improved socio-economic standards the Ciskei Government submits:

1. That a single defence force be established, trained to cope with national and regional security matters.
2. The Defence Force should consist of a Rapid Deployment Force to defend the country against external military threat. In the wider sense this force could act as a stabilising influence in the greater African Region if called upon by UN etc.
3. A second arm of the Defence Force would be its territorial force based on existing territorial commands with responsibility for rural and urban counter insurgency operations and operations in support of the police.
4. The successful implementation of the National Peace Accord will facilitate a stable and secure community. This particular issue is the key to many of the major problems and should enjoy priority over all matters. Full briefings to delegations to Peace meetings should be carried out so that Regional and Local Dispute Committees will be used in the spirit of the Accord and not as forums for political positioning.

The above proposals would contain the ability of separate organisations to threaten or intimidate the public. Combined with the proposals of joint public campaigns to educate support groups the tolerance factor should increase and internal stability should improve. Any destabilising influence severely affects the following.

5. The socio-economic upliftment of the people which is fundamental and should be accelerated with the utmost determination. In this regard:
6. Fair community participation is needed. It is important that all communities should be educated to appreciate fully their own responsibilities and contributions to social upliftment.
7. Education must be de-politicised and available to the whole population.

8. Urbanisation and housing must be improved with the assistance and consent of the people who should be under no misapprehension as to economic constraints.
9. Sanctions should be uplifted forthwith.
10. Investment and industry should be encouraged with real safeguards and incentives.
11. Stable labour relations should be nurtured. Training and education to improve employment levels should be promoted.
12. National and regional commitment to sound stable and acceptable economic policies is required.

These proposals will inevitably lead to greater prosperity, satisfaction of the people, stability of the work force and the continuation of the security and socio-economic process.

3. **CREATING THE CLIMATE AND OPPORTUNITY FOR FREE
POLITICAL PARTICIPATION**

It is essential that the climate should urgently be normalised to retain credibility in CODESA. If CODESA does not deliver a rapid solution it will be seen to be yet another "talkshop" and the grass roots will lose confidence yet again.

1. Negative perceptions about the media will have to be addressed.
2. Regional leadership should be encouraged to plan common strategies towards the process of broadening the concept of democracy and the free political participation of all organisations.



INKATHA

Inkatha Freedom Party

Iqembu leNkatha yeNkululeko

CODESA WORKING GROUP I

FIRST ASSIGNMENT:

CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION

FOR SUBMISSION TO A CODESA MEETING ON 6TH FEBRUARY 1992

INTRODUCTION

Democracy requires all citizens to be completely free to participate in the political process and in elections and it requires all political parties to be free to advocate their policies and their intentions in politics to all individuals and constituencies who will vote or nominate candidates for election.

This means total equality before the law and the constitution and indeed it also means democratic political behaviour both on the part of government and on the part of voters, and a common commitment to play according to democratic rules of the game. Thus not only must there be legal and constitutional preconditions for free political participation, but there must also be a cult of tolerance and the acceptance of democratic political norms in society at large.

In South Africa there is no equality before the law and the constitution, there is no nationwide spirit of tolerance and there are not long-standing nationwide venerated democratic norms and practices to ensure conformity to democratic requirements.

Both free negotiations and free participation in the political process of constitution-making, and then testing proposed constitutions for acceptability amongst the public, depend upon a number of conditions. There must be:

Supremacy of the Constitution

Unless there is the supremacy of the constitution, there can be no democracy. In South Africa, the existing constitution is so race-based and it so precludes the majority of citizens from participation in the government of the country and from determining who shall govern and for how long they shall govern, that this first necessary condition for free participation in the political process is deeply prejudiced.

Sovereignty of the people

It is not governments or states which are sovereign in a democracy. Democracies rest on the sovereign will of the people being given effect in government and in the administration of a country's affairs.

In South Africa, the sovereignty of the people has not thus been expressed.

Separation of powers and checks and balances

In all working democracies, there is separation of power of one kind or another with the Head of State being held accountable and responsible to Parliament. In South Africa the Head of State, and indeed the whole Government, pursue their political work very little trammelled by accountability for what they are doing.

The growth of Draconian laws, and the growth of mechanisms of oppressing the majority of the people, and the associated growth of the powers of the State President, have precluded the operation of checks and balances against abuses of power.

State obligations

The obligations of States in a democracy must include: national security, economic development, environmental protection, promotion of safety, health, education and welfare, the preservation of religious, culture, linguistic and ethnic institutions, affirmative action for the protection of the family, including special protection for women and children. And, in addition, affirmation action on behalf of the disadvantaged and the less privileged.

In all the above, successive National Party governments have so directed the affairs of the State that good governance to give effect to the above, has not been the order of the day.

IFP RECOMMENDATIONS

1. THE LEVELLING OF THE GROUND AND THE CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION WILL NOT BE POSSIBLE UNLESS STEPS ARE TAKEN TO SUBSTANTIALLY MINIMISE THE ADVERSE EFFECTS OF PAST BAD GOVERNANCE. AFFIRMATIVE ACTION IN THE NEGOTIATION PROCESS WHICH EMPOWERS PEOPLE TO BE FREE TO EXERCISE THEIR POLITICAL CHOICES AND THEIR POLITICAL ACTION, MUST BE UNDERTAKEN.

2. A FAILED NATIONAL PEACE ACCORD WOULD INDICATE SUCH CONTINUATION OF THE CONSEQUENCES OF BAD GOVERNMENT THAT THE NECESSARY CONDITIONS FOR FREE PARTICIPATION IN THE POLITICAL PROCESS, WILL NOT EXIST.

THE SUCCESS WITH WHICH THE NATIONAL PEACE ACCORD - IS IMPLEMENTED SHOULD THEREFORE BE REGARDED AS A BAROMETER OF PROGRESS TOWARDS ESTABLISHING FREE POLITICAL PARTICIPATION.

3. IN ADDITION, THERE SHOULD BE NEGOTIATED SELF-IMPOSED LIMITATIONS ON THE STATE PRESIDENT'S POWERS. THE CABINET AND THE NATIONAL PARTY CAUCUS MUST COMMIT THEMSELVES TO ELIMINATE AUTOCRATIC TENDENCIES IN GOVERNMENTAL AND ADMINISTRATIVE PRACTICE. A STATE PRESIDENT'S DECLARATION OF INTENT WOULD IN THIS RESPECT BE USEFUL.

4. THE ABOLITION OF OWN AFFAIRS PROVISIONS AND AMENDMENTS TO THE CONSTITUTION WHICH WOULD REQUIRE ALL THREE HOUSES TO SIT TOGETHER AT ALL TIMES, WOULD CREATE A SITUATION IN WHICH THE GOVERNMENT COULD BE COMMITTED TO ACT ON MAJORITY DECISIONS OF ALL THREE HOUSES OF PARLIAMENT SITTING TOGETHER.

FURTHER AMENDMENTS TO THE CONSTITUTION SHOULD BE MADE GIVING OPPOSITION PARTIES A DELAYING ROLE IN THE PROMULGATION OF LAWS AND IN THE PUBLISHING OF PROCLAMATIONS WHICH HAVE BEEN OPPOSED BY A MAJORITY OF OPPOSITION MEMBERS OF PARLIAMENT.

Fundamental rights

There can be no free participation in the political process if the fundamental rights of citizens are violated. Apartheid has done this. Apartheid has created a state of inequality of opportunity in which the disenfranchised majority have been excluded from the democratic process. Their involvement will remain prejudiced for as long as there are great disparities between race groups on matters such as literacy rates and economic standing which give Whites privileged advantages.

IFP RECOMMENDATIONS

5. THE PROCESS OF REDRESSING THESE WRONGS DURING THE NEGOTIATION PROCESS AND DURING THE TRANSITION FROM APARTHEID TO DEMOCRACY, MUST BE PROCEEDED WITH TO THE MAXIMUM EXTENT AND AT THE MAXIMUM RATE POSSIBLE. DURING THE TRANSITIONARY PHASE THE EXTENT TO WHICH CITIZENS ARE BENEFITING FROM WHAT IS BEING DONE AND BEING FREED BY WHAT IS BEING DONE, SHOULD BE MONITORED AND A CONSTANT WATCH SHOULD BE KEPT ON PROGRESS MADE.
6. THERE SHOULD BE THE ESTABLISHMENT OF A NATIONAL PANEL FOR THE PROTECTION OF FUNDAMENTAL RIGHTS MANNED BY JUDGES OF THE SUPREME COURT ACTING IN CONSULTATION WITH THE LAW SOCIETY. INDIVIDUALS AND POLITICAL ORGANISATIONS AND PARTIES SHOULD HAVE THE RIGHT TO APPEAL TO THIS PANEL WHERE CONTINUED BAD GOVERNMENT AND MAL-ADMINISTRATION CONTINUES TO IMPAIR FUNDAMENTAL RIGHTS.

Obligations and duties of citizens must of course counter-balance and match action taken by Government to decrease factors in public life which impair the freedom of individuals and groups to participate in the political and negotiation process.

IFP RECOMMENDATIONS

7. IN THE ABOVE REGARD SOCIAL CONTRACTS BETWEEN DEPRIVED SECTORS OF THE POPULATION AND PARTICULARLY DISADVANTAGED GROUPS OF PEOPLE, SUCH AS WOMEN, SHOULD BE NEGOTIATED AT CODESA AT THE REQUEST OF ANY ONE OF THE PARTICIPATING POLITICAL PARTIES OR ORGANISATIONS.
8. SUCH SOCIAL CONTRACTS SHALL SPECIFICALLY TAKE COGNISANCE OF DISPARITIES BETWEEN BLACK AND WHITE LOCAL GOVERNMENTS AND PARTICULARLY TAKE COGNISANCE OF THE LACK OF ANY KIND OF FORMAL LOCAL GOVERNMENT IN VAST INFORMAL SETTLEMENTS AND SQUATTER AREAS.
9. SPECIFIC ATTENTION SHOULD BE PAID TO THE NATURE OF FUNDAMENTAL RIGHTS WHICH SHOULD INCLUDE:
 - * PHYSICAL INTEGRITY OF THE PERSON: LIFE, LIBERTY, DIGNITY, PRIVACY, SECURITY
 - * EQUALITY BEFORE THE LAW, EQUAL PROTECTION OF THE LAWS, DUE PROCESS, ECONOMIC ACTIVITY
 - * CRIMINAL LAW PRINCIPLES
 - * FREEDOM OF SPEECH, PRESS, ASSEMBLY, ASSOCIATION, POLITICAL AND ECONOMIC ACTIVITY
 - * FREEDOM OF RELIGION, BELIEF AND CONSCIENCE
 - * FREEDOM OF TRAVEL, MOVEMENT AND RESIDENCE
 - * PROPERTY RIGHTS
 - * FAMILY RIGHTS
 - * RIGHT TO EDUCATION
 - * RIGHT TO SOCIAL SECURITY
 - * RIGHT TO FORM AND JOIN TRADE UNIONS

PERTINENT OBSERVATIONS

- A. A climate for free political participation can only exist where it is made clear that all participants are given free reign to express their views, aspirations, misgivings and fears without being coerced or coached with preconceived positions.

