

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



SECOND PLENARY SESSION

**PERSONAL COPY:
M B W MOHAPI
[INTANDO YESIZWE PARTY]**

VOLUME III : 15 MAY 1992

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



SECOND PLENARY SESSION

DIRECT TRANSCRIPTION & RELEVANT DOCUMENTS

VENUE: WORLD TRADE CENTRE
KEMPTON PARK

DATE: 15 & 16 MAY 1992

TRANSCRIPTION PREPARED BY: SEEMAC TRANSCRIPTIONS CC
P O BOX 755
RIVONIA
2128

TEL : [011] 803 - 7640
FAX : [011] 803 - 3807

REF : ALMA ZULCH/AMANDA MACCALLUM/VAL FOURIE

15 MAY 1992

I N D E X

MR GORDHAN OPENS CONVENTION	- 284
PRAYERS	- 284
MR JUSTICE SCHABORT ADDRESSES CONVENTION	284 - 285
MR JUSTICE SCHABORT [AFTER AJOURNMENT]	286 - 288
MR JUSTICE MAHOMED	289 - 291
DR F T MDLALOSE [INKATHA FREEDOM PARTY]	292 - 293
MR JUSTICE MAHOMED	293 - 294
MR JUSTICE SCHABORT	294 - 299
<u>REMARKS BY:</u>	
REVEREND T J MOHAPI [DIKWANKWETLA PARTY] MR JUSTICE SCHABORT MR A RAJBANSI [NATIONAL PEOPLE'S PARTY] MR JUSTICE MAHOMED	300 - 302
MR P J GORDHAN [CHAIRMAN: MANAGEMENT COMMITTEE]	302 - 310

REMARKS BY:

MR JUSTICE MAHOMED MR B E KEIKELAME [BOPHUTHATSWANA GOVERNMENT] REVEREND T J MOHAPI [DIKWANKWETLA PARTY] MR P J GORDHAN	311 - 318
MR H J HENDRICKSE [LABOUR PARTY]	319 - 323
MR M N RAMODIKE [UNITED PEOPLE'S FRONT]	324 - 326
MR M C ZITHA [INYANDZA NATIONAL MOVEMENT]	327 - 328
DR D J DE VILLIERS [NATIONAL PARTY]	329 - 333
PRESIDENT L M MANGOPE [BOPHUTHATSWANA GOVERNMENT]	334 - 337
MAJOR-GENERAL H B HOLOMISA [TRANSKEI GOVERNMENT]	338 - 340
BRIGADIER O J GQOZO [CISKEI GOVERNMENT]	341 - 343
DR F T MDLALOSE [INKATHA FREEDOM PARTY]	344 - 346
PROFESSOR H M COOVADIA [NATAL INDIAN CONGRESS/ TRANSVAAL INDIAN CONGRESS]	347 - 349
MR A RAJBANSI [NATIONAL PEOPLE'S PARTY]	350 - 352
MR C HANI [SOUTH AFRICAN COMMUNIST PARTY]	353 - 356

MR C EGLIN
[DEMOCRATIC PARTY] 357 - 361

DR T K MOPELI
[DIKWANKWETLA PARTY] 362 - 365

PRINCE S S J MAHLANGU
[ITANDO YESIZWE PARTY] 366 - 368

PROFESSOR H W E NTSANWISI
[XIMOKO PROGRESSIVE PARTY] 369 - 372

MR I OMAR
[SOLIDARITY PARTY] 373 - 375

BRIGADIER M G RAMUSHWANA
[VENDA GOVERNMENT] 376 - 377

MR P J GORDIAN

CHAIRMAN (MANAGEMENT COMMITTEE)

1. OPENING OF CONGRESS

Let us first welcome, Distinguished Observers of the International Community, and Honoured Delegates. I am privileged to declare this CONGRESS 1. The first item on the agenda is the commencement of Prayers.

PRAYERS BY: BISHOP LORINGEN
RABBI ISAACS
PROF X WEBSTER

MR JUSTICE SCHAPORT

Let us now welcome Leaders, Dignitaries, Excellencies, Delegates and Honoured Members, Honourable Leaders of Delegations, Ladies and Gentlemen. The Management Committee has received a certain request...

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



C • O • D • E • S • A

SECOND PLENARY SESSION

DIRECT TRANSCRIPTION & RELEVANT DOCUMENTS

15 MAY 1992

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

1. OPENING OF CODESA 2

Ladies and Gentlemen, Distinguished Observers of the international community, and Honoured Delegates. I am privileged to declare open CODESA 2. The first item on the agenda is the commencement of Prayers.

2. PRAYERS BY: BISHOP LOBINGER
RABBI ISAACS
PROF K VORSTER

MR JUSTICE SCHABORT

Gentlemen Religious Leaders, Dignatories, Excellencies, Distinguished Visitors from abroad, Honourable Leaders of Delegations, Ladies and Gentlemen, the Daily Management Committee has received a certain

/request ...

request which I shall now read out to you, which they have passed on to us as the Chairpersons:

"The Daily Management Committee has received a request from Working Group 2 that CODESA Plenary adjourns for one hour and fifteen minutes in order to allow the Working Group a further opportunity to explore the possibilities of reaching agreement.

The Daily Management Committee has decided to support this arrangement, and to recommend to the Chairpersons accordingly."

Ladies and Gentlemen, we have given this request careful consideration. Given the situation facing CODESA at this moment, we have felt that we should accede to this request. The outcome of the deliberations in Working Group 2 are obviously of crucial and critical importance to CODESA 2 and beyond, and the time spent at this juncture may well be time saved in the long run. Accordingly this meeting will now be adjourned as requested for an hour-and-a-quarter, and other delegates are invited to treat this opportunity for tea-time purposes.

Thank you.

CONVENTION ADJOURNED AT 09h50

CONVENTION RESUMED AT 15h40

3. Chairpersons' opening remarks

MR JUSTICE SCHABORT

Ladies and Gentlemen, a delay of the kind that was experienced this morning can occur at Court and it is not so bad. It can also occur at a wedding which is bad. Seemingly it can also occur at a Plenary Session of CODESA, which is worse. However time well spent is never wasted and all's well that ends well. It must be understood that CODESA is a dynamic process and that hitches and blitches will occur which simply must be dealt with and must be suffered with patience. We thank you for your patience this morning; we also displayed an unusual measure of patience this morning. The coach is back on track and we shall proceed from where we left off.

I would like to make some opening remarks, albeit belatedly. I have the pleasure of welcoming you at this the Second Plenary Session of CODESA.

Dit is vir my aangenaam om u by hierdie geleentheid die Tweede Voltallige Sitting van KODESA te verwelkom. Die onsaglike vordering binne KODESA ter bereiking van sy oogmerke sal aanstons aan die lig kom. Daaruit sal sekerlik blyk dat Suid Afrika tot op die drumpel van sy toekomstige bestemming beweeg het. Onafwendbaar sal daardie bestemming in wesenlike opsigte 'n algehele breek met die verlede en 'n ingrypende nuwe begin behels. Dit is die werklikheid van die hede en daarin lê die uitdaging van ons toekoms.

/Die...

Die sukses waarmee hierdie uitdaging aanvaar word sal bepaal word deur die graad van geloof, hoop en liefde waarmee die inwoners van hierdie land gesamentlik die skouer aan die wiel sal sit.

In CODESA much water has flowed under the bridge since December when last we were assembled in this hall. Indeed, it has not been easy for those who have not been involved in the day-to-day activities in CODESA, amongst whom I must count my esteemed colleague and myself, to keep abreast of the bewildering array of developments, and to distinguish between fact and fiction, truth and rumour, in regard thereto.

Undoubtedly the nation so deeply affected by all these things would welcome this opportunity to be brought into the arena again to see and hear what has been accomplished by diligent and tireless effort, and what remains to be done to establish a democratic South Africa.

Apropos the events of this morning, let me say birth pangs are natural and even morbid signs may appear at the occurrence of such a magnificent event, but these are soon forgotten when the babe is in arms. Naturally the democratic South Africa envisaged by this Convention and by us all is one that would bear the hallmarks of a truly civilised state. In addition to creating a just political order, it would enshrine the supremacy of the law and establish conditions conducive to optimum peace, liberty, solidarity, stability, progress and prosperity in this region. This should not be beyond our reach. Where after all, Ladies and Gentlemen, could the brilliance be emulated of the many-faceted diamond which is the South African
/nation...

nation with its diversity of cultures and gifts.

As the leaders of political parties and institutions and organisations, you have come together again in these large numbers to do what must be done at this time; unavoidably must be done. That is to put your minds and hearts together to work out a future of this kind for the people of this country. Of course Ladies and Gentlemen, this is easier said than done. It is a mammoth task that you have been expected to assume, and that you have undertaken. But one, the attainment of which would bring untold relief for this land and provide inspiration far and wide to seek rational and peaceful solutions consonant with good conscience in situations vexed with equally daunting ethnic and other difficulties.

Surely if South Africa's problems can be resolved reasonably satisfactorily by negotiation, there must be hope for the world. The task is great, but the challenge irresistible, and the opportunity unique. As before, your efforts are being observed with trepidation but undoubtedly also with great expectation and profound goodwill from within and without the borders of South Africa. We shall endeavour to assist you to succeed in your purpose.

Thank you.

I call on my esteemed colleague to make his opening remarks.

MR JUSTICE MAHOMED

Mr Justice Schabort, Honoured Delegates and Friends, the launch of CODESA 1 was truly a momentous occasion for our nation, because for the first time in its sad and very troubled history, its political leaders unanimously made a public and written commitment to turn their backs away from the monstrosity of apartheid which has inflicted so much devastation and pain and misery for so many for so long in the service of an ideology which was ethically indefensible in its content, always politically divisive in its execution, and economically disastrous and impossible in its application.

Much has happened since that commitment by us in November and December to build a brave new world and a democratic future for our beloved land among the free nations of the world. With energy and scholarship, with passion and intellectual vigour, with faith and with rigour our Working Committees have sought to give shape and substance, direction and momentum, leverage and effect to the romance of our articulated commitment. The results are the weighty documents before you for all to see, to absorb and to review, concentrating hundreds and hundred of hours of intense debate and deep anxieties, continuing right up to this moment.

The challenge is not to interpret our society through it, but to change it with the urgency our people are entitled to demand of us through the power of our minds coalesced with the generosity of our spirits. The alternative to this is total disaster.

/In ...

In spite of our ideological and theoretical commitment to a democratic future, South Africa still remains a land in which the legacy of apartheid dominates our political structures, impoverishes its economy, de-legitimises its instruments of discipline and authority, divides its citizens and catalyses chronic levels of debilitating violence. Only an urgent transition to a meaningful and effective democracy, sustained by the vigour of a human rights culture, can bring stability to our lives, release the stunted creative energies of our nation and its people, restore the legitimacy of our national institutions, revitalise our economy, and return us to the unqualified bosom of a caring international community of equals thriving on reciprocity.

It is this perspective of urgency which I would respectfully ask delegates to bring to bear in mind in identifying the spirit which must inform our debates today and tomorrow. Let not our fears and our angers, our insecurities and our frustrations distort this perspective of urgency. Let not our ambitions and our egos consciously or unconsciously pervert our courage to do what we know has to be done now. Let us not allow the logical consequence of our intellectual commitments to be impeded by the emotional residue of a preceding era founded on racism. Let us move with integrity and joy to a new future. It is this spirit in The Way Forward which will set us free into new visions of freedom bringing hope and renewal, love and an enduring and defensible peace for us and our children in this long-suffering land.

I thank you.

4. 4.1 Adoption of addendum to the Declaration of Intent and the signing of the Declaration by the IFP

Our next item on the agenda contains positive news. The reservations which had precluded our friends from Inkatha from signing the Declaration of Intent on the previous occasion have now been resolved in consequence of an amendment which has been proposed and which reads as follows:

"For the avoidance of doubt as to the interpretation of the Declaration of Intent, it is declared by its signatories that irrespective of their individual interpretive views thereof, no provision of the Declaration interpreted alone or in conjunction with any other provision thereof shall be construed as:

1. Favouring or inhibiting or precluding the adoption of any particular constitutional model, whether unitary, federal, confederal or otherwise consistent with democracy.
2. Preventing any participant from advocating the same or the separation in terms of any constitutional model of powers between a central government and the regions during the proceedings of CODESA or any of its committees or working groups.
3. And that its addendum shall be added to and form part of the Declaration."

Is there any opposition to this proposed amendment to the Declaration of Intent? I take it that the proposal is therefore adopted. I therefore am privileged and delighted to call upon the Leader of Inkatha to join the podium and sign the Declaration of Intent, and say a few accompanying words.

/My ...

DR F T MDLALOSE
INKATHA FREEDOM PARTY

My Lords, Mr Justice Mohamed, Mr Justice Schabort, Mr State President, United Nations Representatives present, Members of the European Community here present, Members of the Organisation for African Unity that are here, Members of the Non-Aligned Movement here present, Members of the Diplomatic Corps here present, Honoured Guests, Ladies and Gentlemen.

