

P.O.Box 57
White River 1240
17th February 1992.

CODESA WORKING GROUPS
World Trade Centre
Box 307
ISANDO
1600.

Dear Sirs ,

Submission on matters relevant to your Terms of Reference.

Initially , before any submission is made , may I comment on the relevance of your address. "The World Trade Centre" is a fitting address to describe both the origins and aims of Codesa. That it has something to do with South Africa is merely incidental in the task of bringing this region firmly within the control of those products of this age who see a technological victory over nature as a possibility. The gross nature of this egotical assumption will unfortunately only be exposed with the passage of time. The multi-nationals will be merely a blink in space as nature remorselessly re-asserts its total dominance of life forms and their puny efforts. In short the idealism of CODESA is corrupted and putrefied by the worm in its midst.

A. WORKING GROUP I

(i) The creation of a climate for free participation (political).

If the past two decades have shown one thing - they have shown complete inability of African society to understand the link between the connotations of the word "free" and "political". We are an African society - as much as is Nigeria, Tanzania, Uganda and Zambia - or any one of the surviving colonial creations that across ties of blood on this continent.

All have had and will continue to have a common political dispensation - one of total intolerance and an equally abysmal understanding of the Western ethic of "freedom".

There are NO exceptions and this should be the standard by which CODESA deliberates the possibility of a climate for free political participation.

All African states are multi-ethnic or at least consist of more than one tribe. The result has been the dominance of one tribe over another: in Zimbabwe of the more populous Shona over the Zindebele : in Zambia , the Bemba over the Lozi etc etc etc with the not unnatural result that sectional interest has triumphed over national interest: that corruption has replaced good government : that all "nations" in Africa are mere basket cases begging at the feet of the worlds more prosperous ethnically controlled states.

By contrast, those ethnic nations recognised and allowed to develop at their own pace, Swaziland, Lesotho, Botswana and more recently Bophutaswana have shown nascent abilities to develop into formal working political associations.

The lesson for CODESA , I think , particularly after the break up of the enforced Soviet Union into ethnic states is clear. Force people into an association which they do not want and you invite certain trouble and inevitable instability.

THE REALITY OF SOUTH AFRICA IS THAT WE ARE ANOTHER AFRICAN NATION WITH BORDERS DECIDED BY COLONIAL EUROPEAN POWERS A CENTURY AGO. TO PERPETUATE THE IGNORANCE AND POOR JUDGEMENT DISPLAYED BY IGNORANT COLONIAL ADMINISTRATORS A CENTURY AGO AND TO INSIST ON A UNITARY STATE IS TO INVITE INEVITABLE DISASTER. IF SUCH A DISASTER COULD OVERTAKE THE MOST RIGOROUS AND CONTROLLED DICTATORSHIP THIS CENTURY HAS SEEN (THE SOVIET UNION) HOW MUCH MORE EASILY CAN IT OVERTAKE THE PROJECTED UNIFIED STATE OF THE BEHOLDEN BRAINS OF CODESA ???

If you genuinely seek a climate for free political participation by all South Africans you might start by examining the selfevident fact that THIS COUNTRY IS NOT ONE SOCIETY. It might have one economy - as does Europe - but it is collection of IRRECONCILABLE CULTURES which must be given separate political expression -if this is to be peace.To do otherwise would be to expose the cynical nature of your charge.

(ii) The role of the international community.

I am not at all sure why this question has been placed on the list of those matters on which comment is sought. CODESA is in itself a creation of the international community; one to force both the corrupt and dying National Party and the untried and blustering ANC to accept the terms of external control by international financial interests. Both are puppets. The National Party's acceptance of their subservient position has been exposed long ago -- while Mr Mandela is now rapidly having notions of grandeur dispelled as he is brought to heel and forced to make contradictory policy statements - particularly on those matters relating to money.

Please do not waste the time of South Africans. Those of us who study world politics are quite aware that the latest political moves are little more than a well-disguised attempt to control South Africa's vast and vital natural resources , not unlike the grab made at the turn of this century by Britain. Then the cover was "uitlanders" rights. Now it is the rights of "non-whites". Same game different name.