- B. All political entities with a visible or substantial interest or stake in the constitutional political future of this country are allowed participation without let or hindrance.
- C. The manner and form of the negotiating process itself must inspire confidence in all citizens of this country that whatever decisions are reached will be so reached in good faith and with the interest of all taken into account, irrespective of whether they may be powerless minorities.
- D. CODESA must evince a will and a determination to be a forum for reconciliation and not a battleground for power play.
- E. It would be suicidal to the whole negotiating process if certain groups start displaying behaviour indicative of a desire to dominate or dictate. CODESA could falter, and some political entities who should be encouraged to join CODESA, may refuse to participate and, even worse, some who are already participating, may withdraw.
- F. CODESA has had an admirable predecessor in the National Peace Accord. It must therefore be a faithful follow-up to that initiative. It would be tragic if some people concluded that the National Peace Accord is simply regarded as a softening-up "anaesthetic" by some delegations.

OUTSIDE CODESA

- G. CODESA delegates must convincingly show that they are in, and are part of, the negotiating process.
- H. Combative, threatening and aggressive talk only serves to put question marks in the minds of people. They ask "Can we really negotiate peace with people who still continue to talk war?"
- I. It is time CODESA and delegates told South Africa that we are looking forward to a country that will have peace and where the laws of the land, democratically enacted, will be obeyed.

A CHECK LIST OF ACTION TO ASSIST LEVELLING THE PLAYING FIELD

The following should serve as a guide check list of appropriate government and party political and party organisational action:

All participants at CODESA should be given an equal opportunity to express their political views.

- 1.1 Equal media exposure, particularly to SABC-TV, should be given to all delegations.
- 1.2 CODESA should act, and should be seen to act, in a fair and impartial manner towards all delegations.
- 1.3 CODESA should be as inclusive as possible. All South Africans should have representation at CODESA.
- 1.4 The funding of political entities must be addressed. Is overseas funding permissible?
- 1.5 There should be free and fair access to public facilities and meeting venues.
- 1.6 Political parties should foster a spirit of tolerance amongst themselves.
- 1.7 There should be an intensive and continuous educative and information campaign.
- 1.8 There should be fair and reasonable access for all political parties, to all potential voters, wherever they may reside.
- 1.9 A library and information centre should be established at CODESA for the purpose of assisting delegates with their decisions.
- 1.10 Provision should be made for delegates to hear expert witnesses express their suggestions on matters relevant to CODESA.
- 1.11 There should be free access to transport for all parties and voters.
- 1.12 There should be equal voting facilities for all parties.

- 1.13 The election period should be of sufficient time that voters in rural areas are able to vote.
- 1.14 There should be a common method of identification of voters.
- 1.15 A free and fair voting system must be employed.
- 1.16 There should be an adequate distribution of ballot boxes particularly in rural areas.
- 1.17 There should be a suitable legal structure for the results of elections to be properly implemented.

History has shown that political despots rise to power in times of economic crises (e.g. Hitler) or in times of political instability, (e.g. Lenin). Therefore CODESA should ensure that a climate of economic stability and political stability exists to ensure free participation by all South Africans in the process of peaceful change to a new South Africa.

2. Economic Stability

- 2.1 Delegations should conduct themselves in a manner to ensure that economic stability is achieved.
- 2.2 All delegations should renounce sanctions against South Africa, as this creates unemployment, which has as its consequence crime, violence and hardship.
- 2.3 All delegations should promote foreign investment in South Africa. This creates employment which South Africa desperately needs as a developing nation.
- 2.4 Responsible trade unionism should be promoted. Trade unionism should be used for the purpose for which it was intended, i.e. that of protecting the worker. Trade unionism should not be used as a political weapon.
- 2.5 Strikes and mass action should be discouraged.
- 2.6 The socio-economic conditions of South Africans must be improved.

3. Political Stability/Peace

- 3.1 There should be no intimidation of voters, delegates or political parties.

- 3.2 Political prisoners must be released.
- 3.3 Exiles and their families should be allowed to return to South Africa.
- 3.4 Any remaining laws militating against free political activities must be repealed. All discriminatory legislation should be repealed.
- 3.5 There shall be a termination of the use of military and/or violent means, or the threat thereof, of promoting the objectives/views of a political party or organisation.
- 3.6 No delegations shall have private or liberation armies, or hold arms caches and such existing armies must now be disbanded and arms caches surrendered as a condition for good faith negotiations, and legislation must be enacted to outlaw all such armies, whether represented by participants at CODESA or not; and no training of any such armies or their personnel shall take place either inside or outside the Republic of South Africa or within the territory of any government represented at CODESA or not.
- 3.7 The National Peace Accord shall be implemented.
- 3.8 Respect must be given to the rule of law. Violence-related crimes must cease.
- 3.9 The composition and the role of the security forces in South Africa and the TBVC States must be considered.

SECOND ASSIGNMENT:

THE ROLE OF THE INTERNATIONAL COMMUNITY

IFP RECOMMENDATIONS

10. THE VIEW OF THE IFP IS THAT THERE IS NO ROLE FOR THE INTERNATIONAL COMMUNITY IN THE INTERNAL NEGOTIATION PROCESS IN SOUTH AFRICA OTHER THAN THE ROLE OF OBSERVER TO ENSURE AN ADEQUATE KNOWLEDGE AND FULL APPRECIATION OF WHAT IS BEING DONE ON THE NEGOTIATION FRONT. THE IFP ARGUES FOR THIS POSITION UNDER THE FOLLOWING HEADINGS:

South Africa has an internationally recognised government

However undemocratic the South African Government is, it has a de facto and de jure status nationally and internationally which is being legitimised by the Government's commitment to abolish apartheid and to establish a fair, just, race-free, multi-party democracy. Its continued participation in CODESA and in whatever negotiation forums which supplement or supercede CODESA, will give effect to its legitimacy.

The existence of political parties

Political parties do exist, both within the parliamentary framework and as extra-parliamentary parties and organisations, to give effect to a legitimate on-going political process through which reform can be negotiated.

The liberty with which South African political parties and organisations can exist and act distinguishes South Africa from many other countries in which, by international consensus, independent international supervision was necessary during transitional phases.

The bona fide action of the Government and political parties

The bona fide action of the Government and political parties in bringing about change is constantly monitored by a remarkably free press and freedom of expression.

A respected judiciary

South Africa's respected judiciary ensures an honourable role of the courts of the land and recourse to law and the courts by any aggrieved parties in the negotiation process, is possible for all.

Institutionalised life

There are sound and coherent religious, legal, educational, business, sports and professional institutionalised forces capable of exerting pressures and creating opinion for the world to be aware of whether or not the negotiation process is remaining on track and continuing to make progress towards the finding of solutions.

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4TH FEBRUARY 1992

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INKATHA FREEDOM PARTY SUBMISSION TO WORKING GROUP 1: CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION AND THE ROLE OF THE INTERNATIONAL COMMUNITY

1. Level Playing Field

All participants at CODESA should be given an equal opportunity to express their political views.

- 1.1 Equal media exposure, particularly to SABC-TV, should be given to all delegations.
- 1.2 CODESA should act, and should be seen to act, in a fair and impartial manner towards all delegations.
- 1.3 CODESA should be as inclusive as possible. All South Africans should have representation at CODESA.
- 1.4 The funding of political entities must be addressed. Is overseas funding permissible?
- 1.5 There should be free and fair access to public facilities and meeting venues.
- 1.6 There should be statutory provisions guaranteeing equal opportunity for all political parties to establish and maintain their own means of mass communication.
- 1.7 Political parties should foster a spirit of tolerance amongst themselves.
- 1.8 There should be an intensive and continuous educative and information campaign.
- 1.9 There should be fair and reasonable access for all political parties, to all potential voters, wherever they may reside.
- 1.10 A library and information centre should be established at CODESA for the purpose of assisting delegates with their decisions.
- 1.11 Provision should be made for delegates to hear expert witnesses express their suggestions on matters relevant to CODESA.
- 1.12 There should be free access to transport for all parties and voters.
- 1.13 There should be equal voting facilities for all parties.
- 1.14 The election period should be of sufficient time that voters in rural areas are able to vote.
- 1.15 There should be a common method of identification of voters.
- 1.16 A free and fair voting system must be employed.
- 1.17 There should be an adequate distribution of ballot boxes, particularly in rural area.
- 1.18 There should be a suitable legal structure for the results of elections to be properly

implemented.

History has shown that political despots rise to power in times of economic crises (eg. Hitler) or in times of political instability (eg. Lenin). Therefore CODESA should ensure that a climate of economic stability and political stability exists to ensure free participation by all South Africans in the process of peaceful change to a New South Africa.

2. Economic Stability

- 2.1 Delegations should conduct themselves in a manner to ensure that economic stability is achieved.
- 2.2 All delegations should renounce sanctions against South Africa, as this creates unemployment, which has as its consequence crime, violence and hardship.
- 2.3 All delegations should promote foreign investment in South Africa; this creates employment, which South Africa desperately needs as a developing nation.
- 2.4 Responsible Trade Unionism should be promoted. Trade Unionism should be used for the purpose for which it was intended, ie that of protecting the worker. Trade Unionism should not be used as a political weapon.
- 2.5 Strikes and mass action should be discouraged.
- 2.6 The socio-economic conditions of South Africans must be improved.

3. Political Stability/Peace

- 3.1 There should be no intimidation of voters, delegates or political parties.
- 3.2 Political prisoners must be released.
- 3.3 Exiles and their families should be allowed to return to South Africa.
- 3.4 Any remaining laws militating against free political activities must be repealed. All discriminatory legislation must be repealed.
- 3.5 There shall be a termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation.
- 3.6 No delegations shall have private armies.
- 3.7 The National Peace Accord shall be implemented.
- 3.8 Respect must be given to the Rule of Law, Violence - related crime must cease.
- 3.9 The composition and the role of the security forces in South Africa and the TBVC states must be considered.

WORKING GROUP 1 CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION

THE INKATHA FREEDOM PARTY VIEW SOME PRELIMINARY OBSERVATIONS

1. The brief refers to "Agreed Terms of Reference".
 - 1.1 It is not clear when and by whom the said Terms of Reference were agreed. This is one of the things that needs to be cleared up. Our view is that it is only the plenary meeting that can and should agree to such Terms of Reference and then refer them to the Working Groups.
 - 1.2 Item 1.1 of the Terms of Reference states: "Whereas CODESA have committed themselves to the terms and objectives set out in the Declaration of Intent as amended from time to time". It is a matter of record that not all participants accepted that Declaration. There is even a view that it needs to be entirely rewritten and not just "amended".

