

New Nation

Need to link hope with reality

The success of the preparatory talks last week that has now led to the establishment of the Convention for a Democratic South Africa, Codesa, has brought new hope that the negotiations process can finally deliver peace to the country.

Codesa represents the closest we have come to the new South Africa and introduces the principle of transition-through-consensus into the process of transformation.

It is regrettable that both Azapo and the PAC have decided to stand outside of this process, because it has now become a process that is unlikely to be to be arrested by the machinations of the Nationalist Party government.

What is more, at the centre of Codesa are the fundamental principles of a democratic value system that the movement has, over the years, been committed to.

To that extent it seems to us that the problems that existed between the PAC and ANC could have been resolved at the level of the Patriotic Front, thus ensuring that the progressive movement continues to hold the strategic high ground during the talks.

We cannot, however, at this stage claim that the process to democracy is going to be an easy one, despite the euphoria that currently holds sway.

We have learnt from previous talks with the government, through the Groote Schuur and Pretoria minutes, that we sometimes come close to what we perceive as the solution, only to be thrown off by the resurgence of violence.

Now, we cannot claim that violence can be solved before the transition. That would in itself be a contradiction, since it is always in the interests of the ruling class to destabilise the emerging society and to weaken the resolve of the resistance movement.

We are simply warning that the tendency to over claim our victories has in the past led to more violence and the loss of innocent lives.

We need to link up our political gains, such as the emergence of Codesa, to the reality on the ground - the continuing killings of our people.

The structures of linking negotiations with developments on the ground already exist, but, alas, these have been terribly slow in responding to the needs of the situation and are, frankly, not as organised as they should be.

It would be tragic if we only revisited these structures upon the outbreak of fresh violence.

CODESA

COUNTDOWN TO

Among the central issues Codesa will discuss in December are broad constitutional principles and the constitution-making body and process.

Discussions on the process of drawing up a new constitution for the country will start with the Convention for a Democratic South Africa (Codesa) on December 20 and 21.

After last week's preparatory meeting, 19 of the 20 participating organisations expressed optimism on the road ahead, judging from the "cordial atmosphere and spirit of compromise" displayed there.

However, taking into account that most of the items on the meeting's agenda were not discussed but referred to the Steering Committee, there is reason to believe that the road ahead is still a difficult one.

The breakthrough of last week's meeting is the agreement on the convening and chairing of Codesa as well as the venue.

Only the PAC, which finally walked out of the meeting, opposed Chief Justice Michael Corbett as Codesa convener and the appointment of judges Ismael Mahomed and Johannes Schabert to chair both the preparatory and the December meetings.

Among the crucial agenda items referred to the Steering Committee are the funding and administration of Codesa and the list of invitees.

Three issues are likely to dominate Codesa's deliberations. These are general constitutional principles, the constitution-making body and process, and the interim government.

Democratic Party (DP) leader Zake de Beer, who was appointed to chair the Steering Committee, said the three issues were equally important and interlinked. It was therefore difficult to determine which would be dealt with first.

"We might have to handle them simultaneously," he said.

However, ANC negotiator Mahomed Valli Moosa said the constitution-making body and the process would need to be discussed first.

This, he said, was precisely because the interim government was needed to facilitate the constitution-making process.

The danger of agreeing on an interim government before reaching consensus on how the constitution should be made is that such a government could lack clear objectives and definition, Moosa said.

He said the ANC would settle for an interim government with a life span of not more than 18 months, beginning from the second half of 1992.

Moosa expected Codesa to round up its business by the first half of next year and the implementation of its recommendations to start in the next half. The first recommendation to be implemented could be the interim government in order to facilitate the execution of other decisions, Moosa said.

These decisions would include the "levelling of the field" for free political participation, facilitating the holding of elections, the re-incorporation of the so-called independent homelands and other items that would emerge during Codesa's deliberations.

Regarding the constitution-making body, Moosa said the ANC remained committed to the idea of an elected Constituent Assembly (CA). This would draw up the con-

stitution and dissolve.

The next stage, according to different political organisations, could be the holding of a referendum to test the acceptability of the new constitution, followed by an election for the new government.

The nature of the interim government, Moosa said, was still open for discussion from the ANC's point of view.

Inyandza National Movement general secretary Professor Selby Ripinga said his party would suggest a model for an interim government that would replace the homeland system.

He said the first step towards dismantling the homeland system should be the demarcation of the country into regions by Codesa. This would be followed by the election or appointment of regional councillors across colour and homeland boundaries.

Homeland cabinet ministers would step down and stand to be elected or appointed to the council, which would include leaders from all political organisations operating in a given region.

The daily affairs of the homelands would be run by experts who would receive advice from the council, he said.

Leaders of other parties seemed to agree with Ripinga. De Beer has argued for the implementation of the same system for the national government. However, according to him, the state president and the cabinet would be maintained.

Representatives of political organisations would come together and form a council, which would advise the state president and the cabinet on policy matters.

The DP, De Beer said, was even considering the option of a joint presidency.

An issue likely to dominate Codesa's deliberations is the status and legal powers of Codesa vis-a-vis the South African government.

ANC sources said their position was that any recommendations coming from Codesa working groups and accepted by the forum should become policy.

De Beer argues that, in terms of the present constitution, it is parliament that is supposed to legislate Codesa's decisions, "unless this issue is discussed separately".

Well before last week's talks, the ANC made it clear that it was not prepared to become involved in a negotiating forum that could be overruled by parliament or the cabinet.

Moosa argues that decisions reached by Codesa should not "in any way be submitted to parliament or cabinet for purposes or review".