In December last year the Inkatha Freedom Party did not find it possible to sign the Declaration of Intent because it was felt that some of its wording was ambiguous and could be construed to commit those who signed it to establish a unitary state in the new South Africa. The Inkatha Freedom Party is committed to the politics of negotiation and to CODESA. It sought therefore to remedy what it regarded as deficiencies in the Declaration of Intent. It submitted draft amendments to CODESA's Management Committee. I am pleased to announce that the amendments were given due consideration.

The Inkatha Freedom Party sought these amendments to ensure that none of its provisions, standing alone or read in conjunction with other provision or provisions, could be construed to commit signatories to it to a unitary state solution for South Africa's problems. The Inkatha Freedom Party now states that it is satisfied with the wording of the addendum to the Declaration and is pleased to announce that it intends today to become a signatory to it.

In making this decision, the Inkatha Freedom Party was guided by its deep conviction that the process of nation building is a process of

/entrenching...

entrenching democracy in society by addressing the interests of individuals and groups in South Africa's heterogeneous society. We are committed to national reconciliation; bringing people of different racial, cultural, ethnic and political groups together in peace and unity.

In conclusion, for community needs to be met and the process of regional empowerment to begin, the heart of the government must be brought to the people. All South Africans must be allowed to participate in the future government of this country. We seek a transition through democratic means and commit ourselves to a negotiated political settlement to establish a new consensus government in an open democratic society.

I thank you.

MR JUSTICE MAHOMED

4.2 Message from the Youth

The next item is also a positive piece of news. The deliberations in which we are engaged and the future that we seek to articulate will impact upon the youth of this country more directly and for much longer than for many of us. It is therefore a matter of profound importance for us to know that the negotiation strategy in which we are engaged has the enthusiastic support of the youth of this country whose future we seek to deliberate upon. I'm happy to say that we have received spontaneously an enthusiastic message of support from some eight youth organisations representing many, many thousands of youth

/in...

in this country who have deeply been traumatised by the history of this country since 1976 at least.

I have great pleasure in communicating to you the contents of their unanimous declaration which will be read to you by my esteemed colleague, Mr Justice Schabort.

MR JUSTICE SCHABORT

Thank you, Mr Justice Mahomed.

Ladies and Gentlemen, I am greatly privileged to be the voice of the Youth on this occasion. Bear with me, it is a fairly long document but it is of great moment that we take cognisance of its contents.

"Youth Declaration on CODESA 2

A message of support to our leaders, our people and the youth of South Africa

Introduction

We, the youth of South Africa, represented by the following organisations:

1. African National Congress Youth League
2. National Party Youth Action
3. Democratic Party Youth
4. Inkatha Freedom Party Youth Brigade
5. Intando yeSizwe Party Youth
6. Inyandza Youth Congress
7. Labour Party Youth
8. Ximoko Progressive Party Youth Wing

/hereby...

hereby together declare our appreciation of the importance of CODESA 2 which sits on 15 and 16 May 1992. It is our firm belief that CODESA, given a chance and respect by all participants, affords the people of our country, black and white, the opportunity to resolve the conflicts besetting us in an amicable and peaceful way.

We commend our leaders

We, as youth organisations, wish to commend our leaders for the courage they have displayed since the first sitting of CODESA. We note the problems that have arisen in the way and once more praise the boldness with which our leaders have acquitted themselves in trying to surmount them.

We however note the critical points of difference and disagreement that still stand between us and a democratic solution. It is our firm belief that as they gather on 15 and 16 May, it shall occupy their minds that the country and its peoples, the international community and our future look to them to resolve these differences and disagreements without delay.

CODESA 2 must succeed

The progress made since CODESA 1 has aroused the expectations of the people of our country. An optimistic mood prevails upon our people, the majority of whom are youth. There is an expectation that CODESA 2 should irrevocably take the negotiations process forward. In doing so it should remove all uncertainty, confusion and suspicion about the levelling of the political playing field

/and...

and pertinent problems that might lead to unnecessary acrimony in the future.

This mood from the majority of our people is, unfortunately, threatened by the detractors and opponents of peace who want CODESA to fail. This threat and looming danger to democracy should serve as an exhortation to all to make CODESA 2 in particular and the negotiations process in general, deliver.

CODESA: an all-inclusive exercise

We take this opportunity to appeal to political organisations and parties that are still outside CODESA to join hands with their fellow South Africans at CODESA and be part of the effort to make a clean and final break with apartheid, intimidation, violence and domination. A similar understanding is called upon from those at CODESA to enable every deeming South African to participate. We simultaneously enjoin all youth organisations to join us in our call and support for a peaceful resolution of the problems of the country.

CODESA: the youth and the future

To our leaders we say: your decisions will have a large bearing on the immediate and long term future of the country. We therefore attach singular significance to the task that rests on the shoulders of those leaders at CODESA. By virtue of being the heirs of whatever destiny you set for us, we have no reason but to expect that our wishes will receive your kind appreciation. Your ability to resolve our problems with deliberate speed will

/enhance...

enhance the possibility of creating a prosperous future for our country and its people. This is a result we expect. It is our appeal that you not disappoint us.

We declare our support

We and the organisations listed below, representing different ideological and political persuasions, once more declare our preparedness to support and reinforce your efforts at resolving the problems facing our country.

We commit ourselves to spare no effort in striving to make your agreements realisable. We collectively acknowledge that, in order to arrive at a result acceptable to all, compromises will have to be made by all sides. We hope this noble principle of negotiations will be assisted by a willingness to rise above sectional and bigotted self-interest. It is our firm belief that the common interest of all South Africans - black and white and as citizens of one united country - will preponderate for the good of us all.

Let us embrace peace

To all our people - black and white - in all the different communities, we say: let us rise and together reach forward and embrace peace. It is important at this crucial moment that we all foreswear violence and give peace a chance. Let us all stay away from killings. It is our firm view that negotiations can only take place, and be successful, in an atmosphere of political tolerance and a climate of free political activity. We, the

/youth...

youth, implore our people to join hands in making South Africa a home for all.

Our commitment to the future

The success of CODESA 2 will serve as an example and encouragement to us, the youth, to come together, across the political divide, and begin a process of building an all-embracing youth unity and patriotism. A unity that should encourage and promote an advance to a non-racial democracy and peace.

Our leaders can rely on our prayers and blessings for their participation, which should eventually lead to the success of CODESA 2 in particular and CODESA in general.

Let CODESA 2 succeed!

Let us all make CODESA work!

Other organisations party to the Declaration

1. Catholic Students Association
2. Congress of South African Students
3. Federasie vir Afrikaanse Kultuur Vereniging (Jeug)
4. Girl Guides Association of South Africa
5. Jong Dames Dinamiek
6. Junior Chamber of Commerce and Industry
7. Junior Rapportryersbeweging
8. Muslim Youth Movement
9. National Catholic Federation of Students
10. South African Association of Youth Clubs

11. South African Catholic Bishops Conference Youth Division
12. South African Students Congress
13. South African Union of Jewish Students
14. Students Union for Christian Action
15. Young Christian Students

5. Adoption of Conference Procedure

Ladies and Gentlemen, the next item on the agenda is dealing with the procedures to be followed at this meeting. It is not necessary really at this stage to say anything further about that aspect since it was intended that there would have to be certain alterations made to time schedules and so on, and those matters would come up in due course when those particular items are reached.

Ladies and Gentlemen, under the item Adoption of Conference Procedure there is a request by Rev T J Mohapi - that is the item that I was mentioning and that I had suggested would really come out in the wash of the rest of these proceedings. He is representing the Dikwankwetla Party, and I take it that you have no objection to him saying what he has on his heart.

/Mr Chairman...

REV T J MOHAPI

DIKWANKWETLA PARTY

Mr Chairman, with all due respect it's in connection with the procedure. Actually I, at this late stage now in the day, would like to raise an objection to the adoption of this agenda as a whole; not as a whole, I'm sorry, but certain points. Because on the 11th of this month we received a fax saying that the leaders of political parties would be given a chance to have their inputs at the closing of the whole Convention - closing remarks. But I see in this agenda Mr Chairman, there is nothing that has been written of that sort. So I would propose that we should add an item there 7.1.3 for their inputs or the speeches that they have prepared. Because they have been made to know that they will be making speeches here.

MR JUSTICE SCHABORT

Ladies and Gentlemen, as regards this issue, we would like to have the views of the Management Committee and hear also what the other delegations might have to say in this connection. If there is no objection, if it was intended that they would be afforded this opportunity - to these traditional leaders - to address this Convention, then obviously they must be fitted in somewhere.

REV T J MOHAPI

DIKWANKWETLA PARTY

Mr Chairman, a point of order; not traditional leaders but the political leaders that are here and organisations - leaders of delegations.

/I ...

MR JUSTICE SCHABORT

I regret Reverend Mohapi, my note was incorrect; it mentioned traditional leaders. So there you have it, Ladies and Gentlemen; is there no objection in principle that that be done?

MR A RAJBANSINATIONAL PEOPLE'S PARTY

Mr Chairman, our party's view is that while Rev Mohapi's request is reasonable and what he stated is correct, there was a subsequent discussion and decision by the Daily Management Committee and the Management Committee, that this item will not appear on the agenda. But I want to propose that in view of the fact that we've already lost time and if that item is added on it will create a lot of problems, I want to suggest that if we have - possibly later this evening - the DMC could consider this request, and also accommodate this request in item 7.2 where a delegation is allocated ten minutes.

MR JUSTICE SCHABORT

I think the gist of what has been forthcoming from the National People's Party, Ladies and Gentlemen, is this; that this matter be relegated to the Daily Management Committee which would appear to be the probably wise decision at this time. That we don't have a discussion about this matter now, that they can consider and report back and see what can be done. We are working as it were, behind schedule and this must necessarily be borne in mind. Would that be carrying

/your...

your approval? Very well, then this is an aspect which is being referred to them at this stage.

Thank you.

MR JUSTICE MAHOMED

6. CODESA Working Group Reports and the tabling of the Gender Advisory Committee Report

Our next item is the report of the Working Groups and this topic should best be introduced by an analysis by the Chairman of the Management Committee who can give us an overall view of what the state of play is in the different Working Groups. We can thereafter decide how we proceed with the deliberations of this Conference in the light of that analysis. I have pleasure in calling upon the Chairman of the Management Committee to give us this overview.

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

Chairpersons, Eminent Representatives of the United Nations, the Organisation of African Unity, the Commonwealth, the Non-Aligned Movement and the European Community, Heads of Nations and Leaders of Delegations. On behalf of the Management Committee, I present this report on agreements and regrettably also lack of agreements, in the various Working Groups that were established by CODESA 1.

"1.1 The adoption of the Declaration of Intent at CODESA 1 effectively established CODESA as a negotiation forum to set in motion the /process...

process of drawing up and establishing a democratic constitution for South Africa.

- 1.2 By means of the Terms of Reference of the five Working Groups as set out by CODESA 1, CODESA participants sought to give practical effect to the way in which this objective could be realised through the negotiation process.
- 1.3 More specifically, Working Group 2 was entrusted with the task of negotiating a set of constitutional principles to be enshrined in the constitution and of making recommendations on the appropriate body/process to draft such a constitution.
- 1.4 Having addressed the task of giving content to the goal of the CODESA process, other Working Groups were established in order to take into account current realities in the country and shape them into practical measures which would enable us to move from the present conjuncture to the expressed goal of CODESA.
- 1.5 Accordingly, Working Group 3 was required to make recommendations with regard to the manner in which the country may be governed and managed during the introduction of a democratic constitution.
- 1.6 Working Group 1 was required to address itself to the creation of a climate in which all individuals and organisations can participate freely, without interference or intimidation, in all political activity. In this context it was also charged with the task of making recommendations with regard to the role that the international community and/or organisations could be asked to play in the formal and informal processes involved in the transition to a democratic government based on the democratic constitution which participants were seeking to create.

/In...

- 1.7 In the same context, the future of the TBVC states was assigned to Working Group 4.
- 1.8 In order to ensure that agreements reached in CODESA are recorded and implemented, Working Group 5 was required to report on the mechanism to translate agreements into properly documented form and draft legislation and establish time-frames and target completion dates for all the processes and assignments undertaken by CODESA.
- 1.9 In the course of the functioning of the Working Groups it became apparent that in numerous areas the tasks of one Working Group overlapped and were intertwined with the tasks of another Working Group. Furthermore, agreements arrived at in some of the Working Groups, derive their significance when they are located around the tasks that Working Group 2 and 3 were charged with; namely, the nature of the constitution making body and processes as well as the interim/transitional mechanisms defining how the country would be governed in the period leading to the drafting and adoption of a new democratic constitution.
- 1.10 The way in which the summary of agreements is presented in this document, is aimed at enabling us to see how far the process has taken us. Such an evaluation also provides a framework for addressing the manner in which we may wish to implement the agreements as well as to attend to outstanding tasks.
- 1.11 Against this background, the reports of four Working Groups are submitted to CODESA 2."

You are no doubt aware that at this stage Working Group 2 is not in a position to deliver a report, a matter that I will address shortly.

/This...