Any decision your body might take will be irrelevant unless it has the stamp of "Made in Washington - Approved in Geneva - Passed by Zurich."

The role of the international community is thus not at issue. It is an established fact The average South Africa has an abysmal knowledge of such matters and to call for comment on this matter is to flatter to deceive.

B. WORKING GROUP II

(i) General Constitutional Principles.

To consider such a matter before deciding on the form of the state is to put the cart before the horse.

General constitutional principles are inextricably bound up with the form of the state, be that form a unitary state, a federation, a confederation or merely a customs union.

It should also be borne in mind that in the post-colonial Africa, constitutions have a sorry history. Most if not all African leaders have regarded a constitution as mere scrap of paper to be nominally accepted initially as a short cut to the introduction of traditional autocratic rule.

What is to guarantee that that will not happen here ?

The question of a constitution and hence constitutional principles should be left until the form of the state has been decided. After all in considering present boundaries we are using a format designed by inept colonial administrators a century ago. They did not then and do not now reflect the vital demographic pattern: (Swaziland does not contain all Swazi, while the Gazakingdom flows over into both Mozambique and Zimbabwe. These are just two examples) The present unitary format is unrealistic and will prove untenable.

The form of the state will have to precede any constitution. Codesa might do well to start at grass roots level instead of proposing to consider general principles before the form of the state is known. After all the principles in a union and a confederation might be very different.

At this stage this subject is thus one which might be considered a little premature.

(ii) Constitution making body /process.

Once again the subject is not relevant to the present deliberations as no format has been decided. CODESA might make useful use of its time in deciding the form of the state in the first place and then deciding what interested groups might justly represent those states or regions.

Codesa has at present no mandate from the PAC, from the Conservative Party and Bophutatswana and a very dubious mandate from the Zulu people and the Xhosas of the Ciskei to mention only a few. It might be rightly said that there are more people not represented at Codesa than those who are represented. The ANC has an untried and untested constituency: the National Party is rapidly sliding to oblivion : the Democratic Party has never represented more than the wealthy fringe of white society while together the Coloured and Indian parties hardly represent 15% of their constituencies.

What is certain is that Codesa has no mandate to design a constitution.

C. WORKING GROUP III

The issue of transitional arrangements/interim government and transitional authority.

Initially I would ask what transitional arrangements is your committee making reference to ? We are already in a state of transition or put more correctly , decline. We have an elected government which has lied to and betrayed its own constituents: which bows and scrapes to the wishes of the ANC at every opportunity: which cannot control crime, corruption or the cost of living. How much further away from a law-abiding solvent state must one transit to be called "transitional" ?

If you are referring to the long-overdue substitution of this poor legitimate government by another, then you are way off beam. The constitution lays down the only manner in which this legal government can be legally succeeded. Only parliament can take that decision and parliament has not to my knowledge delegated its right to alter the constitution that we have at present. It cannot in any case legally do so. It can through the laid down legal and constitutional procedures alter the constitution but it nor President De Klerk has any authority to delegate that function.

Thus once again CODESA cannot decide on transitional arrangements or a transitional government. To do so would be to disregard and spurn the present constitution - a very poor and potentially dangerous precept for any body wishing to design another constitution be that temporary or permanent. Parliament might have the power to do so: President De Klerk might have the power to do so but Codesa certainly does not. All it can do is to make recommendations.

My advice to Codesa is that it ceases to waste tax-payers money. Any suggestion that it makes in this or any other regard will not have the support of more than half of this country's population. Moreover, one group has given notice that if this unconstitutional method of attempting to foist a new dispensation on this country in such an unrepresentative manner is continued widespread national revolt is a distinct possibility: there are other groups waiting the wings and I think it would be extremely irresponsible of CODESA to continue on what will be a collision course.

There can in any case be no transition without knowing to whom the power will be transferred: Again one presumes that Codesa would not be so naive as to think that 7-million Zulu will accept the government of a Xhosa-led ANC or that white parties will simply lie down and accept black rule. This question is not only premature. It is a non-starter.

7.

D. WORKING GROUP 4.

(i) The future of the TVBC states.