2. We declare therefore:
 - 2.1 That a climate for free political participation can only exist where it is made abundantly clear that all participants are given free reign to express their views, aspirations, misgivings and fears without being nudged or coached with preconceived positions.
 - 2.2 That all political entities with a visible or substantial interest or stake in the constitutional political future of this country are allowed participation without let or hindrance.
 - 2.3 That the manner and form of the negotiating process itself must inspire confidence in all the inhabitants of this country, that whatever decisions are reached will be so reached in good faith and with the interest of all taken into account irrespective of whether they are otherwise powerless minorities.
 - 2.4 CODESA must evince a will and a determination to be a forum for reconciliation and not a battleground for power play.
 - 2.5 It would be suicidal to the whole negotiating process if certain groups would start now displaying an unmistakeable desire to dominate or dictate. It could falter and not only see those who are still outside refusing to join in but, even worse, some who are already in might start pulling out.
 - 2.6 CODESA has had an admirable predecessor in the National Peace Accord. It must therefore be a faithful follow-up to that initiative. It would be tragic if some people were forced to the conclusion that the National Peace Accord is simply regarded as a softening-up anaesthetic in certain circles.

3. Outside CODESA
 - 3.1 Political actors must convincingly show that they are in and are part of a negotiating process.
 - 3.2 Combative, threatening, aggressive talk only serve to put question marks in the minds of

people. They ask: "Can we really negotiate peace with people who still continue to talk war?"

3.3 It is time everybody told everybody that we are looking forward to a country that will have peace and where the Laws of the land, democratically enacted, will be obeyed.

4. The international community

4.1 They will take their cue from us.

4.2 If we tell them that we are negotiating peace and we need their support, we can expect their support.

4.3 If we equivocate, they will ignore us and go where they are welcome. Once they are established there, we cannot just at the snap of our fingers expect them to come back.

DENNIS MADIDE

ET WGI

INYANDZA NATIONAL MOVEMENT SUBMISSION TO WORKING GROUP 1 CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION AND THE ROLE OF THE INTERNATIONAL COMMUNITY

1. **First Assignment: Creating a Climate for Free Political Participation**
 - 1.1 **The National Peace Accord**
 - 1.1.1 Implementation of the National Peace Accord as a whole
 - 1.1.2 Spreading its ideals
 - 1.1.3 Make it viable and known to all
 - 1.1.4 Encourage those who are not signatories to sign
 - 1.1.5 Encourage the signatories to honour the contents of the Peace Accord by holding regular meetings with their members and supporters and educate them about the implications and significance of signing the National Peace Accord
 - 1.1.6 Encourage the societal structures to spread the ideals of the Accord. Structures in both urban and rural areas, eg the family, the Church, clubs, teachers' associations, nurses' associations, unions, government departments
 - 1.1.7 In the process of creating a conducive climate for free political activity and after, the people of South Africa need to pray to the source of peace and stability, the Almighty through his begotten Son
 - 1.1.8 Dates and venues for political rallies and meetings must be fixed and booked well in advance to avoid clashes
 - 1.2 **Socio-Economic reconstruction and development**
 - 1.2.1 Improvement of socio-economic conditions
 - 1.2.2 Provision of infrastructural development to the disadvantaged citizens so as to close the imbalances, eg water, electricity, housing, sewage system and surfacing of roads/streets
 - 1.2.3 Reconstruction of damaged property
 - 1.2.4 Provision of sufficient schools/classrooms, health services institutions and making everything non-racial
 - 1.2.5 Equal wages/salaries for equal qualifications and experience as well as for the same job done
 - 1.2.6 Equitable land distribution and ownership, including provision of financial aid for

- acquisition of land by those who were affected by the Land Acts of 1913 and 1936
- 1.2.7 Address the question of unemployment urgently as we believe that it exists as a result of discrimination, when we consider the fact that those who enjoy the franchise of this country are not affected by it, so it has racial connotations which must therefore be addressed
 - 1.2.8 Removal of restrictions of giving bonds and loans by financial institutions to only those who reside in proclaimed areas. This retards development and causes inequalities between those who live in rural areas and those in urban
 - 1.3 All political organisations with existing and proven support should take part in CODESA to ensure the broadest representation of all South Africans
 - 1.4
 - 1.4.1 All political prisoners must be released and political trials be indemnified/lifted
 - 1.4.2 All exiles must return before real negotiations for a new constitution take place and/or before arrangements for a Constituent Assembly/Interim Government take place. The Government must give aid for these people's resettlement including all social amenities
 - 1.4.3 All remaining discriminatory legislation has to be repealed for the reason that as from the beginning it militated against free political activity and to this end we shall call for a non-racial and undivided South Africa
 - 1.4.4 Political intimidation is clearly expounded in the National Peace Accord and is totally unacceptable because it creates a reign of terror, uncertainties and chaos and therefore militates against any free political activity or free and fair elections
 - 1.4.5 Again the signing of the National Peace Accord in a way intended to terminate all the use of military and/or violent means or the threat thereof for promoting the objectives/views of a political party or organisation. It is against democratic principles, therefore unacceptable in the creation of a conducive climate for political activity and free and fair elections
 - 1.4.6 To avoid monopoly and abuse of the State-controlled media like SABC and SATV including those of the TBVC states, it is suggested and compounded that these be controlled by a mechanism to be determined by CODESA or by CODESA itself in view of the fact that almost all the parties and organisations are represented at CODESA
 - 1.4.7 Successful implementation of the National Peace Accord has been dealt with under 1.1, but to add, it is necessary that a well-financed infrastructure for the implementation of the National Peace Accord be established, developed and maintained
 - 1.4.8 Organisations must come to accept the importance of co-existence and freely allow democratic principles to take their course and refrain from using vulgar and inflammatory language against parties and organisations and their leadership
 - 1.4.9 The composition and the role of security forces of south Africa has to be democratic and community-based. It is therefore recommended that these security forces be controlled by CODESA or a body/institution to be decided by CODESA. This will eliminate any suspicion and/or mistrust and ensure neutrality

- 1.4.10 Funding of political parties is totally unacceptable. If one or few parties are funded all must be funded
- 1.4.11 Public or recreational facilities and meeting venues must be made non-racial and accessible to all our citizens irrespective of their locations. Therefore local authorities must be cautioned accordingly
- 1.4.12 Advisability of statutory provisions guaranteeing equal opportunities for all parties to establish their own means of mass communication is acceptable but must not circumvent the organisations' equal opportunity to use mass media like SABC and SATV as well as the press
- 1.4.15 The need for improvement in socio-economic conditions was dealt with under 1.1.2 but one must add that it is imperative to improve the socio-economic conditions of the voteless if we mean to create and consolidate free political activity. The situation created by discrimination is violent itself so it has to be removed immediately
- 1.4.16 The fostering of a spirit of tolerance among political parties must be done by the leadership of political parties, by holding regular rallies, meetings, seminars, workshops, conferences, etc. where they educate their members and supporters about the importance of fostering a spirit of tolerance and co-existence in the creation of a free climate for political activity. These would be educative and informative campaigns
- 1.4.17 The role of intensive and continuous educative and informative campaigns in respect of political tolerance is answered in 1.4.16 above, but to augment further, it is necessary for the media, in a positive manner to broadcast the working of democracy and the process of CODESA. This must be further done by all political parties and organisations to their members and supporters
- 1.4.18 The advisability of fair and reasonable access for political parties to all potential voters wherever they may reside is well expounded in the National Peace Accord under the Code of Conduct for political parties and organisations and we seem to agree with that
- 1.4.19 Those political organisations with proven support who have applied to be participants to CODESA must be accepted and those who refused the invitations must be persuaded to join CODESA in order to make it broadly-based. But on the other hand, we must guard against opportunist organisations who have just mushroomed or mushroomed long ago, but were silent against apartheid and its perpetrators over the years

2. Second Assignment: Role of International Community

- 2.1 As South Africa must be accepted to the Community of Nations, it is vitally important that the international community be allowed to play a role in the unfolding of the events leading to a new constitution and more so, in view of the fact that there was and there is still a "war" between apartheid and democracy. In view of that fact, it is wise to make use of the international community as mediators through the United Nations, should it happen that the process comes to a stalemate through the chairpersonship of the three chairpersons who were presiding at CODESA 1. The UN could be utilised in such a case. Furthermore, the international community must always be requested to give financial aid on an equal basis to all political organisations and parties in a formal or informal basis during this process of

change and help the disadvantaged people of our country to eliminate the socio-economic imbalances that are existing. This is necessary now and even during the new dispensation

- 2.2 Key issues and problems to be addressed through the role of the international community are those which are related to socio-economic development, ie. the equitable provision of infrastructural development to the oppressed masses, the provision of technical education, housing and health services, financial aid to the landless to enable them to acquire land ownership and utilisation thereof on equal footing with white electorate and training of our youth and others to take their rightful place in the new South Africa
- 2.3
 - 2.3.1 That the international community contributes meaningfully financially to alleviate the problems enumerated under 1.2, to ensure that the aspirations of CODESA and the entire South Africa are realised through a peaceful and democratic process
 - 2.3.2 The areas of commonality and aspects where agreement already exists between participating delegations cannot be advanced because this item was never on the agenda for discussion to identify areas of commonality and/or aspects where agreement already exists

M S GININDA
LEADER OF WORKING GROUP 1
INYANDZA NATIONAL MOVEMENT

INYANDZA NATIONAL MOVEMENT

CODESA : WORKING GROUP 1 :

ASSIGNMENT 1 : CREATING A CLIMATE FOR FREE POLITICAL PARTICIPATION;

ASSIGNMENT 2 : THE ROLE OF THE INTERNATIONAL COMMUNITY

1. **THE NATIONAL PEACE ACCORD**
- 1.1 Implementation of the National Peace Accord as a whole
 - 1.2 Spreading its ideals by making use of the structures formed by the Accord.
 - 1.3 Make it viable and known to all.
 - 1.4 Encourage those who are not signatories to sign.
 - 1.5 Encourage the signatories to honour the contents of the Peace Accord by holding regular meetings with their members and supporters and educate them about the implications and significance of signing the National Peace Accord.
 - 1.6 Encourage societal structures to spread the ideals of the Accord. Structures in both urban and rural areas e.g. the family, the church, clubs, teachers associations, nurses associations, unions, governments departments, business organisations and industries.
 - 1.7 In the process of creating a conducive climate for free political activity and after, the people of South Africa need to pray to the source of peace and stability, the Almighty through his begotten Son.
 - 1.8 Dates and venues for political rallies and meetings must be fixed and booked well in advance to avoid clashes.
 - 1.9 Decisions taken by CODESA to be given legal effect.
 - 1.10 Recognition and rightful place of traditional leaders.
 - 1.11 Recognition and development of culture.
 - 1.12 Religion and Christianity should be given their proper role.
2. **SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT**
- 2.1 Improvement of Socio-economic conditions and economic accessibility and empowerment for all.
 - 2.2 A balanced economy with economic growth to address the socio-economic imbalances that presently prevail.
 - 2.3 Provision of infrastructural development to the disadvantaged citizens so as to close the imbalances.e.g.Water, electricity, housing, sewage system and surfacing of roads/streets.
 - 2.4 Reconstruction of damaged property.