" 1.12 This summary of the agreements reached in Working Groups 1 to 4 must be understood in the context that the actual agreements reached as recorded in the Working Group reports which constitute the definitive version of what has been agreed upon. The reports from the Working Groups are tabled before CODESA 2 with the expectation that, after discussion at plenary, they will be adopted as formal agreements reached in CODESA."

The Daily Management Committee met with the Steering Committee of Working Group 2 after its meeting today, and that was during the lunch-time. The Steering Committee reported that there was no agreement on certain outstanding issues, whilst some progress had been made in the Working Group. As a result no package of agreement is available for consideration by CODESA. It is for CODESA 2 to determine how this matter is taken further.

" 2. Summary of agreements reached to date

2.2 Working Group 3 agreed on a two-phased approach in respect of the interim/transitional arrangements. The first is a preparatory phase premised on facilitating the transition to a democratic constitution, and, in particular, the levelling of the playing field, and ensuring a climate favourable to free political participation and the holding of free and fair elections.

2.2.1 Working Group 3 elaborated the structures necessary for phase 1, their powers and the manner in which decisions would be taken. There will be an overarching Transitional Executive Council which, together with its

/sub-councils...

sub-councils, to be vested by legislation with powers necessary to enable them to carry out their functions. The transitional executive structure will function in conjunction with the existing legislative and executive structures and is to be constituted by legislation agreed to by CODESA. Some of the powers and functions that it should have are spelt out in the Working Group Report.

- 2.2.2 The Terms of Reference of the Transitional Executive Council shall be the facilitation of the transition to a democratic constitution, including the levelling of the playing field, and it shall ensure that a climate conducive to free political participation and the holding of free and fair elections, exists.
- 2.2.3 The Transitional Executive Council will consist of at least one member of the governments/administrations who commit themselves to comply with and implement its decisions and at least one member each of the political organisations participating in CODESA, making the same commitment. Other parties not presently in CODESA can be admitted by the Transitional Executive Council.
- 2.2.4 Members of the Transitional Executive Council will be full-time executives.
- 2.2.5 The sub-councils shall operate within the same terms of reference, but shall be given specific responsibilities in particular areas of concern which will be identified for each sub-council. Every sub-council will have a multi-party character and will ordinarily consist of up

/to...

to six members.

2.2.6 The following sub-councils were agreed upon and their areas of responsibility described:

- Regional and local government
- Finance
- Law and Order, Stability and Security
- Defence

2.2.7 Regarding the sub-council on Foreign Affairs it has been agreed that, due to the unique character thereof, there is need for broader discussion concerning it.

2.2.8 It was also agreed that there be an Independent Election Commission with responsibility for the holding of free and fair elections. The Working Group agreed to a statutorily established Commission/Authority concerned with the media which will be institutionalised in accordance with recommendations made by Working Group 1.

2.2.9 There may be a need for an election sub-council to provide services and information to the Independent Election Commission. The Transitional Executive Council will decide whether or not there is a need for such a sub-council.

2.2.10 The Independent Election Commission will be independent of the Transitional Executive Council and will consist of respected and suitably qualified persons drawn from the broad cross-section of the population. Its composition, powers and functions shall be provided for in legislation to be agreed upon by CODESA.

2.2.11 The Transitional Executive Council and sub-councils will

/endeavour...

endeavour to take their decisions by consensus. Where consensus cannot be achieved, a majority of at least 80% will be sufficient for a decision. If a party is of the opinion that a minority view should have prevailed, the matter can be referred for adjudication to the Independent Election Commission.

2.2.12 All these structures would be constituted by legislation agreed to by CODESA.

2.2.13 It was agreed that the agreement reached with regard to phase 1, as well as its implementation, would be dependent upon agreement being reached by CODESA in respect of phase 2, including the interim constitution and the general constitutional principles."

You will understand that in view of the fact that CODESA Working Group 2 has not been able to arrive at agreements on these matters, this has serious implications for taking this matter further today.

"2.3 Working Group 4 agreed that the TBVC states will participate in the phase 1 arrangements agreed upon by Working Group 3 on the understanding that these arrangements shall impact mutatis mutandis on the TBVC governments and territories in the same way as they impact upon the South African government and the territory of the RSA. Furthermore the people of the TBVC states shall take part fully in the processes of constitution-making and transitional arrangements, including elections as may be proposed by Working Groups 2 and 3. Their participation will be arranged in such a way that their votes in a national election

/shall...

shall signify support for, or rejection of, reincorporation thus constituting a test of the will of the people. This would lead to the restoration of the South African citizenship to all citizens of the TBVC states who would have been South African citizens had the TBVC states not come into existence.

2.4 Working Group 1 has arrived at a number of agreements on principles in regard to various elements involved in the creation of a climate for free political participation. It has also reached agreement on certain courses of action to be taken with regard to specific issues. Because they are highly detailed, we refer you to the full Working Group Report.

2.5 Working Group 5 tried to formulate a working plan which would ensure the speedy implementation of any agreements which would be reached in Working Groups 1 to 4. It has not been possible for Working Group 5 to attend to any of the agreements set out above because they were arrived at recently and this did not allow sufficient time for Working Group 5 to attend to them. Together with the Daily Management Committee, it has agreed on the need to establish a Drafting Committee which will ensure that suitably qualified experts will be drawn into the task of drafting legislation flowing from agreements reached at CODESA.

3. Gender Advisory Committee Report

3.1 The Management Committee also established the Gender Advisory Committee whose main task is to evaluate, look into and recommend on, the gender implications of any decision which may be taken by any of the five Working Groups. The Gender Advisory Committee has since prepared a report which had to be considered by the Working Groups. We take this opportunity to table, formally, the
/report...

report prepared by the Gender Advisory Committee.

A number of outstanding matters have been tabulated and will be tabled under item 7.1.2 of the agenda. Recommendations will then be made on how they should be dealt with under The Way Forward.

Ladies and Gentlemen and Delegates, there is no doubt that the Working Groups, as you can see from this report, have achieved much in the course of their work. However the centre-piece that we have been awaiting, an agreement on the constitution making body and process remains unresolved.

The South African people, and indeed the international community, await a constructive outcome of the negotiation process. I believe that we have a responsibility not to fail them. It is for this plenary session then to determine how the matter of the constitution making body and process is to be resolved.

Thank you very much.

/That ...

MR JUSTICE MAHOMED

That overview establishes the very substantial areas in which there is very substantial consensus by a wide group of political opinion. It is necessary to say that because it is possible to concentrate on differences which exaggerate the areas of difference and minimise the areas of agreement.

It is also necessary to emphasise that in relation to Working Group 2 itself, there is already very substantial progress on very fundamental issues such as the conferment of power for constitution-making upon bodies which are representative and where the building block is based on adult universal suffrage, for so long a pathological absence in our society. But the events of this morning have shown that there are areas with regard to these matters which require further discussion, negotiation and review. Now that raises the question of the next item on the agenda. If your agenda is the same as mine, you will see that para 6.2 and 6.3 and 6.4 and 6.5 are premised on an assumption which might no longer be true.

Order of Order, Mr Chairman.

6.2 Discussion on agreements in Working Group reports

6.3 Adoption of the Working Group agreements

6.4 Outstanding matters from Working Group reports

Why am I being interrupted? May I finish please.

My learned colleague and I have given anxious thought to the desirability and the wisdom of proceeding with such items at this stage when there might have to be some serious restructuring of the ultimate package pertaining to the work of Working Group 2. It might even be that some of the reports on which there is consensus in the other Working

/Groups...

Groups might be affected by the assumptions previously contained with respect to the work of Working Group 2. Notwithstanding very substantial and encouraging progress, my colleague and I, after anxious deliberation, have formed the view that we should at this stage promote item 7 which is: Way Forward; instead of going to para 6.2 to 6.5. This approach will enable the Convention to address its mind to the most fruitful and productive development in the negotiation process following upon our failure to complete the final recommendations of Working Group 2. These are our strong prima facie views, and unless there is strong opposition thereto, it is our proposal that we proceed to item 7 in which The Way Forward will be discussed, including the illumination of the way in which it will take us to a resolution of the problems in Working Group 2. If this suggestion is not strongly opposed ...

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

On a point of order, Mr Chairman.

MR JUSTICE MAHOMED

Why am I being interrupted? May I finish please.

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

You are welcome to finish Mr Chairman; on a point of order if you

/allow...

allow me. We have made a request that after the reports have been given we would like to speak. On a point of procedure I would like to ask you to allow us to do exactly that.

MR JUSTICE MAHOMED

Well, you will have to identify what your point is. I don't propose to give you an open-ended permission to...

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

With reference to Group 4 as well as the report of the Daily Management, we want to comment on those items.

MR JUSTICE MAHOMED

I don't regard that as a point of order.

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

The report did not include our objections and the reservations that we mentioned. Therefore on a point of order, we need to do just that.

MR JUSTICE MAHOMED

I rule that is not a point of order, but I will give you an opportunity

/in...

in The Way Forward to express your difficulties in this regard.

Unless there is opposition to the idea of promoting the discussion on The Way Forward, it is the intention of my learned colleague and myself to then proceed with The Way Forward without any restriction whatsoever on the right of the Bophuthatswana delegation or any other delegation, to express its dissatisfaction with any aspect of the reports of the Working Groups. But this suggestion is subject to a qualification which is being forced on us for purely logistical reasons.

The contemplation was that the discussions on The Way Forward will allow ten minutes for each speaker. In view of the time which has elapsed, it is not possible logistically to meet this ambition; notwithstanding the fact that we propose extending tonight's session to seven o'clock. We therefore propose to limit from ten minutes to seven minutes. I would like to hear if there is any objection to this procedure of promoting the item and limiting discussion by three minutes. If there is no strong opposition - and even if there is one - we might then make a ruling.

REV T J MOHAPI

DIKWANKWETLA PARTY

Sir, I would like to object to your proposal, because this is going to give us a temptation that people will talk over that seven minutes because the speeches or the inputs that they prepare might be longer than the seven minutes. So I would plead with you sir, and the House

/that...

that this ten minutes stays.

MR JUSTICE MAHOMED

I have no problem with the ten minutes, my problem is simply to accommodate logistically the time. Let me say something which will have to be said at some point or another. When we allocate times to speakers it simply confers a right; not an obligation. No person should feel compelled to speak for the allocated time if he does not have anything meaningful to say after three minutes have expired. No person is obliged, from loyalty or literary variety, to repeat what has been said before him. I have discovered in my years on the Bench in different countries, that no point made a second time becomes stronger than it was made the first time. Although I've known of occasions when it does become weaker on the second time. I want to take this suggestion from the Chairs in two parts.

The first is the promotion of the agenda; the second is the restriction on time by three minutes. Can we take the first one; is there any objection to the promotion in the agenda?

RESPONSE FROM THE FLOOR

No.

/That's ...

MR JUSTICE MAHOMED

That's wonderful. Somebody has spoken for all of us. I'm glad. Now that's done.

We have an objection that the time should remain ten minutes, and I would like to hear any other views in support thereof, if there are any, regard being had to what I've said about logistical pressures and regard being had to what I have said about my experience in repetition.

MR B E KEIKELAME

BOPHUTHATSWANA GOVERNMENT

Mr Chairman, my name is Keikelame. It seems your logistical pressures are more important than the matters that should be deliberated in this meeting. This is our meeting you are conducting and therefore you have to speak to the procedures that are laid down by the Daily Management. I really don't see how, in your esteemed decisions, you can just impose and bulldoze this meeting, that it should go along the way you want. Mr Chairman, we should stick to the procedures as laid down by the DMC, and if a delegate here would like to comment on anything here, the procedure is he's given the time to do so. And I believe that the logistics of this morning is because of the time that we waited for issues to be discussed, not because we want to accommodate the Chairman. Please.

/Let me...

MR JUSTICE MAHOMED

Let me make one thing clear. When I talked of logical pressures, it has nothing whatever to do with me or my learned friend. The logistical pressures I'm concerned with, are the pressures simply from the age-old truth that there are 24 hours in a day, and I don't know how to extend that. I have yet to discover the way. It has nothing whatever to do with our convenience. If there is a way in which you can make the minutes go slower, I have no problem.

As to bulldozing and giving the right to the Management Committee, I would like to hear, Management Committee, whether you are about to be bulldozed by me or not.

MR P J GORDHANCHAIRMAN : MANAGEMENT COMMITTEE

Mr Chairperson, I think in all fairness, the participants of CODESA need to understand firstly that the Daily Management Committee was entrusted with the responsibility of ultimately deciding on how this process is to be managed.

Secondly, I think it's also important, and rather unfair, that the Chairpersons are held responsible for the logistical difficulties that we have created ourselves.

Thirdly, the decision to constrain contributions to the Plenary Session were not taken by the Chairpersons; they were taken by the Daily Management Committee.

At the same time, I think we have an understanding that if there are urgent matters to be addressed, there will be a level of

/flexibility...

flexibility that the Chairpersons may exercise. May I respectfully suggest to the participants, Mr Chairperson, that we get down to the substance of our discussions and let us see how we can accommodate each other as far as time is concerned.