What are the TVBC states ? Are they creations of apartheid
Were there no Xhosas between the Umzimkulu and the Kei
rivers before the arrival of Van Riebeeck ?

Were there no Zulu settled on the banks of the Umfolosi
rivers ?

Were the Venda still fleeing a long vanished Karanga kingd
or were they settled east of Louis Trichardt: Had the
armies of Soshangane subjugated the Tsonga and welded the
greater Gaza kingdom ?

All that the "apartheid" policy did in "creating" the
TVBC states was to recognise existing settlement areas
occupied by cultural groups. It afforded these groups
protection against private enterprise and recognised
traditional land-holding patterns.

The basic question facing CODESA is whether to recognise
such groups as political as well as social groupings. Put
another way are such groups to retain sole political right
to areas which they now enjoy or are they to be swallowed
into a unitary political state .

Should CODESA recommend that they lose their special stat
then those conditions governing land-ownership in the
greater new South Africa must apply if CODESA is to retain
any semblance of impartiality. All Land Acts have been
repealed outside the borders of these states.

I am sure CODESA would not plump for the racist alternativ
and make provision for the protection of black land rights
That after all would be to perpetuate racism by giving an
unfair advantage to certain South Africans on the basis of
skin colour.

Thus the question of the TVBC states is the acid-test of the much vaunted egalitarianism of CODESA.

Incorporate them in the political structure of a "new" South African unitary state and you put a tradition of occupation and ownership that pre-dates 1910 at risk. Allow such states to retain land-rights while whites have been stripped of their sole rights and you perpetuate racism - which you have undertaken to avoid.

Yours is Hobsons choice.

My recommendations in this regard are:-

- (i) That you recognise the status quo which has evolved in this country over a period of nearly 500 years. That you give legitimacy to the existing TVBC states: that such states be incorporated in an economic association or Zollverein with all other Southern African states.
- (ii) That in the same way you restore to whites sole ownership of traditional white land in this country with realistic exceptions.
- (iii) Those exceptions would concern the major metropolitan areas. Such areas should be afforded the right to self-government in a manner of their choice.

The alternative if a settlement is to have any credibility and widespread acceptance is to apply one law to all "new" South Africans irrespective of colour and origin as regard all freedoms including the right to own land where they can afford to do so.

Patrick Buchanan , the man who is to challenge President Bush for the Republican nomination said in an interview

published this month in a South African Sunday paper
 "We have struggled for decades to assimilate black
 Americans into our society and failed. To deny that
 is to deny reality "

Let us hope CODESA is not determined to deny reality.

E. WORKING GROUP 5

Time frames and the implementation of Codesa decisions.

Codesa is neither a parliament nor is it a democratically
 constituted constitutional body.

It does not have the full support of the largest black group in
 this country, the 7-million strong Zulu nation: it has not got
 the support of the largest white cultural group the Afrikaner:
 it has not got the approval of the only solvent TVBC state
 Bophutatswana: it has not got the support of an untested Pan
 African congress: Ciskei is a dubious participant etc etc.
 In fact all it does have is support from the minute Democratic
 Party: the fast failing National Party, the untested ANC and
 coloured and Asian representatives who cannot claim to speak
 for more than 15% of their own peoples.

At best it is a discussion forum that might make representation
 or suggestions.

The question of implementation does not arise . I am sure that
 your body would not be so irresponsibility foolish as to think
 any decisions reached by Codesa could be imposed on the above
 anti-Codesa groups.

Codesa should be concentrating on formalizing reality not attempt
 to create a cloud cuckoo land.


 A. CLARK.

B.A. (Pol Theory: Wits) B.Ed. TTHD.

Submission attached!

Codesa invites groups to make submissions

CODESA is an important forum for finding a peaceful resolution to our country's problems and a way to a democratic South Africa.

By decision of the preparatory meeting which launched Codesa, it was agreed that only bona fide political parties/organisations and administrations should be accorded full participant status.

At the same time the organisers of Codesa wish to encourage the greatest possible participation by all interest groups from every walk of life. Provision has been made for all interest groups to make submissions to the five working groups of Codesa in order that these are taken into account in the deliberations of the Working Groups.