- 2.5 Provision of sufficient schools/classrooms under a single Department of Education, health services institutions, personnel and making everything non-racial.
 - 2.6 Equal wages/salaries for equal qualifications and experience as well as for the same job done.
 - 2.7 Equitable land distribution and ownership, including provision of financial aid for acquisition of land for agricultural and settlement purposes by those who were affected by the Land Acts of 1913 & 1936. Financial and Governments who require securities/sureties in return for financial aid must generally apply the same rules to all when granting loans as most of the majority of the people do not have security due to the discriminatory policies of the past.
 - 2.8 Address the question of unemployment and retrenchment urgently as we believe that it exists as a result of discrimination when we consider the fact that those who enjoy the franchise of this country are not affected by it, so it has racial-connotations and therefore it must be addressed. Major economic planning should be done on a consultative basis
 - 2.9 Retrenchment at this point in time is counter-productive. Those retrenched might join the unemployed and cause conflicts
 - 2.10 Removal of restrictions on the granting of bonds and loans by financial institutions to those who reside in proclaimed areas as this retards development and causes inequalities between those who live in rural areas and those in urban areas.
3. All political organisations with existing and proven support should take part in CODESA to ensure the broadest representation of all South Africans.
 4. **COMPLETING THE RECONCILIATION PROCESS**
 - (a) All political prisoners must be released and political trials be indemnified/lifted. A general indemnity should be given to all political prisoners to accelerate this process.
 - (b) All exiles must return before real negotiations for a new constitution take place and/or before arrangements for a Constituent Assembly/Interim Government take place. The Government must give aid for these people's resettlement including all social amenities.
 - (c) All remaining discriminatory legislation has to be repealed for the reason that as from the beginning

it militated against free political activity and to this end, we call for a non-racial and an undivided South Africa.

- (q) Those political organisations with proven support who have applied to be participants to CODESA must be accepted and those who refused the invitations must be persuaded to join CODESA in order to make it broadly based.

5. CONTINUING THE SECURITY AND SOCIO-^{ECONOMIC}PROCESS

- (d) Political intimidation is clearly expounded in the National Peace Accord and is totally unacceptable because it creates a reign of terror, uncertainties and chaos and therefore militates against any free political activity or free and fair elections. A mechanism must be devised to establish structures at both local and regional levels whereat political complaints may be lodged.
- (e) Again, the signing of the National Peace Accord in a way is intended to terminate all the use of military and/or violent means or the threat thereof for promoting the objectives/views of a political party or organisation. It is against democratic principles, therefore unacceptable in the creation of a conducive climate for political activity and free and fair elections. Further, the use of hit squads must cease forthwith.
- (g) Successful implementation of the National Peace Accord has been dealt with under 1 but to add, it is necessary that a well financed infrastructure for the implementation of the National Peace Accord be established, developed and maintained.
- (h) Organisations must come to accept the importance of co-existence and freely allow democratic principles to take their course and refrain from using vulgar and inflammatory language against parties and organisations and their leadership. Furthermore, political parties must not be allowed to carry any weapons.
- (i) The composition and the role of security forces/policing services of South Africa has to be democratic and community -based. It is therefore recommended that these security forces/policing services be controlled by CODESA or a body/institution to be decided by CODESA. This

will eliminate any suspicion and/or mistrust and ensure neutrality. Cross-border policing must be allowed so that policing is executed irrespective of borders by all Police institutions irregardless of their locality. The different security/policing institutions need to be under one authority which will be responsible for their deployment and command. Furthermore, commissions appointed to investigate crime related violence have to be provided with special investigation teams. Lastly, the state of emergency in territories where it still exists must be lifted.

- (m) The need for improvement in socio-economic conditions was dealt with under 2 but one must add that it is imperative to improve the socio-economic conditions of the voteless if we mean to create and consolidate free political activity. The situation created by discrimination is violent itself so it has to be removed immediately.
- (n) The fostering of a spirit of tolerance among political parties must be done by the leadership of political parties, by holding regular rallies, meetings, seminars, workshops, conferences etc. where they educate their members and supporters about the importance of fostering a spirit of tolerance and co-existence in the creation of a free climate for political activity. These would be educative and informative campaigns.
- (o) The role of intensive and continuous educative and informative campaigns in respect of political tolerance is answered in (n) above but to augment further it is necessary for the media, in a positive manner to broadcast the working of democracy and the process of CODESA. This must be further done by all political parties and organisations to their members and supporters.
- (q) Those political organisations with proven support who have applied to be participants to CODESA must be accepted and those who refused the invitations must be persuaded to join CODESA in order to make it broadly based.

6. CREATING THE CLIMATE AND OPPORTUNITY FOR FREE POLITICAL PARTICIPATION

- (f) To avoid monopoly and abuse of the State-controlled media like SABC & SATV including those of the TBVC States it is suggested that these be controlled by a mechanism to be determined by CODESA or by CODESA itself in view of the fact that almost all the parties and organisations are represented at CODESA

- (j) Secret funding of Political Parties is totally unacceptable. If one or few parties are funded all must be funded.
- (k) Public or recreational facilities and meeting venues must be made non-racial and accessible to all our citizens irrespective of their locations. Therefore local authorities must be instructed accordingly.
- (l) Advisability of statutory provisions guaranteeing equal opportunities for all parties to establish and maintain their own means of mass communication is acceptable but must not circumvent the organisations' equal opportunity to use mass media like SABC and SATV as well as the press. A mechanism controlled by CODESA should monitor same.
- (p) The advisability of fair and reasonable access for political parties to all potential voters wherever they may reside is well expounded in the National Peace Accord under the Code of conduct for political parties and organisations and we agree with that.
- (q) Those political organisations with proven support who have applied to be participants to CODESA must be accepted and those who refused the invitations must be persuaded to join CODESA in order to make it broadly based.
- (n) The fostering of a spirit of tolerance among political parties must be done by the leadership of political parties, by holding regular rallies, meetings, seminars, workshops, conferences etc. where they educate their members and supporters about the importance of fostering a spirit of tolerance and co-existence in the creation of a free climate for political activity. These would be educative and informative campaigns.
- (o) The role of intensive and continuous educative and informative campaigns in respect of political tolerance is answered in (n) above but to augment further it is necessary for the media, in a positive manner to broadcast the working of democracy and the process of CODESA. This must be further done by all political parties and organisations to their members and supporters.

2. SECOND ASSIGNMENT

- 2.1 As South Africa must be accepted to the Community of Nations it is vitally important that the international

ROLE OF INTERNATIONAL COMMUNITY

Community be allowed to play a monitoring role in the unfolding of the events leading to a new constitution and more so, in view of the fact that there was and there is still a "war" between apartheid and democracy. In view of that fact it is wise to make use of the International Community as mediators through the UN, should it happen that the process comes to a stalemate through the chairpersonship of the three chairpersons who were presiding at CODESA 1. The UN, EEC, Commonwealth, OAU and Non-aligned Movement could be utilised in such a case. Furthermore, the international community must always be requested to give financial aid on an equal basis to all political organisations and parties in a formal or informal basis during this process of change and help the disadvantaged people of our country to eliminate the socio-economic imbalances that are existing. This is necessary now and even during the new dispensation.

2.2 Key issues and problems to be addressed through the role of the international community are those which are related to socio-economic development, that is, the equitable provision of infrastructural development to the oppressed masses, the provision of technical education, housing and health services, financial aid to the landless to enable them to acquire land ownership and utilization thereof on equal footing with the white electorate and training of our youth and others to take their rightful place in the new South Africa.

2.3 -That the international community contributes meaningfully financially to alleviate the problems enumerated under 2.2 to ensure that the aspirations of CODESA and the entire South Africa are realised through a peaceful and democratic process.

-The areas of commonality and aspects where agreement already exists between participating delegations cannot be advanced because this item was never on the agenda for discussion to identify areas of commonality and/or aspects where agreement already exists.

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LEADER OF WORKING GROUP 1
INYANDZA NATIONAL MOVEMENT

CODESA

[WG1]

WORKING GROUP 1

FIRST ASSIGNMENT:

Creation of a climate for free political participation

SECOND ASSIGNMENT:

Role of international community

**Submission
by**

**THE DIKWANKWETLA PARTY
OF SOUTH AFRICA**

1. CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION

As raised in the terms of reference, we, THE DIKWANKWETLA PARTY OF SOUTH AFRICA, wish to submit point by point as follows:

1.1.1 (a) We propose that this situation be primarily handled by the Commission for the Prevention of Violence and Intimidation provided for in the document of the National Peace Committee dated 18 December 1991. We stress that to this end, the active participation of all parties concerned, is a prerequisite.

(b) In this regard tangible evidence must be transmitted to the man in the street that a climate for free political participation does exist and is being effectively protected.

(c) As a means to practically involve the man in the street, we are of the opinion that massive distribution of a simplified and translated version of the National Peace Accord would be most helpful.

1.1.2 Mindful on the one hand that CODESA is about peaceful political negotiations, while noting on the other hand the established constitutional principle that in a sovereign country there can only be the sole sword power of the state, private armies like MK, APLA and the "Ystergarde" have no *raison d'être*. Therefore these facts should as a matter of urgency be redressed.

1.1.3 We support this concept wholeheartedly, but in order to be specific, we would prefer to hold over for the time being.



- (i) In violence stricken areas security forces should be deployed in adequate numbers. This should be sustained by the creation of Dispute Resolution Committees, under the chairmanship of a responsible senior officer.
- (j) In order to level the playing field, no foreign funding of political parties should be permitted. The funding of political parties should solely take place through membership subscription.
- (k) Fair access to public facilities and meeting venues should be established and these facilities and venues should be acquired in an orderly manner i.e. the necessary permission should be obtained beforehand.
- (l) This provision should be enacted by Parliament.
- (m) The creating of job opportunities is top of the priority list, followed closely by the allocating of serviced land for residential purposes.
- (n) This should be addressed seriously at grassroots level, minding that the example of leaders speaks louder than a river of words.
- (o) Practically, leaders must be seen addressing joint meetings at which political tolerance and tenets of democracy are emphasized.
- (p) This goes without saying.
- (q) Please hold over.

2. **ROLE OF INTERNATIONAL COMMUNITY**

2.1.1 (a) **The international community, through governments, institutions and agencies, should have observer status at CODESA. However, South Africa is a sovereign state and a member of the UN. Therefore any active international supervision would amount to interference in the domestic affairs of an independent country.**

(b) **If CODESA is successful, as we are striving for, then the parties involved should be able to agree to satisfactory transitional arrangements, including the holding of elections. That would prove the domestic political maturity necessary to achieve a new dispensation without outside interference.**

2.1.2 **Please hold over until further discussions.**

2.1.3 **Please hold over until further discussions.**

1. **COMPLETING THE PROCESS INVOLVED IN THE CREATION OF A CLIMATE FOR FRUITFUL NEGOTIATIONS**

A society held in either physical or mental bondage can never be free. In order to escape from such tyranny requires a bold step in the confidence of humanity.