MR JUSTICE MAHOMED

Do I understand that the seven minute suggestion is supported by the Management Committee?

MR P J GORDHAN

CHAIRMAN : MANAGEMENT COMMITTEE

That is the decision of the DMC. Thank you very much.

MR JUSTICE MAHOMED

Is there any other opposition to these two suggestions.

RESPONSE FROM THE FLOOR

None.

MR JUSTICE MAHOMED

Right, then we will proceed. How wonderful, this support is magnificent. That means that we can launch into the discussions. If you will all follow the procedure of indicating who wishes to speak. There are persons who will communicate these requests to us at the Chair, and we will meet them in a fashion which is fair and realistic. I have several requests which we will deal with. There's one other thing that I should have qualified, and that is that there is a procedure of borrowing and giving minutes between different speakers. The first person whom I will call on in this regard is Mr H J Hendrickse.

/MR H J HENDRICKSE...

MR H J HENDRICKSELABOUR PARTY

Honourable Chairmen, Honoured Guests, Ladies and Gentlemen, I think the tone of my thinking, and perhaps yours also, was set by Prof Dr Vorster, who said this morning in his prayer that we cannot take the guilt and filth of our contamination of the past with us, although it clings to us. Hy het gesê, mnr die Voorsitter:

"Dit smet van ons sonde kleef aan ons. Kom ons bely dat ons harte verhard is."

It is absolutely essential that as we look at the future, we must for a moment consider the impasse that was reached which prevented our full participation in CODESA. It is so, Mr Chairmen, that it is for many of us a day of gladness because of the successes that have been achieved; because of our appreciation to all persons participating on all Committees, for their perseverance, their dedication and for their willingness to make so great a sacrifice in order to achieve success.

But it is also a day of sadness in the sense that, having created CODESA itself, having created and generated higher expectations amongst South Africans of all walks of life, and of all political persuasions, that we as a nation now would appear to be at a dead-lock before we really can think of The Way Forward.

It is important that we realise that we are here standing to negotiate and to resolve the political destiny for the first time in our troubled history. That there is a real opportunity to transform the hegemony of minority rule into a true and genuine democracy. And it is the genuine democracy that I'm sure that we

all seek. South Africa was afforded the opportunity through the CODESA process, to join or re-join the community of the free nations of the world and it was with sadness then that we learned that no agreement was reached in Working Group 2 that dealt with the general constitutional principles, and the constitution-making body. And to again emphasise, as has been done by so many leaders in the past, that our future lies in the willingness to compromise; our future lies in the willingness to give and take. Unless we are going to accept that willingness, then the road ahead certainly stands in danger.

It is not possible, Chairmen, to understand the political debate today unless we examine briefly the political consequence of the last forty years of apartheid in South Africa.

At CODESA today, and the impasse that we are experiencing, we are dealing with a National Party Government that has grossly abused their political power, and again demonstrated this this morning. They have in the past emasculated the Constitution by immorally removing voters from the common Voters Roll by virtue of the colour of their skin; in 1936 our African brothers and in 1957 ourselves. They trampled on the inalienable human rights of citizens of South Africa to the extent that they made this country the polecat of the world. It's ironic that the same political party which has committed atrocities with regard to human rights, is now posing as the great champion of human rights, the champion of human rights ideal for a democratic South Africa.

/The...

The present position, Chairmen, is that we find the National Party Government with its back against the wall declaring that they want a democracy, but still trying to maintain their minority monopoly of political power. not realising that they represent only 5% of the total South African population.

The Government's commitment to the establishment of a genuine democracy is seriously being questioned because of their unwillingness to compromise and meet the demands of the majority. It is clearly evident that an irreversible commitment to this process is lacking. Instead of this commitment, the National Party continues to cling to power at all costs. And we say that here, a lack of courage to face the future in spite of the past is what we cannot carry with us into the future.

The furthest the National Party is prepared to go is to co-opt the major democratic forces into the structures of Government, without relinquishing their minority domination of power. It is against this background I believe that Working Group 2 has failed to resolve the problems relating to the establishment of a constitution-making body and it remains one of the malicious objectives of the Government, to maintain a minority veto over the decisions of a democratically-elected body.

And the process of this so-called democracy is very clearly seen, for instance in their proposals for the new City Council of Kimberley, where the minority White people will elect 12, and

/thereafter...

thereafter the Coloured voters will elect 4; the Black voters will elect 7; and the Indian voters will elect 1, which is a demonstration of the sort of proposals of the new South Africa, and the retention of the power which they are seeking.

I believe that today sees and demonstrates to us the inadequacy of the National Party Government to move in terms of the demands of the society and of the times. We see them now as obstructionist, distortionist, uncompromising, which is the essence of the future, and certainly intransigent.

We have seen Mr Chairmen, that there was an acceptance of universally accepted checks and balances, but this did not suffice. What the National Party really wants is that the rotten corpse of apartheid must continue to rule from the grave. We believe that Working Group 2 came agonisingly close to consensus of the issue of a constitution-making body, and without that consensus I do not see how we continue on the road ahead.

When the National Party Government, Mr Chairmen - what was disturbing - on the verge of a breakthrough, came at the eleventh hour with a proposal for an undefined Senate with the power to veto the Constitution drafted and adopted by the democratically elected National Assembly. The Labour Party rejects, with contempt, this last minute attempt of a derailment of reaching consensus on the constitution-making body. The Labour Party wishes to state very clearly that, in spite of our initial demand for a 66,7% majority, we were prepared to compromise and that the constitution be

/approved ...

UNITED PEOPLE'S FRONT

approved by a 70% majority, with the exception of the Bill of Rights which should be approved by a 75% majority in the National Assembly. I thank you, Chairmen.

MR JUSTICE SCHABORT

Thank you, Reverend.

Ladies and gentlemen, the next speaker is Mr Nelson Ramodike of the United People's Front. This delegation has already ceded, made over and transferred two minutes of their allocated seven minutes to the African National Congress. Accordingly, Mr Ramodike will be afforded five minutes.

/MR M N RAMODIKE ...

MR M N RAMODIKE
UNITED PEOPLE'S FRONT

Chairpersons of this Convention, Leaders and Delegates from various political organisations and political parties, our special guests from both the Organisation of African Unity and the United Nations, as well as the Secretary-General of the British Commonwealth of Nations, Dignatories present here, my Countrymen, it is indeed a pleasure for me to comment on certain aspects of the report as given. I am aware time is against me, Mr Chairman.

I am particularly pleased to realise that sufficient consensus was reached as far as the Declaration of a State of Emergency is concerned. On our part we are supportive of the agreement reached that this should be implemented, but we are diametrically opposed Mr Chairman, that this should be done retrospectively.

On the issue of the refugees and other displaced persons, our position in the United People's Front is very clear, and that is that while we appreciate the circumstances under which the refugees from Mozambique in particular, fled their country, we are also mindful of the fact that the civil commotion in that country has now subsided; that these refugees should be repatriated to their homeland. Our country, South Africa, is caught up in a strong wave of violence and unemployment, which are attributable inter alia to the worsening socio-economic conditions. The influx of thousands and thousands of refugees into our country, which is itself ravaged by violence, hunger and starvation, tends to worsen, and not improve our own situation.

/On the...

On the question of the State-controlled media, such as SABC Radio and Television, our position in the United People's Front is that control of that body must be in the hands of an independent neutral body. We are in full agreement with the conditions as set out in the report of Working Group 1 vis-à-vis this subject.

The United People's Front endorses the general consensus reached by all delegations at CODESA of the incorporation of the TBVC States into South Africa, which agreement is in line with the CODESA Declaration of Intent to bring about a united, democratic, non-racial, non-sexist South Africa.

We however, Mr Chairperson, wish to indicate that many of our people who have been brought into the so-called independent area like Bophuthatswana, were not brought into that territory at their own will and wish. Our concern in this regard lies in the fact that our fellow countrymen in that territory remain shut off from the developments in their own country of birth and are prevented from participating in the process under the cloak of what is actually nominal independence. Neither South Africa nor the people of that territory will forget the manner in which independence was imposed on them, and they will all still recall too vividly Mr Chairperson, the cruel and monstrous turbulence after independence. It is very ironic, Mr Chairperson, that the hundreds of thousands of our people who have been forcibly incorporated in that territory amid protest, outrage and resistance from all quarters, today can be said to be jealous of their independence. Certainly they have become patriots of a homeland, a so-called independent state, that they rejected over a

/number...

number of years.

In conclusion, Mr Chairperson, concerning Working Group 2, the United People's Front cannot endorse a partial representation on CODESA 2. We in the United People's Front have on the basis of give and take, considered that decisions at the National Executive be taken on 70% across the board; 70% on central regional and local issues; and 75% on the Bill of Rights.

Thank you, Mr Chairperson.

MR JUSTICE MAHOMED

Our next speaker is Mr M C Zitha of the Inyandza National Movement.

MR M C ZITHA
INYANDZA NATIONAL MOVEMENT

Chairpersons, Justice Mahomed and Justice Scharbort, Leaders of Delegations, Ladies and Gentlemen, the Inyandza National Movement's starting position is majority rule with minority rights. We have had to make substantial compromises from our original positions in the interests of a negotiated settlement. Among other things, we have agreed, as a movement, to the following:

1. That the country will not be ruled by the majority, but by a democratic constitution;
2. We have agreed to adopt the constitutional principles at CODESA which will bind the National Assembly. We came to this agreement in order to accommodate the fears of minority parties such as the Government. We also agreed that there will have to be a substantial majority so that the National Assembly should be able to pass the constitution.

All these, and other compromises, seem to be insufficient for the Government. We are seeking majority rule with minority rights in a constitutional state. That is what we are demanding here: That in a new South Africa, there should be the principle of majority rule with also the rights of the minorities protected by a constitution of the State.

What this Government now seeks to do is to advocate its minority rule with no rights for the majority. What they're in fact doing by their proposal of 75% voting with a Constituent Assembly, is perpetuating minority rule in this country. This is unacceptable to the Inyandza National Movement, and we believe to the majority of

all South Africans. The Government should concede to the basic democratic principle that a majority can bind a minority. We have proposed a two-thirds majority for the adoption of the Constitution. The Government needs to compromise if we are to make progress at this Convention. It must recognise that the new South Africa means an end to minority rule. That fact should be recognised as a starting point.

Notwithstanding the intransigence of the Government on the voting requirements of the National Assembly, there has been substantial progress within CODESA, and we believe the progress of negotiation within CODESA should continue; it should continue through its various working groups.

Thank you, Chairpersons.

MR JUSTICE SCHABORT

Thank you, Mr Zitha.

Dames en here, die volgende spreker is Dr Dawie de Villiers van die Nasionale Party.

/DR D DE VILLIERS...

DR D J DE VILLIERSNATIONAL PARTY

Geagte Voorsitters, Geëerde Besoekers, Diplomatieke Verteenwoordigers, Afgevaardigdes, dit is ongeveer drie maande sedert die werkgroepe van CODESA met hulle werksaamhede begin het. In hierdie relatief kort tyd is daar reeds baie goeie vordering gemaak. Enige proses wat diepgaande veranderinge aan die grondwet van 'n land beoog, is moeilik. Dit skep aan die een kant groot verwagtinge, en aan die ander kant, groot onsekerhede. Die proses van grondwetlike veranderinge moet daarom met groot verantwoordelikheid en geduld bestuur word. As die onderhandelingsproses onder onbillike druk geplaas word of aan onredelike eise onderwerp word, kan die proses baie maklik ontspoor tot die nadeel van al die deelnemers en tot groot skade vir ons land.

Die Nasionale Party wil weer sy verbintenis teenoor die onderhandelingsproses bekragtig. Dit bly die enigste manier waarop 'n nuwe regverdige en demokratiese grondwet vreedsaam in Suid Afrika tot stand gebring kan word. Die Nasionale Party se verbintenis om deur onderhandeling so spoedig as wat redelik moontlik is, 'n nuwe grondwet ingevoer te kry, is ongekwalfiseerd.

Ons wil egter ook verantwoordelik waarsku dat 'n onderhandelingsproses van hierdie aard sensitief en breekbaar is. Daar moet binne die proses genoeg geleentheid vir onderling en oorlegpleging en besinning geskep word. Oortuigings moet toegelaat word om te groei sonder om dit oornag te probeer ryp druk. Die onderhandelingsproses is afhanklik van onderlinge vertrouwe en wedersydse verdraagsaamheid.

Over the past three months there has been commendable progress in several of the working groups of CODESA. The reports which have been tabled testify to that. CODESA 2 is not the end of the process, but merely a station on this important journey. In the short period of three months the working groups have already found much in common. It has frequently been asserted, also in the press, that there has been a remarkable convergence of views among the participants. Today we stand a great deal closer to each other and to lasting solutions, than was the case at the beginning of the year. It is a substantial achievement in terms of the process.

And, Mr Chairman, the National Party has been an active participant, working consistently to try and reach consensus wherever possible. We have made numerous concessions in this regard. We therefore reject the allegation that the impasse in Working Group 3 can be attributed to the intransigence of the National Party. The National Party who incidentally, according to all scientific surveys, enjoys at least 30% of the support of the total population of South Africa, has taken several initiatives in Working Group 2 over the last few days to break the deadlock; something that cannot be said for all the other participants.