We wish to take this opportunity to invite and encourage South African interest groups to make written submissions to the responsible Working Group on matters relevant to its Terms of Reference.

The five working groups established by Codesa are:

● Working Group 1: Ac-

ording to its Terms of Reference it will be dealing with the following two issues; (a) creation of a climate for free political participation; and (b) the role of the international community.

● Working Group 2: Which addresses: (a) general constitutional principles; (b) constitution-making body/process.

● Working Group 3: Required to address the issue of transitional arrangements/interim governments/transitional authority.

● Working Group 4: Dealing with the question of the future of the TVBC States.

● Working Group 5: Time frames and the implementation of Codesa decisions.

The full terms of reference for each working group are available from the Secretariat of Codesa: tel (011) 397-1198, fax (011) 397-2211. Address: World Trade Centre, Kempton Park. Postal Address: P O Box 307, Isando 1600.

We would appreciate it if submissions reach us by March 2.

SS van der Merwe and Mac Maharaj
Codesa Secretariat
Johannesburg

Main actors at Codesa

BEFORE we all get carried away by what Codesa means to the people of South Africa we should take a long and hard look at who the people are that gather under that name. Here are a few examples:

1. The SACP which has the doubtful qualification that it represents about 20 000 people and an ideology that guarantees economic, social and cultural disaster. Every socialist government in history has disarmed its citizens and turned them into subjects of the ruling elite.

2. The ANC — still a liberation movement complete with terrorist army, arms caches and ideas of a "people's war" if they don't get what they want. The cherry on top is, of course, the fact that this movement is dominated by Communist!

3. The Transkei is represented by Bantu Holomisa. A man who came to power by means of a military coup. He hardly has the right to talk about democracy and respect for a constitution.

4. Ciskei — ditto.

5. Venda — ditto.

6. The Labour Party under Allan Hendrikse got the most votes during an election in which about 15 percent of the Coloured people cast their ballots. Hardly a sound basis for a claim that they represent the Coloured people of South Africa. They are also bedfellows of the Communist-dominated ANC via the Patriotic Front.

7. The Indians under Reddy — ditto.

8. The NP rules the country without a pro-mandate. By-elections have proved that it has lost the support of most of the White people in South Africa. It has definitely lost support of the majority Afrikaners, and as far as constitutions go, they in Gummibear land.

They also don't know their history, because they suggest a constitutional model that looks a lot like the one caused a civil war in Yugoslavia.

These then are the main actors at Codesa. I don't think we need take them very seriously.

W J GROBLER

Rand

Buthelezi not quitting

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wanted him to.

"I have no intention of resigning. I have never even considered it."

Chief Buthelezi returned from a visit to Switzerland and the US. In Switzerland he attended the World Economic Forum with State President De Klerk and ANC President Nelson Mandela, and in the US he addressed a number of organisations, including the the World Affairs Council.

He said many businessmen had expressed interest in investing in South Africa. Interest had also been expressed

in the negotiation process and the possibility of a political settlement.

Chief Buthelezi said the Inkatha Freedom Party had been "dragged" into signing the Declaration of Intent at the first plenary session of Codesa in December.

The IFP had been obliged to sign the declaration despite reservations. *CITIZEN*

This was a result of collusion between the ANC and the government. *17/2/92*

"Mr Mandela said at the time he had reservations about signing (the declaration), but after discussions with the State President was persuaded to sign.

"We (the IFP) were pressurised during the signing of the declaration. There was an effort to drag the delegation into complying with our reservations. Is democracy?"

He reiterated the danger of collusion between the National Party and the ANC. He said the IFP continued to exist, and Codesa could become a rubber stamp for decisions.

Chief Buthelezi refused to expand on

Asked if he thought the ANC and the IFP were conniving or issue of an interim government, he replied: "Your guess is as good as mine." — Sapa.



Mr Clark
P.O. Box 57
White River
1240

3/3/92

Thank you for your submission dated 17/2/92.

The submission has been forwarded to the relevant Working Groups for their consideration.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Murphy Morobe', written over a horizontal line.

Murphy Morobe

(CODESA Administration)