The above implies that all the parties involved in the negotiations for a future South Africa should re-evaluate, not only what they stand for, but also their relationship with one another. To this end the parties involved should therefore re-evaluate the mechanisms of incarceration; the act of keeping each other in bondage, whether by physical means or mental anguish. In specific terms, Codesa, after the circumstances have been evaluated, shall be used as a vehicle to call upon the South African government to release such political prisoners it may still hold hostage, as a consequence of acts that the whole of society may regard differently.

Concomitantly, Codesa shall also be used as a vehicle to call upon all parties to refrain from any hostile act, which is aimed to unjustly cause harm to any person and his property and further to obtain agreement that should such acts be perpetrated to provide adequate protection and sanction against such acts.

Returning exiles have the right to set their feet on South African soil, providing they abide to the rules of the broad society. To this end international refugee monitoring agencies be requested to give support and aid where possible.

With regard to laws, conventions and practices which militate against free political activity, there is a corollary which can make certain human rights and freedoms inviolate

and can be put within easy reach of all South Africans, by way of suitable promulgations. Such possibilities should be actively pursued by Codesa.

2. ON THE ISSUES OF THE SECURITY AND SOCIO ECONOMIC PROCESS

Coercion and force have long been companions of our lives and Codesa must be regarded as a point of total departure from such negative forces, towards acceptance of one another in a true spirit of tolerance. Ideally as this may sound, the time has come that South Africans recognise that we have the self-destruct of our nation in our own hands. To this end, there is no room for unbridled political hooliganism and intimidation. If we want freedom for ourselves we must recognise that exactly the same freedom must be given to other persons. Every person must be given the right to exercise his participation or vote or affiliation in the way it pleases him. This must be recognised as a fundamental principle of democracy.

The promotion of violence, physical or mental, is anathema to the democratic ideals upheld by Codesa. To this end, the Defence Force must be reorganised so that it truly reflects the national character of the people of South Africa and that its purpose must solely be for the protection of the people of South Africa or in such regional context as may be agreed upon. Private armies or mercenary groupings must be outlawed completely. In the same way, the open carrying of weapons of any kind, which is conducive to breeding a violent society, should be outlawed.

3. CREATING THE CLIMATE FOR FREE POLITICAL PARTICIPATION

For the purpose of creating a democracy, the

mass media as the recorders of history must recognise their responsibility in shaping history. The print media has a responsibility to follow a code of ethics which denounces violence. If the owners of the print media - which are not reflective of the nation as a whole - do not wish violence at their front doors, they should not popularise violence. The electronic mass media has a similar responsibility and duty. In addition, the SABC, other broadcasting entities and media parastatals have the responsibility to restrain the implementation of arbitrary powers. If an open and free media cannot be achieved, the control of the airwaves should be de-regulated and the policy-making bodies concerned be restructured to comply with the idea that such structures should keep the wheels of democracy turning.

While full recognition is given to the inauguration of the National Peace Accord it must be admitted that the Accord has certain shortcomings, which, if corrected, can be a terrific boon in the provision of more effective methods to resolve conflicts and eliminate strife. Codesa is called upon to revisit the National Peace Accord and to ensure that impeccable monitoring and peacekeeping mechanisms are made part and parcel of the Accord so that it may achieve its stated objectives.

It is unfortunate that in many parts of our society a violent crime psychosis has taken root. This situation has not, come overnight, but is the product of longterm socialisation; more accurately, it is a legacy which we have inherited of apartheid.

Looking at crime in general, it is important to focus on an arena of preventive social action. Our society remains time- and culture-bound and it is in this context that we need to find powerful social levers by which the marked reduction of criminality

may be brought about.

It is selfevident that crime, in all its various forms, is greatly influenced by poverty, living in sub-standard conditions and dehumanising experiences in life. These are the areas at which social policies, remedial, rehabilitative and action must be directed. A veritable war on poverty and deprivation should be declared, on the understanding that anyone who is prepared to work for one hour a day will ever go hungry; nobody who is prepared to work for four hours a day will ever have to be homeless, nobody who is prepared to work for eight hours a day will be deprived of any opportunity to progress. In short, what is being proposed is a new kind of societal socialisation which is linked to the reduction of criminality, and, in turn, progressively propogates a work and productivity ethic in a meaningful way.

On an individual level, it must be recognised that the courts have the right, by their sentences, to protect society. Such incarceration must at all times take cognisance of the reform of the offender and his rehabilitation for society and that the treatment of the offender is morally just and fair, with due regard to acceptable international codes and practices.

The history of South Africa is a catalogue of much sacrifice and cost, which should be converted to underscore a culture of political tolerance and acceptance of one another. There is no other way to achieve these objectives than to inculcate the idea of confidence and trust in one another. South Africa needs to adopt the spirit of Codesa. Open or internecine attacks on each other's bona fides, supporters, voters, property and the like must be regarded as anathema.

For the above purpose there must be deliberate, planned and sustained efforts to improve the understanding of all the people in South Africa. The mass media, which are the opinion formers, par excellence, must be utilised in its totality to provide wholesome, nation-building, educative programmes for the purpose of making democratic ideals known to the people. The education authorities too need to become actively involved in the propagation of democratic ideals among young South Africans.

4. THE ROLE OF THE INTERNATIONAL COMMUNITY

With regard to the role of the international community it is conceded that the process of negotiation in South Africa will be involved and must of necessity reflect that it has the acceptance of all the people of South Africa. Having regard to the long period of dissension and strife in South Africa, it is the view of the Labour Party that the following international organisations can participate fruitfully to bring a sense of permanent peace and prosperity to this country:

British Commonwealth
 European Community
 Non-aligned movement
 Organisation of Africa Unity
 United Nations
 (and such others as may be agreed upon)

- END -

LABOUR PARTY
SUBMISSION TO WORKING GROUP 1: CREATION OF A
CLIMATE FOR FREE POLITICAL PARTICIPATION AND
ROLE OF INTERNATIONAL COMMUNITY

SUBWORKING GROUPS

Subworking groups: itemising of issues to be addressed in priority sequence

1. **Subworking Group A on Climate for Free Political Activities**
 - c The amendment and/or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation
 - d Political intimidation
 - e The termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation
 - j The funding of political parties
 - k The fair access to public facilities and meeting venues
 - n The fostering of a spirit of tolerance amongst political parties
2. **Subworking Group B on Violence, Security and Socio-Economic Conditions**
 - g The successful implementation of the National Peace Accord
 - h The prevention of violence-related crime and matters giving rise thereto
 - i The composition and role of the security forces in South Africa and the TBVC states
 - m The need for an improvement in socio-economic conditions
3. **Subworking Group C on Media, Mass Communication and Educative and Informative Campaigns**
 - f Political neutrality of, and fair access to State-controlled statutorily instituted media (particularly the SABC and SATV), including those of the TBVC states
 - l The advisability of statutory provisions guaranteeing equal opportunity for all parties to establish and maintain their own means of mass communication
 - o The role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of CODESA
 - p The advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside

**NATIONAL PARTY
SUBMISSION TO WORKING GROUP 1: CREATION OF A
CLIMATE FOR FREE POLITICAL PARTICIPATION AND THE
ROLE OF THE INTERNATIONAL COMMUNITY**

**PROPOSAL FOR THE ESTABLISHMENT OF TASK-
ORIENTATED SUB-GROUPS**

Please note: The National Party submitted that:
"The establishment of task-orientated sub-groups can only be discussed and finalised after consideration has been given to the question whether and which of the issues specified in 1.1.4 of the Terms of Reference should be addressed.

"A general discussion by the whole group should therefore precede the division into sub-groups."

In case of another ruling, the National Party submitted the following proposal:

1. **Reconciliatory Actions**
 - a Release. political prisoners
 - b Return of exiles
 - d Intimidation
 - e Termination military means
 - n Tolerance amongst political parties
 - o Campaigns in respect of tolerance

2. **Creation of a climate for free political processes**
 - f Political neutrality (SABC)
 - k Access to public facilities
 - l Establishment of own mass communication
 - p Access to potential voters
 - q Electoral process : Free political processes

3. **The international community and associated matters**

- h Prevention, violence-related crime
- j Funding, political parties
- m Socio-economic conditions
- q Other relevant matters
- z International community

4. The Peace Accord and ancillary matters

- c Laws militating against free political activity
- q Peace Accord
- i Composition, security forces

NATIONAL PEOPLE'S PARTY SUBMISSION TO WORKING GROUP 1: CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION AND ROLE OF THE INTERNATIONAL COMMUNITY

Date: 26 January 1992
From: AK Beesham NPP Delegate to Working Group 1
R Garrb As above
D Chetty Adviser
SM Govender Adviser

1. First Assignment

The above delegation agrees that:

- 1.1 Action be taken to foster and establish in South Africa a climate in which all can participate freely in all political activity;
- 1.2 Key issues be identified and addressed;
- 1.3 Areas of commonality be identified so that further discussion can focus on issues creating differences;
- 1.4 The following specific issues be dealt with in the following order of priority:
 - 1.4.1
 - 1.4.1.1 The elimination of political intimidation;
 - 1.4.1.2 The termination of the use of military and/or violent means or the threat thereof for promoting the objectives/views of political parties/organisations;
 - 1.4.1.3 The fostering of a spirit of tolerance;
 - 1.4.2
 - 1.4.2.1 The prevention of violence-related crime and matters giving rise thereto;
 - 1.4.2.2 The composition and role of the security forces in South Africa and the TBVC states;
 - 1.4.3
 - 1.4.3.1 Release of political prisoners and finalisation of political trials;
 - 1.4.3.2 Return of exiles;
 - 1.4.4
 - 1.4.4.1 Elimination of all discriminatory legislation;
 - 1.4.4.2 Fair access to public facilities;

- 1.4.4.3 Statutory provisions guaranteeing equal opportunity for all parties to establish own means of mass communication;
- 1.4.4.4 Fair and reasonable access for all parties to all potential voters in South Africa;
- 1.4.4.5 Political neutrality and fair access to state-controlled media;
- 1.4.5
 - 1.4.5.1 Funding of political parties;
- 1.4.6
 - 1.4.6.1 Improvements in socio-economic conditions;
- 1.4.7
 - 1.4.7.1 The successful implementation of the National Peace Accord;
 - 1.4.7.2 The role of CODESA as a means of promoting political tolerance via informative and educative campaigns.

2. Second Assignment (Role of the international community)

- 2.1 The above delegation agrees that an acceptable solution to the problems of the country requires internal and international recognition via participation of all South Africans.
- 2.2 The above delegation suggests that proposals and recommendations be made regarding the role that the international community can play in facilitating the introduction of a democratic constitution for South Africa.