Our proposals, Mr Chairman, are eminently fair and are strongly supported by a large number of the delegates at CODESA. Mr Chairman, we do not stand for minority rule; we want to move away from minority rule. But neither do we support mere majoritarianism. We live in a country of minorities, and it is an acceptable

/principle...

principle right across the world that changes to a constitution requires substantial support of the whole population. It is in that light that our proposals before Working Group 2 can be regarded as fair and reasonable.

The fact that no final agreement could be reached in Working Group 2 does not detract from the astonishing progress which has been attained. Indeed, it would be surprising if there were not a number of outstanding matters on which consensus could not be found. However, on numerous other aspects of the documents before Working Group 2, consensus has been reached. For example, the agreement that CODESA as a first step, would draw up a transitional constitution which would make provision for a new democratic government.

It is a pity, Mr Chairman, and we all regret the fact that finality could not be reached concerning the functioning of the Parliament and the procedures required for the approval of the new Constitution. However, the differences in this regard are not so great or insurmountable that a compromise is not within reach. However, to achieve this, more time is required; negotiations concerning matters of such great importance cannot be finalised in an atmosphere akin to that of a pressure cooker. It is patently unrealistic to try to reach agreements and compromises under so much stress and with the limited time available. Negotiations demand patience and tolerance. The differences which could not be resolved by Working Group 2 are not irreconcilable. The progress which has been made must not be judged on the basis of one outstanding issue alone; a more accurate perception is obtained by judging the process in its totality; that is against the great progress we have made and the

/potential...

potential for further progress. When perceived in that light, the results which have already been achieved are quite remarkable.

A matter to which I would briefly like to refer concerns the National Party's proposal with respect to a two chamber parliament. It would appear that the merits of our proposals are not fully appreciated or else are deliberately being misrepresented or misconstrued as a house of losers. It is common knowledge that most of the finest examples of democracies in the world justifiably take pride in their two chambers' legislature. The list is indeed impressive. Monuments to democracy such as Switzerland, the United States of America and the Federal Republic of Germany have vibrant and influential second chambers. The concept of a second chamber provides one more instance of democratic and popular control over the actions of government. This is to the conspicuous advantage of those being governed; the citizens.

It is an internationally recognised and proven fact that the vital question of the proper and adequate representation of regional and minority interests can best be achieved in such a second chamber. One might go so far as to say that these interests could only adequately be served in such an institution.

South Africa is, after all, a country of diversity, and democracy entails the proper and fair representation of all the interests of its population. In view of the regional and cultural diversities of our land, it is essential that the system of government should inspire the people with confidence and consequently alleviate their

/uncertainties...

uncertainties and anxieties concerning the future.

Mr Chairman, there are observers who are very pessimistic when they consider our country's future. They refer to the high levels of violence and the tragic loss of life and so many futile and unnecessary killings; they mention the enormous socio-economic backlogs, the problems of housing, education, health, unemployment, poverty and the concomitant escalation of crime and violence; they conclude that this is a recipe for disaster. Let us not deny the facts. This is part of the reality of South Africa.

However, there is also another side to our reality. That is the reality of the opportunities offered by our country; the reality that we are making progress towards a new non-racial democratic and just South Africa.

Mr Chairman, I would conclude by saying, the progress registered by the Working Groups of CODESA over the past few months, has been most encouraging. I trust that CODESA 2 will strengthen our resolve to make South Africa a winning nation.

MR JUSTICE MAHOMED

Our next speaker is President Mangope of Bophuthatswana. Please feel free, President Mangope, to comment on any issue relevant to The Way Forward.

/PRESIDENT L M MANGOPE...

PRESIDENT L M MANGOPE
BOPHUTHATSWANA GOVERNMENT

Thank you Mr Chairmen.

Your Excellencies, Honoured Guests and Fellow Delegates, before my colleague comments on some technical details, the recent events in and around CODESA necessitate that my Government repeat some positions insofar as the issue of incorporation and our accession to a new South Africa is concerned.

Mr Chairman, we have repeatedly stated that we were a sovereign and independent nation until the area south of the Molope River, then known as British Bechuanaland, was unjustly and unilaterally annexed in direct and flagrant violation of agreements, and incorporated into the Cape Colony in 1895 by Colonial Britain. We never accepted, Mr Chairman, this unlawful action which deprived us of our freedom, our independence and citizenship.

We regained our independence and sovereignty in 1977, and are once again a proud nation with a proud history and a culture of our own. Irrespective of how these facts are misconstrued or denied by whomsoever, we remain a people with our own Government in our own country, and we are proud of it, sir.

This can only be changed if it is the will of our own people to do so. We have a completely open mind, Mr Chairman, on our constitutional future and will promote the best interests of our people at all times. There has been a regrettable trend at CODESA to generalise in regarding and considering the so-called TBVC States as if they were a homogeneous group or single entity. We are not. We are different. Different because of our history, because

of our development, our economy, our achievements, and apart from many other reasons, because Bophuthatswana is a democracy, elections having been held every five years, there has been no doubt that my Government would like to continue as we are, an autonomous and independent country, preferably with extended borders and continued friendly and cordial relations with our neighbours.

We sincerely believe that this will provide us with the best possible method of managing our own affairs. This is also in accordance with the universally accepted and inalienable right to self-determination. But to satisfy ourselves that this is truly in the continued best interests of our people, we did and we continue to analyse and assess other alternatives and options.

Our options are as follows:

- Firstly, a sovereign independent Bophuthatswana with the existing bilateral arrangements and agreements with the Government of South Africa maintained, and participating in a wider Southern African economy.
- Secondly, an independent Bophuthatswana in a confederal arrangement with the Republic of South Africa.

/Thirdly...

- Thirdly, if we were to consider joining a new South Africa, it will have to be on a basis which offers the best hope for peace, prosperity, and at least be as good or better than the quality of life enjoyed by my people at present.

Insofar as any decisions on the option of incorporation is concerned, the process can only be undertaken against the background facts that we are sovereign. We are an independent State and are responsible to our electorate. We are subject to our constitution and therefore no decision can be taken by us, the Government, until and unless the new constitution has been determined, so as to enable us to place the principles and details thereof, before the people of my country for their decision.

It cannot therefore be expected of us, for the reasons stated, to participate in any form of transitional government in South Africa, and participation in any election for such a government. We remain committed, however, to continue negotiations at CODESA, or in any other forum aimed at formulating basic principles and values for a new constitution. We believe that we have a great deal to offer from our experience in this regard.

To sum up, Sir : in order to consider incorporation into South Africa as an option, the proposed constitution will have to include basic principles and values. It will have to make provision for strong regional states, with clearly established boundaries, and entrenched powers and functions, including executive, legislative, judicial and

MAJOR GENERAL H B HOLOMISA
TRANSKEI GOVERNMENT

fiscal powers. One of the major considerations that would influence our ultimate decision will be the contents and implications of a proposed constitution; an issue that I hope to deal with in greater detail tomorrow, sir.

We sincerely hope, Mr Chairman, that you will allow us this basic right to state our position in a democratic way. Thank you sir.

MR JUSTICE SCHABORT

Thank you President Mangope. Ladies and Gentlemen, the next speaker will be Major-General Holomisa of the Transkei.

/Honoured...

MAJOR-GENERAL H B HOLOMISA
TRANSKEI GOVERNMENT

Honoured Chairpersons, Honoured Members of this Convention and Honoured Guests, it is my view that in addressing The Way Forward, we need to examine the causes of the impasse we find ourselves in within Working Group 2. It is against this background that I will read my statement.

The political situation obtaining in South Africa has been a bone of contention internally and internationally. The conflicting interests, inherent therein, have given rise to mistrust of each other's motives and intentions. This naturally engenders antagonistic attitudes which in turn deepen suspicion. Suspicion causes some of us to maintain positions inimical to the broad interests and general welfare of the country, and negates the initiatives and giant strides of patriots to foster the ideal of a common country with indivisible interests.

We are here at CODESA because of reasons known to all: the majority of South Africans do not have the right to vote. There is a tendency, which is commonly found in human nature, for those in power to entrench their positions perpetually. The deadlock we have witnessed, therefore, is caused by the fact that those in power do not intend relinquishing power, and also do not intend effecting the desired changes to the laws of the country, irrespective of the views of the majority. The crisp question therefore, which comes up for consideration, is whether those in power in fact are committed to a true and real democracy which would accommodate the wishes of the majority of the electorate.

/Why do...

Why do we have to prescribe percentages which are so high that a Government in power would in fact be powerless? Why should we move so far away from practices followed by all democracies in the world? The reason is simple, in my view, and that is: those in power intend ensuring that they will retain control long after they have relinquished their seats.

To the members of the International Community, I want to say that you still have a role to play in ensuring that an acceptable constitution will eventually be introduced in this country. We are where we are today because of the pressures you have applied. You can no doubt see that the situation in South Africa is not irreversible. We implore you to analyse the situation carefully before you decide to relax the pressures which have brought us to where we are.

To all the Ambassadors who are here in this country, I would like to request them, through their forum, that they must seriously analyse this situation and go back and report to their countries, and come back to report to the leaders of this country, how they see the situation.

Fortunately, on behalf of the Black community, we would never support the continuation of the head of the State of this country, to go outside this country and lobby outside against us. That has got to be reviewed by the OAU, the United Nations, Commonwealth and EC with immediate effect. We are posing a challenge to the Ambassador, or the representative of Japan, to set an example in this case.

/Whilst...

Whilst we are hitching our wagon to the glittering stars of reconciliation, peace, national unity, prosperity and understanding - these being the logical outcome of the negotiation process - South Africa is being rocked by political scandals, reminiscent of dictatorships which attach no value whatsoever to humanity. These tend to distort the perceptions of South Africans about the truthfulness and worthiness of the business we are conducting in the World Trade Centre today.

In conclusion, we are all cognisant of the hair-raising stories, carried in the media last week and this week, which cast a shadow of doubt on the sincerity of some of our partners engaged in the Herculean task of restructuring a new South Africa.

The country at present experiences rarely rivalled peace and calm. We hope this is going to be the standard practice and norm in the post-CODESA 2 era.

Finally, regarding the startling disclosures sweeping the country, it is imperative that CODESA considers the advisability of calling upon neutral arbiters and jurists to look into, and verify, the authenticity of the contents of the documents, mentioned in the media, that are in my possession; like the signal message linked to the disappearance of Goniwe and others. A Commission of Inquiry, consisting of international jurists and credible local legal personnel, should be instituted by CODESA.

Failure by CODESA to consent to the aforementioned condition, will make it impossible for me and the Government to release the documents to any other authority or investigating team.

Thank you.

/Our next...

MR JUSTICE MAHOMED

Our next speaker is Brigadier Gqozo of the Ciskei Government.

BRIGADIER O J GQOZOCISKEI GOVERNMENT

Honourable Chairperson, His Excellencies present here, members of the International Communities, ladies and gentlemen. My reason for having asked for the opportunity to state our case was based on the assumption that we were going to discuss today reports on working groups. And we had our reservations, which we have to state clearly, which were omitted conveniently from the combined reports. But I think, because of the fact that now The Way Forward has been discussed here, I think that it is necessary that I leave this item for tomorrow when we will be discussing the necessary agenda point. But I would like to ask the Honourable Chairpersons to give me my quota of minutes today to also give my contribution to The Way Forward.

Ladies and Gentlemen, I think it is highly frustrating and completely not contributing to any spirit of conciliation, and the creation or building of mutual trust amongst all the nations or the peoples of this country, to resort to mud-slingings and speeches of provocation, and extreme malice to bring some of the participants, in this most important forum of negotiating, into disrepute. It just acts further to drive the wedge between us and make enmity between all of us. I think that it is quite a shame that while we are now in 1992 discussing and fully involved in meaningful negotiations, people, instead of discussing Way Forward should go and resort to discussing Way Behind. I think it is a terrible, very despicable way of point-scoring to wait for such an occasion- when we have visitors from all

/over ...

over the world - to start coming to set each other up and show each other off.

The fact of the matter is: the National Party that has now actually set the pace for what is happening today in this country, is the same National Party that is being harangued today. President de Klerk, when he took over, saw the reason to release Mr Nelson Mandela and un-ban all political parties. And the same Mr Mandela has transformed the National Party into a vehicle of transformation of this country's constitutional inequalities. And I think that he deserves more credit than what he has been given now.

To say the least, what has happened here, he has managed to do amidst a great measure of opposition from his own people and all other people alike, but then for us now to, instead of addressing those issues that will change what the National Party of old has done to this country for the last 40 years, we are busy trying now to delve back into those days and live in the past. I think the only and responsible way to do things now is to start from where we are and go forward. We must get that trust between ourselves instead of emphasising our differences and past events and incidents. I think that it is highly irresponsible of anyone - whilst we are here to seek all possible means of finding reconciliation and peaceful solutions to bring about a true democracy in this country - to start wasting all our time here. As for the impasse which happened today, it is not the end of the world. CODESA is still going to carry on, in whatever guise, after this CODESA 2. So what has been reached today? Today was supposed to be the day when we were going to listen to reports

/which ...

which the working groups have achieved - agreements reached; not agreements still being discussed. So anything that is still being discussed now should be shelved and be transferred to the next forum of discussion. And I think that it is completely childish and completely irresponsible to keep on holding to that point as though CODESA was depending only on that point which was in Group 2. There are a lot of things that have been achieved at CODESA up until today and I think we will do ourselves a great favour, rather than leaving our homes and coming here to waste time, than to listen to what has been achieved, think about and discuss them, and make sure that we will now set our minds at rest and plan how we are going to tackle the most difficult issues as were discussed in Group 2.

Thank you very much, ladies and gentlemen.

MR JUSTICE SCHABORT

Ladies and Gentlemen, I have the pleasure now to invite one of the senior delegates here, and I think a person well beloved in this Convention, Doctor Frank Mdlalose.

/My Lords...

DR F T MDLALOSE
INKATHA FREEDOM PARTY

My Lords, Chairpersons Mr Justice Mahomed and Mr Justice Schabert, the State President, United Nations representatives here present, members of European Community, members of the Organisation for African Unity, members of the Community of Nations, members of the Non-Aligned Movements that are all here present, and members of the Diplomatic Corps, Honoured Guests, Ladies and Gentlemen.

I want to address myself to the breakdown in CODESA Working Group negotiations. The Inkatha Freedom Party is committed to the negotiation process. We are aware of the fact that if there were not grave difficulties in the way of reaching a widely supported constitutional settlement in South Africa, there would be no need for negotiations. The IFP is negotiating with all the other political parties in the country who wish to negotiate, because it is urgent to establish common cause wherever possible. Common cause is not reached in one fell swoop, but is built up over time as negotiations produce successes, and as trust and consensus start developing.

It is widely recognised amongst all those involved in CODESA that phenomenal progress has been made in all the working groups, including Working Group 2. All groups have outstanding matters, and all groups have achieved success which will make the successful handling of those matters, possible. The breakdown in negotiations in Working Group 2 dealing with constitutional principles and the constitution-making body, does not represent, in our view, a breakdown of Working Group 2 negotiations. Substantial agreements have been reached over a wide range of issues. And this, I think, has been wisely acknowledged by Mr Justice Mahomed in his introductory remarks.

/We ...

We believe that South Africa and the world should be informed on what agreements have been reached, and should be clearly told about the nature of the problem encountered in finalising the work of Working Group 2. The agreements in all the other working groups, and those already reached in Working Group 2, make CODESA a success, and to deny that success, is politically indefensible. When one reaches this kind of impasse in negotiations, you can either express your disappointment by wrecking activity, or in salvaging activity. The IFP believes that all the parties involved in Working Group 2 should set themselves the task of coming together after CODESA to salvage their own activities, and to salvage the activities of the South Africans that really want progress. This should be done as soon as possible in order to solve problems in a more manageable atmosphere. Parties must resist resorting to putting issues in power-play politics, and instead come together to further the politics of negotiation for the future of our beloved country; for the future of our children, and for the future of our children's children.

The equivalent of throwing your toys out of the cot because you cannot get your own way must be resisted at all costs.

CODESA 2 is not the end of the road, it is not the end of negotiations. It is still the beginning of the future. No point at all exists in taking up Working Group 2 job here, and doing it here among ourselves - no - we have to give it over to the good workers that have been busy at Working Group 2, from all the parties that have been diligently applying their minds, from different points of view, but they are

/the ...

the people that have been salvaging whatever there was to be salvaged in our country.

Inkatha Freedom Party's stand may however be put here. It is simply this: that with regard to constitutional matters, as we are building up, the foundation ought to be clear that 70% for constitution generally, with what is required for changes; 75% particularly for the Bill of Rights and for regional issues; this is our stand.

The lesson for the future: We do not need to set ourselves deadlines just for the sake of setting ourselves deadlines. We could have avoided today's impasse by calling up CODESA 2 only when we were ready to call up CODESA 2. Now instead of carrying on a mad rush to come to an end of things - without consolidating ground that is covered - instead of doing that, we ought to talk among ourselves and reasonably reach a conclusion that now we can talk to our people; now we can talk to our country; now we can talk to the world. Instead of saying: By such-and-such a day we must meet; by such-and-such a day we must meet. Already there are those that are saying CODESA 3 must be on by the first week of July. Absolute madness.

Only if we learn this lesson will future negotiations be meaningful. If we fail to learn this lesson, our CODESA 3 will end up in the same manner. I thank you.

MR JUSTICE MAHOMED

I am privileged to call upon Professor H M Coovadia of the Natal Indian Congress.

/ Mr Chairpersons...

PROF H M COOVADIANATAL INDIAN CONGRESS/TRANSVAAL INDIAN CONGRESS

Mr Chairpersons, distinguished visitors from outside this country, our fellow South Africans. I have sat here and listened to a whole lot of debates and I am convinced that more than at any time in our history we have travelled a long way together, but there is still a long way to go. And I am not here to decry the gains we have made, because certainly we have made gains, but I think there is one very important point. When I have listened it seems to me that there are some people, who are established in part of the existing institutions in this country, who don't have a sense of urgency. And there are other people who are concerned about the daily suffering of children who are dying, schools which are being left vacant, elderly people who are being uncared for, and violence of a horrendous nature which is going on every day, and I can't understand how people cannot be moved by the degree of the violence and the horror of the suffering of the desperate millions in our country. And that's the reason, Mr Chairpersons, for the urgency that's in our voice, and there is a desperation in our demands.

Mr Chairman, what I would like to come to is the central sticking point. I think that there is no doubt that there is agreement on a range of issues. But there is one central point on which there is no agreement, and our contention is that that issue is so central that it dwarfs all the other achievements. It is like we have sat here for the past few weeks constructing a new body - a new body of something, a new human being - and we have put together legs, and we have put together heads, and we have put together eyes - we have got all those advantages, but the central sticking point is we haven't installed a heart. And Group 2 has failed to install the heart. So

/unless ...

unless you have the heart of the matter, you will not resolve Group 1, Group 3, Group 4 and Group 5. And that's the difference between progress of a sort and progress which is not substantial.

Mr Chairman, we went into this meeting on the understanding that we would make every concession; make every allowance which is possible, which does not endanger the just wishes of the people whom we say we represent, and yet allows us to meet the desire for accommodating the vast differences of opinion in a sense of generosity. And that's the entry point into the areas of concession. But what happened was that in the end what was being asked of us was to secure a wafer-thin paper agreement to confuse the world, and to prolong the life of this unrepresentative government so that we would continue to cost the misery and appalling poverty of the majority of the people of South Africa in endless fashion. That's what we have been asked to agree to, and that's what we cannot agree to. Mr Chairman, at the end it was a blank cheque for a minority vote. That's what it was, and I want to dwell on that for one minute.

When we entered these negotiations, as I said, we wanted to enter it within a climate of confidence-building; that if there are differences, let's narrow those differences so that we can work together. But what we were being asked to do in the constitution-making process, we agreed that despite the fact that one could argue that a 51%; a simple majority was sufficient in formulating a constitution - you could argue that point - but we said no, we'll allow even a larger majority. And the larger majority we came to was a two-thirds majority - quite acceptable in all the canons of every law, of every form of justice

in any country. But even the two-thirds was not sufficient. What the State wanted; what the Government and its allies wanted was a 70% majority. You are now entering a terrain where it's no longer majority decision-making, but minority imposition of rules, and that is what is holding back any future progress.

Mr Chairman, what it means is that if I want to change one aspect of our society through the constitution - if I wanted to improve the health, welfare, education, so on and so forth, I would be restricted by a minority which is about 30% or so. In the end, Mr Chairman, this process must go forward, and that of course depends and lies in the hands of this Government. Now what I am saying, I am saying that I am turning to this Government, and that in the name of common human decency I am asking them to pave their own way out. Because I am saying to them that they have ruled without consent; they have governed against the will of the people; they have stood as an impenetrable barrier to the rising tide of expectations for the better life of ordinary people. They have distorted our history and harmed us individually, severally and collectively, beyond measure. And I am asking them on behalf of our organisations that they need to stay no longer, but usher their way out. That in the name of honour and justice: Go, but go now.

Thank you, Mr Chairman.

MR JUSTICE SCHABORT

Thank you Mr Coovadia. Ladies and Gentlemen, your next speaker is Mr Rajbansi of the National People's Party.

MR A RAJBANSI
NATIONAL PEOPLE'S PARTY

The Honourable Chairpersons, Foreign Dignitaries, Leaders of the various Delegations, Ladies and Gentlemen. South Africa - and I regard it my privilege to follow Professor Coovadia - is now ready for its heart transplant. And we also recognise the fact that it will be a very grave mistake if we select the wrong heart in order to put into this body. There are many in this country who have waited very, very patiently, did not rush, so that by the finding, or the selection of the right heart, this particular body can survive for a very, very long time.

Ladies and Gentlemen, at CODESA 1, as the Honourable Justice Mahomed also stated, we made a tryst with destiny. Notwithstanding the fact that we are reporting no progress from Working Group No.2, CODESA today must record that a large instalment of that pledge is being delivered. I am an optimist, and today, despite the fact that in certain respects there may be a wide divide between delegations, we must re-dedicate ourselves in respect of finding solutions towards a common goal, and that is a truly non-racial, democratic South Africa.

There is no doubt about the fact, and as the Honourable Chairperson has indicated, that momentous decisions have taken place in Working Groups No. 1, Working Groups 2, 4 and 5. And we note the fact very, very strongly that there are divides in respect of crucial areas especially in the responsibility and task entrusted in Working Group No. 2. But we must also accept the fact that from our experience, Ladies and Gentlemen, that the divide is not wide. The encouraging factor, that is in respect of Working Groups No. 1, No. 2, No. 3 and No. 4, where "there is no progress" is reported, there is definitely a

/very ...

very, very strong emerging consensus. Momentous decisions have taken place. And I want to repeat, I am an optimist, and we must ensure that our goals are reached with mutual trust and faith and confidence in each other.

At prayer today, Mr Chairman, we heard of the following: Our guidance towards mutual faith, mutual respect, faith and confidence. That spirit that prevails in the various working groups, between the various delegations, is something about which we all in CODESA are very proud. We really need, and if we study the recommendations of Working Group No. 1 very carefully, a claimant of political tolerance, free political participation, national reconciliation and unity, ensuring a climate where there can be political activity without fear, and participants can be on an equal footing on the basis of equality with other participants.

We desire, Mr Chairman, that all disputes between the various parties in South Africa be resolved peacefully. That there must be a right of the freedom of expression of opinion, association and the freedom of movement. I commend to the various delegations today, the suggestions by way of recommendations and agreements made by Working Group 1, as follows:

That the leadership of the organisations urgently be required to come together for the successful implementation of the Peace Accord. And very important, I suggest to the various delegations to note that Working Group No. 1 recommends the appointment of the establishment of a Monitoring Commission. And I also very strongly suggest to the

/political ...

political parties that they should refrain from making inflammatory statements in relation to the cause of violence, and desist from apportioning blame.

Mr Chairman, I want to deal very, very briefly with the question of minorities in this country. And I want to make it very clear, and without any shadow of doubt whatsoever, that we are not proposing in that commonly used phrase "meaningful participation for political minorities" an entrenchment of ethnicity.

When we refer to political minorities, we are not defining any minorities in this country on an ethnic basis. And I want to make it very clear today that inasmuch as we are Non-Aligned, we are supporting very strongly the principle of federalism, and the principle of strong regional governments. And in any country where there is a fertile ground for the establishment of strong regional governments; and at a time when freedom was achieved; and at a time when they were considering drafting new Constitutions; and when they ignored regionalism, history has recorded that such countries have ignored such matters at their peril.

Furthermore, we are making a case, as has been in other cases about proportional representation and multi-party democracy. And let us say CODESA 2 will never, never fail.

Thank you.

MR JUSTICE MAHOMED

Our next speaker is Mr Chris Hani of the South African Communist Party.

/Esteemed...

MR C HANI

SOUTH AFRICAN COMMUNIST PARTY

Esteemed Chairpersons, President of the African National Congress, Comrade Nelson Mandela - CODESA has deadlocked. Without a satisfactory agreement in Working Group 2 on the central issue of democratic constitution-making, there can be no effective implementation of all other measures as proposed by other Working Groups. The blame for this deadlock must be laid firmly at the door of the principal deadlocker - the South African Government.

The issue is not about percentages. The critical issue revolves around the Government, together with a minority of parties, doing everything they can to undermine the democratisation of our country. Over the last five months the South African Government has tabled a host of different proposals at CODESA. One by one, each of these proposals has been rejected resoundingly by the respective Working Groups. But a sinister thread has run through all their proposals. They are all designed to entrench minority power and privilege.