3. Proposals

The NPP Working Group 1 delegation makes the following recommendations to achieve the objectives indicated in the foregoing:

- 3.1 That each delegation appoint a spokesperson to present a five-minute speech outlining its perspectives on the Terms of Reference of Working Group 1;
- 3.2 That each delegation supply a list of names of experts on the subjects indicated specifically in the Terms of Reference so that the Steering Committee can draw up a programme to enable such speakers to address delegates of Working Group 1;
- 3.3 That each delegation supply any material at its disposal (eg. the Nedcor Presentation commissioned by Old Mutual in 1991) which can facilitate the fostering of a climate for free political participation.

- f. political neutrality of media.
- i. security forces.

3.3 towards peace and stability

- d. intimidation.
- g. Peace accord.
- h. violence related crime
- m socio-economic conditions.

3.4 towards a new political ethic.

- j. political funding.
- k. public facilities.
- l. means of mass communications.
- n. political tolerance.
- o. educative campaigns.
- p. access to voters.

4. Approach.

The NIC/TIC recognises that Working Group 1 is charged with the urgent task of making recommendations on how to achieve a climate for free political participation and the role of the international community in that process. The fulfillment of its brief will create the conditions for the speedier and more proficient realisation of the recommendations arising from other working groups. In the light of this urgency, the following approach is suggested:

- 4.1 there are a number of areas around which it is possible to take almost immediate action, towards the creation of a climate for free political participation.
 - 4.2 these areas have some expression in points a-p as grouped in 3.1 to 3.2 above.
 - 4.3 that a set of immediate possibilities be separated out from medium to long term concerns.
 - 4.4 that these issues should be identified and given immediate priority, mechanisms should be found to give effect to recommendations as matters are resolved by the working group.
 - 4.5 this approach sets out to distinguish those issues that are obvious, and around which immediately realisable steps may be worked out, from those for which it would be possible or necessary to wait for further discussions at CODESA 2.
5. The NIC/TIC will submit argument in favour of this approach at the appropriate time.
6. In relation to 1.2, we submit that some form of international participation is both necessary and desirable. Based on this we suggest the following approach:

- 6.1 that the working group identifies that areas and periods in which the involvement of the international community would be both necessary and desirable.
- 6.2 that the working group investigate and identifies the appropriate body/persons/organ from the international community that will be best qualified to assist.
- 6.3 that the working group investigate and identify the different modes and options of this participation.

ms/bn/ei/mm 1

~~PROPOSED~~ POSITION PAPER TO BE DELIVERED BY
GOVERNMENT AT WORKING GROUP I (6 FEBRUARY 1992)

1. The Government fully supports the goal of Working Group I (WG I), which is to create a free and peaceful political climate, since the negotiation process will have no chance of success without the existence of such a climate.

But let us not lose perspective: a political settlement is only the beginning and not the end - what we must ensure through CODESA and WG I are a climate which will form the foundation for a stable and functional democratic government and society.

2. The words of the chairperson, Mr Jacob Zuma, during the first meeting of WG I are relevant and significant. If we fail in our goal at WG I, it will have direct negative consequences for all the working groups.

Let me put it quite bluntly. Political democratization and the principle of equal and free political participation will only be possible if South Africa is once again free of violence from whatever source. A drastic change in attitude as well as visionary leadership will be necessary to achieve this end. In this regard WG I has a momentous task ahead of it and the progress within WG I will to a large degree dictate developments within the other working groups.

3. The creation of armed private armies, which even only threatens the use of force, is not acceptable and is not reconcilable with free political participation. The threat of public violence, armed training, the possession of illegal weapons and arms caches contradict the creation of a climate for free political participation. This is even more so in the case of organisations which are party to the Peace Ac-
----.

It is the task of this Government, and it will be the task of any future Government, to prevent a so-called Lebanon situation in South Africa. The surest way to anarchy is to allow parties, either inside or outside the negotiation process, to continue planning and posturing for acts of terrorism, insurrection, the seizure of power, armed resistance etc. WG I will have to ensure a level playing ground with fair rules applicable to all the parties - surely this excludes political parties and/or movements having their own armed wings.

4. The continuing violent climate has a direct bearing on criminal activities and the mammoth task facing the Government in terms of quelling political violence, is giving other individuals and gangs a free hand to intimidate and terrorize the population. Although the Government realizes that there is no simple solution to the abovementioned problem, it is equally true that politically-inspired people's militia, self



defence units etc, are proving to be part of the problem rather than part of the solution.

The Government is of the opinion that, in the final instance, only a dramatic improvement in the majority of the population's socio-economic situation as well as a politically neutral and effective police force will make a significant difference to South Africa's alarming levels of criminality.

5. Peace and progress are, however, not the twin results of security considerations only, but have to be explained in the context of socio-economic realities. Sound management by the Government and the private sector will obviously play a major part in the improvement of South African's living standards, but a pre-requisite for economic growth, development programs etc is foreign investment. In this regard each and every participant at CODESA has a responsibility - it is our task to demonstrate to the international community that a stable and democratic order as well as a vibrant, market-orientated economic system is our collective goal. It is by now a well-known historical and empirical fact that certain political and economic systems can only lead to impoverishment. These lessons should not be ignored by CODESA.

6. The fact that most of South Africa's political roleplayers are talking directly with one another at CODESA, illustrates that South Africans are capable of finding an internal solution, without external involvement. This does not mean that

the international community, be it on a individual or multi-lateral level, cannot provide any assistance or play any constructive role. But, it does imply that no individual, organisation or government with a foreign loyalty, will be allowed to involve him- or itself directly in the negotiating process, any interim government arrangement or the implementation of the final settlement. A political settlement in South Africa is, and should stay the exclusive privilege and responsibility of South Africans.

7. In conclusion: For the last three decades the political life of South Africans was dominated by, on the one hand, suppression and, on the other hand, the outrages of a so-called liberation struggle. This has to a large degree prevented the development of a political culture characterised by a democratic attitude, tolerance, and persuasion. WG I and its participants will also have to address this reality. No constitution and no system will survive if intimidation, streetviolence, mass politics stay-aways etc are the vehicles for the attainment of political goals. No leader and no political party or movement can expect his followers to practice democracy if he himself projects a negative attitude towards reconciliation and peace.

In view of the above the terms of reference of WG I represent collective thinking of participants of CODESA as to what is to be considered in order to arrive at recommendations on remedies, solutions and possibly actions. Consequently all

the terms of reference and the specific items mentioned under paragraph 1.1.4 require our attention and should remain on this Agenda.

**SOLIDARITY PARTY OF SOUTH AFRICA
SUBMISSION TO WORKING GROUP 1: CREATION OF A
CLIMATE FOR FREE POLITICAL PARTICIPATION AND
ROLE OF THE INTERNATIONAL COMMUNITY**

The Solidarity delegation submits the following for consideration from a point of priority:

1. **Violence**

- 1.1 The implementation of the National Peace Accord. The leaders of all parties should formulate their disciplinary measures to bring violence to an end
- 1.2 To devise ways and means to reduce the increasing crime rate
2. To continue efforts to involve the PAC, AZAPO, CP and other parties in the CODESA exercise. Devise ways and means to accommodate them by reaching compromises
3. Consideration to be given in seeking the co-operation of the international community in:
 - 3.1 Normalising their relationship to South Africa in the interim period
 - 3.2 Enlisting the assistance of the international community wherever they could make a positive contribution in the transitional period - in areas such as education and housing

Each of items 1, 2 and 3 could form the initial functions of three subworking groups that may be set up.

The various other issues listed and distributed at CODESA should be discussed to obtain consensus on their order on the priority list.

P I DEVAN



PARLIAMENT OF THE REPUBLIC
OF SOUTH AFRICA

30 January 1992

Working Group Steering Committee (Group One)
P O Box 307
ISANDO
1600

Dear Sir

MY TELEPHONE CALL ON 27/01/92 ON DELAY IN MY SUBMISSION REFERS:-

The Solidarity delegation submits the following for consideration from a point of priority:-

1. Violence: The implementation of the National Peace Accord. The leaders of all parties should formulate their disciplinary measures to bring violence to an end.
 - 1.1 To devise ways and means to reduce the increasing crime rate.
2. To continue efforts to involve the PAC, AZAPO, CP and other parties in the Codesa exercise. Devise ways and means to accommodate them by reaching compromises.
3. Consideration be given in seeking the co-operation of the international community in:-
 - (a) Normalising their relationship to S. A. in the interim period.
 - (b) Enlisting the assistance of the international community wherever they could make a positive contribution in the transitional period- in areas such as education and housing.

Each of items 1, 2, and 3 could form the initial functions of three sub-committees that may be set up.

The various other issues listed and distributed at Codesa should be discussed to obtain consensus on their order on the priority list.


P I DEVAN MP
SOLIDARITE

INTRODUCTION

(T.W.G.)

WGI DIS Vol 1

The apartheid ideology is by its very nature violent and is not and was never meant to be conducive to the creation of a climate for free political participation. For as long as such a system obtains, no such climate will ever exist.

Although the apartheid state has the capacity and resources to stem the tide of violence that has characterised our country, it has failed to do so. The impression created is that it collaborates in the perpetuation of violence or it has lost control over its security forces.

Therefore we are convinced that the immediate installation of an Interim Government during the transition period is the only viable option and the most decisive step towards the speed creation of the desired climate for free political participation. However as a means to achieve the above objective, we lay emphasis on the following issues raised in the terms of reference.

COMPOSITION AND ROLE OF SECURITY FORCES.

The legacy of apartheid ideology has permeated throughout state structures especially the security forces. The majority of South Africans never regarded and still do not regard the security forces as serving the National interests. Because of the status of the present Government, the perceptions of the majority is that the security forces serve *sectional* and minority interests. They are an instrument for maintaining the status quo.

Therefore joint control of the security forces from the top echelons to the bottom during this period of transition, would in our view greatly enhance the prospects for the creation of a climate for free political participation.

DEMOCRATISATION OF STATE - CONTROLLED MEDIA (SATBVC).

We believe that the state - controlled media in the SATBVC, like other state institutions, served the narrow interests of the ruling minority. It has contributed in promoting violence by

reporting selectively and favourably on some political parties, While distorting the view points of those forces it does not favour. Its monopoly of the air-waves contributes negatively to the creation of a climate for free political activity. We will therefore argue strongly not only for the restructuring of the state - controlled media, but also for independent or joint control of the SATBVC - state controlled media, during this transition period.

NATIONAL PEACE ACCORD AND OTHER ACCORDS.