In the past few weeks the South African Government has been compelled, by an overwhelming consensus here at CODESA, to accept in broad terms the eminently reasonable and democratic scenario originally tabled by the African National Congress-led alliance. They have accepted its framework, but they have never accepted its democratic spirit. This scenario has at its heart an elected constitution-making body.

Our proposal has been that this constitution-making body should draw up a new Constitution, working on the basis of a two-thirds majority.

/This was...

This was the exact formula which the South African Government agreed to in Namibia. Today the Minister of Foreign Affairs, Pik Botha, claimed that the South African Communist Party wanted to impose a "Marxist-Leninist Constitution" on South Africa. We can only assume that Mr Botha believes that more than two-thirds of South Africa's people want such a Constitution. We are flattered. But this is not at all our intention. We want a Constitution which is broadly acceptable to the overwhelming majority of our people. We want a South African Constitution, not a party political Constitution.

In the past three weeks, the South African Communist Party and its allies, have done everything to facilitate an agreement. Within the context of our broad scenario, we have considered various detailed formulations and compromises with a view to facilitating a breakthrough. The South African Government has decided to spurn all of these. The South African Government remains stuck in its dreams of perpetuating, through the back door, White minority rule. This is completely unacceptable.

Are we disappointed at the deadlock? Yes, we are, and deeply so.

Are we surprised by this deadlock? Sadly, we have to say no.

The Government continues to lack the will to negotiate seriously. What they fear above all else is democracy. Does this mean there is no future for negotiations? We like to believe that CODESA can and must establish a framework for the rapid democratisation of our country. But whether it does so, and whether there is an effective implementation of all transitional mechanisms agreed on at CODESA, will not be determined only here at the World Trade Centre. CODESA must hear the voice of our mobilised, vigilant and critical population out there, under whose mandate we are participating in CODESA.

/Popular...

Popular involvement is the essence of democracy. It is not CODESA that will deliver, but the mobilised masses of our people. Only they can ensure that those who still cling to their fading and corrupt White minority power will finally shift. Only the mobilised people of our country can ensure that there is rapid and effective implementation of transitional measures to level the political playing field.

Let me highlight just one of these measures, which deeply concerns

the South African Communist Party, and the broad liberation movement. It is absolutely unacceptable that as we meet here at CODESA 2, there are still hundreds of political prisoners being held hostage in South African jails. For too long we have been given vague assurances about pending progress. While notorious criminals like the kwaZulu policeman, Shange, and other Security Force killers are set free, more than four hundred political prisoners remain incarcerated. In particular I would like to single out Mzondeleli Nondula, Mthetheli Mncube and Robert McBride.

It has become fashionable in the highest Government circles to disown those carrying out your own policies. I have no intention of falling in with this fashion. Nondula, Mncube, McBride and others were soldiers in a struggle and we, their commanders at the time, stand unequivocally by them now. They must be released immediately.

As we meet here today, the Government of the day has been enveloped

in a wave of scandals. These include evidence of rampant corruption, and their central involvement in the war against our people. This Government has stumbled from the Trust Feed massacre to the Development Aid scandal; from the Shange release to the brutal assassination of Matthew Goniwe; from Infogate to Inkathagate - so many gates. Now

/is the...

is the time for the exit gate for this Government. Any government in the civilised world implicated in so many scandals would have been thrown out of office by now. They must go.

What is the way ahead from here? The South African Communist Party will be returning to its working class and mass constituency. We will be consulting with them and seeking a renewed mandate.

Let it be very clear that we cannot allow the negotiations process to be indefinitely prolonged. Out of our consultation, we shall embark on a course of action which we are convinced will lead to a rapid breakthrough.

We join with the great majority of the people of South Africa in saying: Freedom now!

MR JUSTICE SCHABORT

Thank you, Mr Hani.

Ladies and Gentlemen, the next speaker is Mr Colin Eglin of the Democratic Party.

/Honourable...

MR C EGLIN
DEMOCRATIC PARTY

Honourable Chairpersons, Distinguished Guests and Fellow Delegates to CODESA, I want to confine my remarks on the subject of 'The Way Ahead, to the consequences to The Way Ahead, of the fact that we don't have before us a report from Working Group 2.

Yes, of course we're all disappointed. I want to tell you, millions of people around South Africa share our disappointment. But being disappointed is not good enough. After all we are the collective leadership of South Africa. What are we going to do about it?

Let me say this, that we the Democratic Party don't believe that in constitution-making you should rush quickly into artificial agreements. But equally we are not prepared to adopt an attitude of: Ag, mōre is nog 'n dag. And so, Mr Chairman, we believe that we should take every step possible as soon as we can, to resolve the impasse that has occurred. Amongst other reasons, the events that have unfolded in South Africa only in this last week, have pointed to the urgent need to establish an interim government of national unity in this country.

Mr Chairman, millions of people in South Africa are yearning for a new non-racial democratic constitution, and that day when that dawns on South Africa cannot be artificially delayed.

Mr Chairman, I understand the argument of those who say we were dealing with a package. And until you have all the agreements of the package in place, you haven't got an agreement. I accept

/that...

that argument and yet I am disappointed that there isn't some report of progress towards that package before this Conference and before the people of South Africa, because as other speakers have said, there has been significant progress. There has been significant progress which, if it was known, would encourage people to believe that negotiation can succeed in spite of the fact that it hasn't been realised to its fullness in Working Group 2.

There has been fundamental progress in the area of constitutional principles which define the character and the structures of the new South Africa that's going to arise. There has been significant progress in the field of the constitution-making body and the constitution-making process, on the basic approach to constitution-making, on the way we've got to draft an interim Constitution, on the question of strong regional and local governments, and even progress made on the provisions regarding the drafting and the adoption of a Constitution.

But perhaps it's even more important that we at this Conference should realise not the things that have been achieved, but the things that are hampering the achievement, because we've got to get them out of the way. It's even more important because we've got to take steps to see that this impasse is resolved. And I don't believe that the solution is just to say: Go back to the Working Group and do the best you can. That is a "Môre is nog 'n dag" approach. I believe that while we're assembled here, and I look at the galaxy and the talent of the leadership that is assembled here, I think

/we should...

we should take the first urgent steps to resolve the impasse that is there.

Now Mr Chairman, most of the facts are known as far as the Democratic Party is concerned. We believe a new Constitution should be drawn up by a fully democratic and elected body without the interference of any fancy Senate. We believe that the Constitution should be ratified in every clause, other than the Bill of Rights, by a 70% majority. And the Bill of Rights alone should be confined to a 75% majority, because of the significance it has in protecting the Constitution, the rights of individuals, and through that, the rights of minorities in South Africa.

But Mr Chairman, what are the things that are at issue? If you look at it in terms of the written word, it's whether regions should have a 75% or a 70% decision; should make decisions on regional government in the future.

Secondly, the Government has got a concern about the role of the Senate in a future constitution. Ironically, we in the Democratic Party share that concern; we wouldn't make it a constitutional principle, and we share that concern in spite of what the National Party Government did in the 1950's. We must therefore try to protect the Constitution and the rights of the minority so-called Coloured people in the Cape. In spite of what they did, we still believe that the Senate can play an important part, provided it's a decent Senate in a decent Constitution.

/And then...

And then there's the concern of the ANC about the time frame. Yes, we understand that concern. Mr Chairman, we cannot allow these three things to stand between South Africa and the package of agreement.

But I see a fourth thing that is apparent; a fourth thing that is hampering the solution is a basic lack of mutual trust of one in another. And I want to say this: that unless the participants in CODESA, by their behaviour themselves, and by their behaviour one towards the other, start to develop a sense of mutual trust, of trust that we each are committed to a genuine democratic and non-racial South Africa, we are never going to reach agreement on the crunch issues that stand before us.

The fact that we have not a report form before us is important. It means there's going to be significant delay in the process of constitution-making; it means it's going to be longer before we can bring about an interim government of national unity; and it means we're going to lengthen the life of the unacceptable Tricameral system; it means we're going to postpone the day when South Africans can enjoy the dawn of a truly democratic and non-racial Constitution.

So I say, Mr Chairman, it's not good enough to say: Well we hope one day the Working Group can find a solution. I believe that while we're assembled here, and in particular while the leaders are assembled here, we've got to see whether we can break out of this; and we've got to see whether we can break out of the impasse. I

/don't...

don't believe that the issues that divide us, the issues that prevent us from having a total package, are so great that, quite frankly, the De Klerk's and the Mandela's and others that are assembled here today, cannot resolve this impasse.

So, Mr Speaker, I don't believe this is the time for foot dragging. It's not the time for faint hearts; it's not the time for political posturing; it's not the time for political point-scoring. It's the time, Mr Speaker, quite frankly to realise that we are in a crisis; we are in a crisis of Government; we are in a crisis of our economy; we're in a crisis of violence; we're in a crisis of mutual lack of confidence. And all I want to make this appeal is, that before we leave CODESA tomorrow, that CODESA through its leadership, will have given to the South Africa of today, and the South Africa that's going to dawn tomorrow, that kind of leadership that it needs; that there's a commitment to change; there's a commitment to truth; there's a commitment to justice and there's a mutual respect and trust of one another.

MR JUSTICE MAHOMED

Thank you, Mr Eglin.

Our next speaker is Dr T K Mopeli.

/Honourable...

DR T K MOPELI
DIKWANKWETLA PARTY

Honourable Chairpersons, Foreign Dignitaries, Countrymen, Ladies and Gentlemen, I am not depressed about the setbacks we have experienced this morning. Along the path of negotiations we are bound to come upon such setbacks, and even more serious problems. I must say, Honourable Chairpersons, I have on hand here the draft report of the Working Group 2 Steering Committee proposal, and this report was compiled on the 13th of this month.

Having read this report, I become filled with hope and encouragement about what is being achieved by this Steering Committee of Working Group 2. Without a spirit of give and take, live and let live, tolerance, there is very little we are going to achieve along the path of negotiation. CODESA must not fail. We must re-dedicate ourselves to ensure that this prestigious convention succeeds, for the sake of our children and for the sake of our country. This day must be viewed, despite the setbacks we experienced, as a day of hope, because we are here together as responsible people working towards a new Constitution and a new South Africa.

The mere fact that we are gathered here is cause for hope for a better future for each and every one of us. South Africa can never be the same after CODESA 2. Mr Master of Ceremonies, we have for the past five months been gathering here as parties and organisations, with their various constituencies, and most of the time with conflicting policies and interests. What I see that's being achieved today is a great miracle and a clear message to the people of South Africa

/and...

and the international community, that we are deeply committed to the finding of a mutually acceptable constitutional and political dispensation that would enable our country to occupy pride of place in the role of nations.

The negotiations that are being conducted here have thrown up solutions that no-one ever thought of; breakthroughs that have been achieved, have been achieved owing to the spirit of give and take that prevailed in the corridors of this Centre. South Africa must become "n Reg Staat", a Constitutional State in which the Constitution of the country must become the supreme law for this country; a Constitution that will not only embody our visions, our dreams, but will also embody our aspirations, as well as protect our group and individual interests, without reverting to the yesteryear apartheid structures.

It has become common knowledge that in South Africa's over-heated political climate, it has become very difficult to conduct a rational discussion on matters that are being regarded as sound principles of government in the Western World. An advocacy, for example, for a system of government underpinned by a set of strong regional governments or Federal States is usually, and even immediately, greeted with suspicion and even with unbridled condemnation, that subtle attempts are being made to re-introduce White privilege, and the hitherto much condemned homeland system. In a country with a multi-ethnic and multi-cultural character such as ours, regionalism makes eminently good sense. It is just unfortunate that apartheid has given a bad reputation to certain

/constitutional...

constitutional concepts such as the right of self-determination, the protection of minorities, national states, etc. We need only refer to the Constitution of Belgium to understand what I mean. A hastily corralled Constitution can only bring untold harm and misery for this country. A much slower and more measured pace, to enable the participants to consult with their principals on constitutional aspects, has become a pressing necessity for the sake of the people outside this Centre, on whose behalf we are here to take momentous decisions that may have far-reaching implications for their daily lives.

It is now time, Mr Master of Ceremonies, to create a democratic climate for everyone. It is time to teach our people the value of political tolerance, and the value of a multi-party democracy for our country. Your political opponents are not necessarily your political enemies, but a climate for free political participation is an essential element of the transitional South Africa. All participants in the political process should be free to participate peacefully and equally with other participants.

Mnr die Seremoniemeester, die onmiddelijke instelling van 'n oorgangs regering kan help om ons lewensstandaarde te verbeter, maar kan daar ooit vrye, regverdige verkiesings plaasvind solank geweld en insidente van intimidasie so voortwoeds? Geen waarde sal aan so 'n verkiesingsuitslag geheg kan word nie. Dit is nie onredelik om te vrees dat demokrasie waarna ons so smag in die proses vermoelik kan word. Leiers van alle politieke groeperinge moet hulle

/onverbiddelik...

onverbiddelik daartoe verbind om geweldpleging en voorvalle van intimidasie in die sterkste taal af te keur en hulle volgelinge tot kalmte te roep.