While we recognise the NPA. as an important historic attempts by traditional antagonists towards the politics of peace and reconciliation, the elaborate structures, and the ultimate authority of the process remains in the hands of one party i.e. the State President and Senior Police Officers, are in our view its major weaknesses. The aims and objectives as enshrined in the NPA. remain useful as a public relations exercise. It has so far failed to put an end to violence or bringing the perpetrators of violence to Courts. Infact in our view the NPA has an element of shifting the responsibility of policing violence from the state to the political parties, while ensuring that elements of the security forces involved in promoting violence remain protected.

Accords such as the NPA, Groote Skuur and Pretoria minutes, inevitably remind us of the famous and so-called historic NKOMATI ACCORD which favoured one party and led to the increased violence and killings in Mozambique culminating in the death of Comrade SAMORA MACHEL, himself. We will argue that if NPA. is to be taken seriously it must be a CODESA project or subjected to close monitoring to ensure proper and effective implementation of NPA. without much bureaucratic procedures. But if this Accord is to regain credibility it must be seen to be effective not only by its architects but by the victims of violence.

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TRANSKEIAN WORKING GROUP MEMBERS

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CONVENTION FOR A
DEMOCRATIC SOUTH AFRICA
TRANSKEI'S INPUTS
TO BE PRESENTED TO CODESA
WORKING GROUPS
ON
06 FEBRUARY 1992

WORKING GROUP 1

FIRST ASSIGNMENT

1. CREATION OF A CLIMATE FOR FREE POLITICAL PARTICIPATION

The apartheid system is, by its very nature, violent and is not, and never was, conducive to the creation of a climate for free political participation. For as long as that system obtains, no such climate will ever exist.

Therefore, the dismantling of apartheid and the installation of an interim government as soon as possible would, ultimately, be the most decisive step towards the creation of the desired climate for free political participation.

The present regime has no intention of voluntarily creating mechanisms for the realisation of so vital an objective. Although the apartheid State has the capacity and resources to stem the tide of violence sweeping our country, it has failed to do so, thus leaving victims and observers no option but to conclude that it is either a collaborator in the perpetuation of the violence or it has lost control over its security forces.

Therefore, this government, in either case, is clearly no longer fit to govern during this transition period and must give way to an Interim Government as soon as possible.

However, the process of creating a climate for free political participation would be greatly enhanced if:

1. The process aimed at creating a climate for negotiations is completed;
2. The security and socio-economic deterioration are addressed;
3. Rules are laid down to facilitate achievement of a level political playing field and free political participation.

1. COMPLETING PROCESS AIMED AT CREATING CLIMATE FOR NEGOTIATIONS

1.1 RELEASE OF POLITICAL PRISONERS (a)

The remaining political prisoners, who have been the subject of two agreements, namely, the Groote Schuur and Pretoria Minutes, between the South African government and the African National Congress, must be released without delay and no restrictions must be imposed on them.

In this regard, the South African government is called upon to desist from bogging down the process of their release subject to the submission of a lot of bureaucratic detail as has happened in the past two years.

The South African government is further called upon not to introduce its own interpretation to agreements reached on this matter.

1.2 RETURN OF EXILES (b)

The South African government is called upon to grant blanket categorising indemnity to all exiles and refrain from categorising as to who may or may not return.

Furthermore, returning exiles must be given protection from prosecution on their return.

1.3 LAWS MILITATING AGAINST FREE POLITICAL ACTIVITY (c)

All laws that were designed to circumscribe political activity must be repealed, including municipal by-laws that have the same effect.

2. ADDRESSING SECURITY AND SOCIO-ECONOMIC DETERIORATION

2.1 POLITICAL INTIMIDATION (d)

Democracy rests on the freedom of every individual to choose which political party or organisation to join and/or vote for in the case of elections.

In this regard, all political parties or organisations must recognise this fundamental principle of democracy and thus refrain from using any kind of intimidation to make people support, join or vote for their parties or organisations. With regard to ruling parties, membership or non-membership of the party should not be the determining factor for people to exercise their rights and get their dues.

We further submit that an independent body to monitor compliance with this principle must be set up and that such a

body should receive and investigate complaints against political parties or organisations and also have a disciplinary/punitive code for those that violate it.

2.2 TERMINATION OF THE USE OF MILITARY AND/OR VIOLENT MEANS OR THE THREAT THEREOF OF PROMOTING THE OBJECTIVES/VIEWS OF A POLITICAL PARTY OR ORGANISATION (e)

All political parties or organisations must refrain from using violence or the threat thereof to promote their objectives and views. In this regard, the carrying of dangerous weapons in political gatherings and rallies must be prohibited by law, and the relevant authorities in the SA-TBVC and self-governing States must legislate accordingly as a matter of urgency. The media should also play a positive role in the efforts to uproot the culture of violence in South African political life. The apparent readiness of the SABC-TV to display warriors brandishing lethal traditional weapons and inflicting severe harm on innocent people has instilled panic in communities, served to inculcate respect for violence and to extremely lessen the value of human life.

Ruling parties in the SA-TBVC and self-governing States must not use their security forces to undermine other parties or organisations. In conflict situations the security forces must act impartially at all times. Recent history shows

that security forces have taken sides in such conflicts in a way that has left the communities at a disadvantage, and consequently we propose that an independent body be set up to ensure compliance with the non-violence principle by all political parties or organisations.

Such a body would also have to monitor the role and conduct of the security forces in the execution of their duties.

2.3 IMPLEMENTATION OF PEACE ACCORD (g)

The Peace Accord should be consolidated and all political parties or organisations must commit themselves to it. The Accord, we believe, must then be undertaken as a Codesa project and its implementation monitored by an independent body to ensure compliance with its provisions and codes by all.

2.4 PREVENTION OF VIOLENCE-RELATED CRIME AND MATTERS GIVING RISE THERETO (h)

It is our firm belief that for as long as the climate of violence prevails we cannot hope to eliminate crime related to it. Furthermore, such crime is fuelled by deteriorating socio-economic conditions in certain, primarily black, sections of society and it feeds on the violent climate that exists.

In line with the Peace Accord, prevention of violence-related crime will be achieved only when a violence free climate exists and there is, simultaneously, a concerted effort to address the socio-economic conditions of the people.

2.5 COMPOSITION AND ROLE OF THE SECURITY FORCES (i)

It is our view that, in the light of the role that has been played by the security forces both historically and in the recent past, where they were and still are implicated in the violence against our communities, they need to be re-organised, re-orientated, re-trained and positively motivated in order to instil impartiality, professionalism and commitment to non-sectarian conduct in the pursuit of their duties. Such a process should involve the dismantling of those structures within the security forces which have been fomenting violence - the C C B, Askaris, Battalion 32, Koevoet etc., and the weeding out of all elements responsible for the perpetration of violence by way of prosecution and/or retirement.

It is our view that foreign forces must be repatriated to their home countries as we cannot afford to have people bearing arms but whose role is undefined and who have no commitment to the country.

Furthermore, there is a need to look into the whole question of the security forces in South Africa with regard to their composition, re-organisation and re-orientation, role in the transition, mergers of the various armies including the liberation armies. We, therefore, propose that a sub-committee be set up under this working group to look into these issues and make proposals.

Such a sub-committee would also have to look into how the re-orientation of the security forces can be done as we believe that those who trained to defend apartheid are not suitable for this task.

2.6 IMPROVEMENT IN SOCIO-ECONOMIC CONDITIONS (m)

On the socio-economic face, norms and standards of distributing financial resources equitably to address social imbalances must be laid down and mechanisms for their implementation set in motion. For this purpose, consultation with the communities through their structures will be of vital importance. This is an important part of the process of creating a peaceful climate because when these are not addressed, they lead to conflict which may, and often does, result in violence.

2.7 FOSTERING SPIRIT OF TOLERANCE AMONGST POLITICAL PARTIES (n)

All political parties or organisations must commit them-

selves to:

- fostering a spirit of tolerance amongst themselves;
- inculcating a culture of tolerance amongst their followers.

To promote this culture political leaders must refrain from insulting and villifying other political leaders and their parties or organisations but must confine themselves to opposing or attacking their policies.

Furthermore, objective media reportage, especially that of the State will greatly facilitate this culture. The tendency of the State media to permit one party to vilify the other without the latter being given a chance to respond to scathing attacks on it on the spot militates against endeavours to promote political tolerance.

2.8 EDUCATIVE AND INFORMATIVE CAMPAIGNS (o)

Political leaders, parties or organisations must include, as part of their political programmes, a campaign to educate their followers on political tolerance, the workings of democracy and the processes of Codesa.

3. LEVELLING POLITICAL PLAYING FIELD AND FREE POLITICAL PARTICIPATION

3.1 POLITICAL NEUTRALITY OF, AND FAIR ACCESS TO, STATE MEDIA (f)

The South African State media as we have it today does not and cannot contribute to the creation of a climate for free political participation because:

- it serves the narrow interests of the National party and its government;
- reports selectively and favourably on some political forces whilst distorting the viewpoints of those forces it does not favour;
- prescribes what listeners and viewers can be exposed to because of its monopoly of the air-waves;
- contributes negatively to the political climate in this country.

The same is true of the TBVC States.

In the light of all the above and the fact that we are trying to create a climate for free political activity and debate, where all political forces can have fair access to

State media there has to be restructuring of the SA-TBVC Broadcasting Corporations' Boards of Directors to make them broadly representative and to divest them of their ideological character.

For the purpose of bringing about structural changes to South African State media, we propose that there be a sub-committee whose brief will be:

- to look into the operation and control of State media in South Africa;
- receive submissions on media related matters; and
- make proposals on the necessary changes.

3.2 FUNDING OF POLITICAL PARTIES (j)

Governments and administrations in the SA-TBVC and self-governing States must:

- refrain from using the State machinery to boost the ruling party's political image;
- refrain from utilising State resources to further the political programmes of their ruling parties, but those parties must rely on party funds like their rivals who are not part of any government machinery;

- refrain from using State funds to finance selected political parties favourable to them.

3.3 PUBLIC FACILITIES (k)

All available public amenities like public halls, stadiums, schools, State media, etc., must be freely utilised by all political forces without any discrimination.

3.4 PROVISIONS FOR PARTIES TO ESTABLISH OWN MEANS OF MASS COMMUNICATIONS (l)

There should be statutory provisions enabling political parties to establish and maintain their own means of mass communication. Such a guarantee becomes important against the background of stringent laws that have been in place to control publication and which were used for censorship.

3.5 ACCESS TO POTENTIAL VOTERS (p)

All parties must be free to form branches all over South Africa inclusive of the TBVC and self-governing States without harassment, intimidation, detention, restriction or any other form of repression.

Those administrations dealing with rural communities must refrain from using chiefs and headmen as instruments to

stifle the free political participation of those communities and of their political opponents.

These chiefs and headmen must, in terms of their administrative duties, be neutral irrespective of their own individual political affiliation.

SECOND ASSIGNMENT

2. ROLE OF THE INTERNATIONAL COMMUNITY

The apartheid legacy, with the reality that one political party has been in power for more than forty years, and the level and extent of the South African conflict, which at some state threatened to consume the whole Southern African region, have presented us with a situation where it will be difficult for South Africans to resolve the conflict on their own for, inter alia, the following reasons:

- there is a very high level of distrust between the liberation forces and the government;
- agreements that have been entered into bilaterally by the government and the liberation movement have not worked, for the reason that as there was no outside party the interpretation of those agreements has varied;
- the advantageous position of a party that has been ruling for over four decades, while it is at the same time a party to the negotiations.

It would, therefore, in our view, greatly assist the negotiation process if the international community through its various bodies were to be involved and play a role that will have been assigned

to it by South Africans themselves.

Those international bodies that have already participated in Codesa namely:-

- The United Nations;
- The Organisation of African Unity;
- The European Community;
- The British Commonwealth; and
- The Non-aligned Movement,

should continue to play a part in Codesa. The Frontline States, which have vital political and economic interests in the resolution of the South African conflict, should also be invited.

We envisage the following possible roles that the international community can play:

2.1 OBSERVER STATUS

The international community should continue to be observers in Codesa.

2.2 MONITORING

The international community should have a presence of officials who will do overall monitoring of the negotiations process in South Africa.

In so far as this area of involvement by the international community the following roles can be assigned to it:

- that it be part of an independent body set up as proposed in 2.1 of Assignment One;
- that it be part of an independent body set up as proposed in 2.2 of Assignment One;
- that it be part of an independent body set up as proposed in 2.3 of Assignment One;
- that the sub-committee on security forces consider a role for the international community on the issue.

We further submit that the international community should be involved in the monitoring of the transition to democracy in South Africa in the following possible ways:

- that it plays a role of mediating and arbitrating in the event of deadlocks and where there is disagreement over the interpretation of agreements;
- that it provides a peace-keeping force or supervise transitional security mechanisms;
- that it monitors elections and advise as to whether

they were free and fair.

We, however, wish to state that whatever role is played by the international community should be determined by what happens in the negotiations process.

**TRANSKEI GOVERNMENT
SUBMISSION TO WORKING GROUP 1: CREATION OF A
CLIMATE FOR FREE POLITICAL PARTICIPATION AND
ROLE OF INTERNATIONAL COMMUNITY**

GROUPING OF THE TERMS OF REFERENCE

1. Access by political parties to potential voters wherever they may be found and the establishment of their own mass media
2. Political neutrality of, and access to SABC, SATV and national State-controlled media; access to all public facilities
3. Amendment and/or repeal of all laws militating against free political activity, including the elimination of all discriminatory legislation
4. Release of political prisoners and return of exiles
5. Information campaigns and education on political tolerance and political intimidation. Implementation of the National Peace Accord
6. Termination of use of violence/militancy for party political objectives
7. Funding of political parties
8. Improvement of socio-economic conditions and the need for prevention of violence. Related crime and matters giving rise thereto
9. Composition and role of security forces in South Africa and the TBVC states

C O D E S A Secretariat : GROUP 1 (WGI)

PERSPECTIVES ON TERMS OF REFERENCE WORKING GROUP 1.

YENDA GOVERNMENT SUBMISSION

1. INTRODUCTION.

The apartheid system has so ravaged the political scenery that any inclination towards the perpetuation of the status quo is viewed with the utmost suspicion. For W.G.I to be seen to have accomplished its aim it must be able to come up with ways and means of creating and fostering trust without the possibility of even a reversal of the status quo which may lead to fear for the future in the minds of all Codes participants.

It is exactly these considerations which necessitate the immediate implementation of an interim authority which will allow all participants to have a say in the making of a new democratic non-racist non-sexist S.A. At the same time all these processes, must be stressed, need to be conducted by an atmosphere of free political activity. The terms of reference of W.G.I can be categorised into two main categories namely The creation of an atmosphere conducive to free political activity and The determination of the role of the international community vis a vis the transformative processes.

2. CREATION OF A CLIMATE CONDUCTIVE TO FREE POLITICAL PARTICIPATION.

2.1. The release of political prisoners and the return of exiles and their families.

The S.A. Government having already committed itself to redress in the best possible way the evils occasioned by apartheid policies should feel duty bound to refrain as much as possible from stalling on the question of blanket indemnities. It is our view that these aspects should be addressed to ensure progress in the whole transformative process because when the New South Africa is in the making, we cannot afford to have a situation where fellow South Africans are barred from participating from the onset. Any further delay in this aspect can simply be interpreted as a ploy to use both political prisoners and exiles as bargaining chips in the negotiation process and it vitiates against the very spirit of trust that we so badly need for purposes of our future, more especially in the light of the Groote Schuur and Pretoria Minutes between the S.A. Govt and the A.N.C.

2.2. Political Intimidation.

Political intimidation has assumed different levels in the S.A. political scenario. It must be stressed from the onset that both Overt and Covert political intimidation will have very adverse effects on the question of a speedy political settlement and in a way which is more likely to torment the spirit of sectarianism and consequently a civil war.

2.2.1. Overt Intimidation

We hear of allegations of security forces disrupting peaceful projects by some of the political organisations which is unacceptable and counterproductive because, mainly within black communities it leads to the marginalisation of members of such forces and sometimes to unwarranted hostilities. Under this aspect we call upon the authority controlling such forces to refrain from:

- (i) The parading of military forces and implements in a way that induces anger and frustration on the part of unarmed masses.
- (ii) The clear condonation of unprofessional behaviour on the part of members of the security forces.
- (iii) The preferential handling of masses in accordance with political affiliation on the part of the security forces whenever there are political gatherings.
- (iv) The lackadaisical approach towards bringing to trial members of the security forces who have clearly offended the law which in turn leads to the disappearance of witnesses and evidence due to the passage of time.

In the same breath due and considerate attention should be given to the question of traditional weapons. We submit that traditional weapons should not in the normal course of events be phased out of the life styles of black South Africans.

- But in view of the fact that noble as they are they are being clearly misused by some people to perpetrate political murders, clear rules legislated to avert these atrocities should be enforced. It must be remembered that there is not a single black South African clan to which the spear is not a traditional weapon. Whereas its traditional value must always be recognised its misuse must equally be avoided at all costs.

2.2.2. Covert Intimidation.

Whereas political bargaining is and should always be acceptable, the use of state resources for the purpose of political games - twisting should not be continued.

2.3. Fair Access to State Media.

Apartheid has been labelled as a crime against humanity by the international community. It would not have survived as long as had it not been vehemently facilitated by complete bias on the part of some of the media. It is our submission that the political window dressing that has been implemented thus far may be a step in the right direction but it falls by far short of being adequate. There is an unvoidable need for these facilities to be under the control of neutral authorities if fair rules are to be applied to the political games involved in seeking a negotiated settlement with a view to the New South Africa.

2.4. Access to Potential voters and the question of refugees.

2.4.1. Farm Workers.

The farming industry is mainly in the hands of whites some of whom are not only conservative but are also intent on maintaining the status quo. These people are consequently employers to thousands and thousands of black farm workers and they may do everything in their power to see to it that these farm workers, are not qualified to vote when the time arrives. They may also make sure that these people though qualified, do not vote or are intimidated into voting in accordance with the employer's wish.

We therefore recommend a speedy arrangement that will insure that all political parties have fair access to such workers. We also recommend the constitution of a select committee from all CODESA participants to be monitoring the question of qualitative logistic which have to do with voting. This should culminate in timeous registration of voters in general.

2.4.2. Political refugees.

The issue of political refugees should be addressed in a way that it does not cause conflict and prevent misuse in the election process. The continued imprisonment of political refugees should also be stopped because there are allegations that such actions facilitate the easy cooption of such refugees into covert groups and organisations and again it should be viewed as a violation against human rights as defined in international law. Their exploitation on farms should also be avoided and they should be accorded their rightful refugee status.

3. THE ROLE OF THE INTERNATIONAL COMMUNITY.

The status quo in South Africa today has been an area of concern to the international community for a long time. However, the problems within South Africa can best be addressed by the South Africans themselves. If the international community is involved and has veto role, CODESA will have no power.

The international community has no thorough knowledge of South Africa. CODESA knows all the problems facing this country and is the best instrument to use to solve such problems.

The international community should keep an observer status. Various political parties and organisations should have access to the international community for inputs and to seek advice. The international community can only be involved if there is a deadlock.

maintain their own means of mass communication

6.4 The advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside

7. Sub-working Group 7

7.1 The role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of CODESA

[F W/G-1]



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GAZANKULU-REGERING

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NO. OF PAGES INCLUDING THIS PAGE :
AANTAL BLADSYE, HIERDIE EEN INGESLUIT : 4

TO :
AAN : Prof. K. Asmal

MESSAGE/BOODSKAP :
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Ref. no. 11/18/1

TO: PROF. K. ASMAL
(011) 397 2211

CONFIDENTIAL

FROM: J.C. ACKRON
XIMOKO PROGRESSIVE PARTY

WORKING GROUP 1

1. Your draft letter dated 22 January 1992 received on 24 January 1992 has reference.
2. I regret the lateness of our response necessitated due to the particular problems associated with marshalling the relevant people at such short notice.
- 3. I attach (2 Pages) our view of the subdivision of the brief for the necessary discussion.
4. Although this might place a heavy burden upon the Working Group we would tend to the view that these sub-briefs should run concurrently in view of the essential interrelationship between all the items in the brief of the Working Group.



J.C. ACKRON

28 January 1992

B:MAT(ETV260)

DELEGATION'S PERSPECTIVE ON THE TERMS OF REFERENCE OF WORKING GROUP I

SUBWORKING GROUP I

- (a) political intimidation;
- (b) the termination of the use of military and/or violent means or the threat thereof of promoting the objectives/views of a political party or organisation;
- (c) the successful implementation of the National Peace Accord;
- (d) the prevention of violence-related crime and matters giving rise thereto;
- (e) the composition and role of the security forces in South Africa and the TBVC states;
- (f) the need for an improvement in socio-economic conditions;
- (g) the fostering of a spirit of tolerance amongst political parties;

SUBWORKING GROUP II

- (a) the funding of political parties;

SUBWORKING GROUP III

- (a) the finalisation of matters relating to the release of political prisoners and political trials;

SUBWORKING GROUP IV

- (a) the return of exiles and their families;

- 2 -

SUBWORKING GROUP V

- (a) the amendment and/or repeal of any remaining laws militating against free political activity, including the elimination of all discriminatory legislation;

SUBWORKING GROUP VI

- (a) political neutrality of, and fair access to, State-controlled/statutorily instituted media (particularly the SABC and SATV), including those of the TBVC states;
- (b) the fair access to public facilities and meeting venues;
- (c) the advisability of statutory provisions guaranteeing opportunity for all parties to establish and maintain their own means of mass communication;
- (d) the advisability of fair and reasonable access for political parties to all potential voters, wherever they may reside;

SUBWORKING GROUP VII

- (a) the role of intensive and continuous educative and informative campaigns in respect of political tolerance, the working of democracy and the processes of Codesa;