To conclude, Mr Master of Ceremonies, if we cast our minds back three years ago, the general principle, the general acceptance of these principles by all concerned, is cause for hope. We all know that there are still issues to be decided: economic freedom, Government intervention, economic systems, accommodation of the diversity of languages, cultures and religions, affirmative action and the Bill of Rights, self-determination, the role of traditional leaders, a definition of the body that will oversee the period leading up to election. We do not want to one day face the wrath of our children and grandchildren because we have not acted responsibly enough.

This country of ours and its people deserve the best. It is up to us to make that happen. Thank you.

MR JUSTICE SCHABORT

Dankie Dr Mopeli.

Die volgende spreker is Prins S S J Mahlangu van Itando Yesizwe Party.

/The ...

PRINCE S S J MAHLANGUITANDO YESIZWE PARTY

The Honourable Chairpersons, members of the International Community, Honoured Guests, Ladies and Gentlemen, I want to start my talk by expressing, heartily so, my disappointment and that of my people at the apparent decline in the enthusiasm and seriousness on the part of some of the parties and organisations participating at the Convention, in dealing with the significant task facing them.

I'm saying this with an acute sense of regret at the sight of a breakdown in the most significant, and in fact fundamental Working Group of CODESA. This, as you have heard, is that the Working Group in the negotiation process, Mr Chairperson, moving forward without it finalising its business and agreements, is like trying to put an engineless, beautiful car in motion. We want to commend, however, the good work that has been done by other Working Groups.

Mr Chairperson, ladies and gentlemen, allow me to use this opportunity to once again call upon the leaders of all parties and organisations in CODESA to put the interests of the people in our country, Black, Green, White or whatever, first. And personal selfish interests which can only sow frustration, mistrust, conflict and poverty, last. It is my unwavering conviction that if it were not for the greed of leaders, and if it were not for the unwillingness of leaders to accept all people as equal, and teach people to exercise political tolerance, we today would not be standing in the centre of national and international embarrassment we are in today. My appeal to all which I made when we had our CODESA 1, is: Let us approach this process of negotiation in a

/spirit...

spirit of unity, fraternity, and in a spirit of reconciliation, and more significantly in a spirit of give and take.

Mr Chairperson, it would be irresponsible of me and my party not to reflect on the disturbing observation that the negotiations in some Working Groups have degenerated into a ring of bullfighters. I find it highly disturbing that the law of the jungle, where the fittest only survive, still to be prevailing.

Shall I, at this point in time, Mr Master of Ceremonies, reflect on my party's position regarding various political issues of importance. From what I am going to say regarding this matter, all we see is the extent to which my party has accommodated the principles of give and take and reconciliation. It will also be seen by all who did not come to CODESA, to bulldoze our own position, we have considered, not only our membership of Blacks, we however also tried to accommodate even those who are apparently remarkably fearful of democracy through which, surprisingly, they themselves ruled this country.

Mr Chairperson, the original standpoint of my party was as follows in the decision-making of the Constituent Assembly, that the National Assembly take decisions on the basis of a two-thirds majority across the board, including the Bill of Rights. However, after consultation and negotiations in Working Group 2, my party was prepared to consider other options like the following:

1. Regarding the adoption and amendment of the Bill of Rights in the Constitution, a 75% majority should be required;

2. Regarding the adoption and amendment of sections of the Constitution, a 70% majority should be required. Regional matters will also fall under this category of majority decision.

Lastly, Mr Chairperson, I want to caution with seriousness against the tendency of some negotiating parties and organisations, to desist from playing a hide and seek game at the expense of the majority of our people. Our people are impatiently waiting for the downfall of the minority Government, and its immediate replacement with an unqualified democratic order in this country. Let us desist from trying to create new complex systems that are devoid of democratic principles that would undermine the legitimate demands of our people. Our people need democracy not later than now. Thank you, Honourable Chairpersons.

MR JUSTICE MAHOMED

Thank you, Prince Mahlangu.

Our next speaker is Professor Hudson Ntsanwisi.

/Honourable...

PROF H W E NTSANWISI
XIMOKO PROGRESSIVE PARTY

Honourable Chairpersons, Foreign Visitors, Distinguished Guests, Ladies and Gentlemen, we are assembled here today to reply to a few questions; to talk on The Way Forward.

The first question I would like to ask is: Is it peace or war? Our children have brought before us here today a declaration, and that declaration says:

"To our leaders we say: your decisions will have a large bearing on the immediate and long term future of the country. We therefore attach singular significance to the task that rests on the shoulders of those leaders at Codesa. By virtue of being the heirs of whatever destiny you set for us, we have no reason but to expect that our wishes will receive your kind appreciation. Your ability to resolve our problems with deliberate speed will enhance the possibility of creating a prosperous future for our country and its people. This is a result we expect. It is our appeal that you not disappoint us."

That is the request that we get from our children today. Are we going to disappoint them?

I want to appeal to the State President; I want to appeal to Madiba, the President of the African National Congress, to take heed of the request that our children are placing before us today, and that we do not disappoint them.

/We of ...

We of the Ximoko Progressive Party, speaking with a due sense of responsibility, want to say that we commit ourselves to continued negotiation. We commit ourselves and concern ourselves to introduce, after discussion, an interim government which will look after the interests of this country.

The Ximoko Progressive Party concerns itself also with the protection of minorities and regional governments. The Way Forward demands that we continue to make CODESA a success. We want to say that we are prepared as we shall indicate later on, to make compromises on those issues where we know we must compromise. We have also convictions where we dare not capitulate for the sake of peace and for the sake of the future of our children.

Having said that, we gather here at CODESA today to reflect upon what has been achieved in the months which have passed since December 1991. On the one hand we have messages of hope; on the other hand, signals of dissent in the inability of the crucial Working Group 2 to reach consensus on fundamental issues related to constitution making and the constitutional principles which need to underpin the Constitution. These principles can be discussed, but I want to say that we are not going to get answers to these constitutional principles by attacking and repeating the evils of the ghost of apartheid. We can only move forward if we start thinking about the future, and forgetting the evils of the past on which we have hammered and hammered over the years. The time has come for us now to face the future with courage, with hope, with the resolve to win.

/The...

The point is that when we look at what is happening, there is great progress that has been made. All the parties have been exposed to the views and positions of others in all the Working Groups, and there have been signs, if I listened carefully, for a readiness to make concessions towards consensus. However because of the legacy of mistrust which still prevails in the country, because of decades of division, because of the arrogance of apartheid in the past, we are unable to get on with the negotiation. Let us bury the past and start negotiating.

However considering the strains and stresses of our society, and comparing our present progress with the rate of progress characteristic of such processes elsewhere in the world, we need not hang our heads in shame. Hitches and stoppages are inevitable; they will test our mettle and we dare not be diverted from our present cause by such difficulties. In respect of Working Group 2, the Ximoko Progressive Party has argued the principle of inclusivity in the matter of constitution-making. Consistent with this argument, we have supported a higher special majority for constitutional amendments, we would accept 70% here.

However as a political party, with a strong regional focus, the Ximoko Progressive Party is sensitive and would strongly support the principle of also a substantial majority in regional government and regional matters.

I would like to end, again by appealing personally to Madiba; to the State President, to forge ahead in the process of bringing peace in

/the...

the country and to remind Madiba of the great statement that he made as a great man, at the end of the treason trial, where he stated that he was going to work for bringing this country to a peaceful end where Black and White will be able to share, and that he would die for that cause. We want to see it happen here today when the people are called upon to bring peace for the future of our country.

I thank you.

MR JUSTICE SCHABORT

Thank you, Prof Ntsanwisi.

Ladies and Gentlemen, Mr I Omar of Solidarity Party is the next speaker.

/Mr Chairpersons...

MR I OMAR
SOLIDARITY PARTY

Mr Chairpersons, Honourable Dignatories, Fellow Country Persons.

It is a fact that we as Solidarity Party represent a small constituency in our country, and so the dispute of whether there should be 70% or 75% does not really affect us as a party, but what is important is the principle. And I want to come to the set-back that we have suffered today. It is a fact also that it is a set-back that we are unable to report as we had contemplated. But then I think we must also understand that in not having succeeded in reporting today does not amount in itself to a failure of the process of negotiations.

What really is the cause of the set-back is the fact that all sides related to this crucial issue that was in debate talked of a package, and because the package was not complete, unfortunately, Mr Chairman, you couldn't go ahead with your agenda as proposed. But that does not mean that we could not do so, once the package is resolved, at CODESA 3 - to which we look forward.

The failure to finalise a central detail also reflects on the fact that it is not only a few parties that are represented in those negotiating rooms. The fact that there was consultation to and fro shows that there are constituencies that go well beyond these rooms, and it must be understandable that under those circumstances it was virtually impossible to resolve all those differences in a week. But I think in all fairness to all the parties, there were genuinely sincere attempts by all concerned, and that fact must not be decried.

/Now...

Now it is also understandable, Mr Chairpersons, that there will be political posturing because we have nothing else to report on. What I am afraid of, in the posturing, is that we might send to the nation that is anxiously watching us today, the wrong kind of signals. And we must be aware of that fact. And I want to tell the nation that they must also understand that after a legacy of hundreds of years of injustice, suspicion, mistrust, misrule, that you are not going to resolve your differences in six months - and CODESA has been sitting for just about six months. It is a process that is going to take time. In fact, if I may use a famous quotation: There is simply no easy road to freedom for South Africans.

What South Africans have also witnessed, they must understand, is that it is our nation wrestling with itself to produce a new Constitution with which we will be able to live and with which we will be able to prosper. Now, one must also understand that we are making a Constitution. We are not in the process of passing legislation for which you talk about ordinary majorities. It is a universal norm that constitution making requires a maximum amount of consensus. The reason for that is that we are writing the fundamental rules of the game by which all the political actors will be bound. And therefore it is important that you get consensus of a majority of the players who are going to play to the fundamental rules of the game, and if we don't, then I am afraid, Mr Chairpersons, that the violence that we decry, might not be resolved.

And I want to express one truth, even Mr Mandela has spoken of assuaging the fears of communities. He's spoken of taking the whole country

/with...

with him. He's made enormous assurances to the Whites of this country. And I want to ask the question: at the end of the day, despite the fact that we want a non-racial country, will we really have a successful Constitution in this country if 90% or 95% of the Whites of South Africa reject whatever we agree upon? It is an important question that we will have to address.

The Way Forward, sir, is to sit down again and hammer out a solution no matter how long it takes. It is quite probable that we must have time constraints, but we will have to hammer out a solution. That is The Way Forward. The reason for that, sir, is that CODESA is not the only show in town; it is the only show in the country, and South Africans have no other choice but to negotiate a new Constitution.

Thank you, Mr Chairpersons.

MR JUSTICE MAHOMED

Thank you, Mr Omar.

Our last speaker for this evening will be Brigadier Ramushwana of the Venda Government. Thereafter I have only two more speakers tomorrow on this part, and they will be in that order: the State President, Mr F W De Klerk, and Dr Nelson Mandela.

/Chairpersons...

BRIGADIER M G RAMUSHWANAVENDA GOVERNMENT

Chairpersons, Distinguished Guests, Ladies and Gentlemen, CODESA 2 has been a barometer to measure the extent to which the aspirations of the people of South Africa would be satisfied with the outcome of the process of negotiations. These people of South Africa are expecting to see a new South Africa which will be ruled democratically by all the people of South Africa.

Venda appreciates the progress made in the Working Groups 1, 3, 4 and 5, but we are saddened by the impasse of resolving the constitutional principles by Working Group 2. Venda supports the process of making South Africa a democratic state. Basically, Venda supported a two-thirds majority in any constitutional principles affecting the amendments of the Constitution, and in the amendment of the Bill of Rights. But from a democratic compromise point of view, we accept 75% to the amendment to the Bill of Rights, and 70% across-the-board on any relevant issues. If the Government is committed to democracy, it will take these compromises into account seriously. Let us be committed to establishing a new South Africa by being honest to the truth of removing all racial relics, and special protection of minorities, which was done in the past.

We reject the establishment of an undefined House of Senate which proposes to be entrenched with veto powers. We call upon the South African Government to be sensitive to the yearning for democracy and freedom by the majority of the people of South Africa. Since 1948 their party in South Africa has been the major obstacle to the

/administration...

administration of justice. It is regrettable that at CODESA 2, the South African Government has failed to demonstrate a willingness to move from being guided by the past policies and principles. The people of South Africa, as well as the international community, are holding their breath in anticipation of the kind of outcome of CODESA 2, which purports to clearly indicate a path to a genuinely democratic South Africa.

I wish to conclude by saying that whosoever is contributing to the deadlock in Working Group 2, should be aware of the fact that they shall go down in the history of our country as having sabotaged the creation of an orthodox democracy in our country. Let us move towards the true democracy, which deprives power to those who are ruling, and transfer it to the majority of the citizens of the country. I am, however, aware of the fact that power is pollutable, but democracy does not allow the perpetuation of clinging to power.

Thank you.

MR JUSTICE MAHOMED

That concludes our speakers for tonight. We are scheduled to begin at 9.00 o'clock tomorrow morning.

CONVENTION ADJOURNED TO 16 MAY 1992