"We do not want a situation where decisions are taken by Codesa and are vetoed by either parliament or the cabinet... That is why we have accepted that the National Party and the government be represented separately, so that we can be able to ensure that decisions reached are binding on all parties, including the government".

The marginalisation of the most organised sector of the working class may have been set in motion with the National Party (NP) successfully blocking Cosatu's direct participation in the Convention for a Democratic South Africa (Codesa).

At a broader level, the decision to keep Cosatu out effectively shuts the door on organs of civil society at large, most significantly, the civic structures.

And, unless Cosatu and other sectors of the organised labour movement, including Nactu, ensure that the interests of the working class remain on the agenda, this marginalisation process will gain momentum and be extended to other formations representing working class interests, including the SACP.

For the moment, Cosatu has decided that it will not participate directly in the political process, unless it is allowed to do so in its own right.

This decision, taken by the federation's Central Executive Committee (CEC) at the weekend, effectively overturns an Executive Committee (Exco) resolution which opted for indirect representation through a Cosatu presence in ANC and SACP delegations.

It also reaffirms the July national congress decision of the federation, which called for direct representation at political talks.

The reasons for Cosatu's exclusion are not difficult to find. NP

What about the workers?

leader FW de Klerk argued that opening the door to Cosatu would effectively open the flood gates for all sectors of civil society. This argument is not entirely sound, unless the labour federation is equated with other apolitical formations.

But it would be short-sighted and erroneous to equate Cosatu with other sections of civil society, or, for example, formations like the Federal Independent Democratic Alliance (Fida).

Cosatu, in the pre-February 2 period, played a formidable political role and continues to do so today, despite being a labour federation.

In fact, it would be well within its right if it claimed credit for playing a major role in shaping the course of political developments that culminated in preparations for the launch of Codesa.

This alone sets it apart from an organisation like Fida. It also enjoys the distinction of representing the biggest organised constituency in the country.

While this should have been enough to convince De Klerk and the NP that, Cosatu, as a significant political player, warranted a place at Codesa, they remained unmoved.

The reasons become clear, especially when the NP's intransigence on Cosatu's participation is examined against the background of its

ability to mobilise mass support to back up its demands.

More recently, this was evident in the scale assumed by the November 3 and 4 general strike.

And it becomes obvious when examined in the context of De Klerk's claims that the "ANC was being led by its nose by Cosatu". De Klerk is clearly suggesting that the ANC would follow a much more moderate line had it not been for Cosatu's influence.

While even De Klerk is unlikely to seriously believe these claims, implicit in his statement is a fear of the mass constituency that Cosatu could bring into the political process. This could only bolster the position of the NP's adversaries in the ANC and SACP.

It is therefore not difficult to understand the NP's willingness to exploit the debate over Cosatu's participation and delay the launch of Codesa indefinitely.

At the end of the day, the NP would only be satisfied with a configuration that will allow it the necessary space to turn Codesa into a vehicle to entrench the interests of minorities and capital in the constitutional principles.

But, even against this background, Cosatu's decision to unlock the process towards constitutional talks by dropping the demand for direct participation has some tactical merit in

that it has cleared the way for the launch of Codesa.

Being outside of the process also positions the federation more favourably to mobilise for mass action.

At the same time, it raises a host of questions. High on the list is how the federation hopes to keep in check the processes that will unfold at Codesa.

While the CEC resolution says the federation will not elect representatives to ANC and SACP delegations, it does not rule out the possibility of high-ranking Cosatu officials opting to join these delegations.

Within Cosatu's leadership are senior SACP members, including federation president John Gomomo, first vice-president Chris Dlamini and Numsa general secretary Moses Mayekiso.

The decision as to whether such officials should participate or not was left up to the individuals themselves.

While the presence of Cosatu officials in either the ANC or SACP delegations would help keep the Codesa proceedings in check, their participation would not be without problems. It would once again bring into focus the many-hats debate and the question of mandates.

It is believed the CEC made it clear that if individuals opted for

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A NEW CONSTITUTION



■ Some of the 20 parties represented at last week's multi-party talks: The government, represented by Gerrit Viljoen and Kobie Coetsee (left), the Inkatha Freedom Party (centre) and the Transkei government (bottom).



Behind the PAC walk-out

The PAC's decision to walk out from last week's preparatory meeting for the Convention for a Democratic South Africa (Codesa) came as no surprise.

PAC representatives claim the walk out was due to disagreement at the meeting. But many see the organisation's internal crisis as the real reason for the walk out.

The tension within the organisation was highlighted by the show of force at the Kallahong Consultative Conference. Dissenting delegates from 53 PAC branches, reportedly from across the country, attended the weekend event.

It is believed that the PAC leadership went to last week's talks already determined to walk out, but was waiting for news of the attendance of the Kallahong conference. Poor attendance would have been regarded as a message of support for the negotiations stance.

Observers have also said the PAC leadership lack of "diplomatic and negotiating skills" was evident at the preparatory meeting.

While the PAC negotiators held strong views about issues raised at the meeting, they failed to consult with other participants prior to the meeting.

The ANC, according to its secretary general, Cyril Ramaphosa, had consulted "not less than 14 organisations" attending the meeting.

PAC deputy-president Dikgang Moseneke conceded during a press conference that their failure to consult on their views was among the many lessons they had learnt.

Moseneke also pointed out that issues at the meeting would either be raised by the ANC and the National Party or the government and be supported by other participants. This, he said, was "the result of prior consultation and agreement, principally between the ANC and the regime".

The PAC leader conceded that tension within his organisation influenced their performance.

"Obviously, if there is tension within the organisation, it puts pressure on the leadership and we are not immune to that," said Moseneke.

In announcing the suspension of their participation in the talks, Moseneke said a consultative conference would be held in Cape Town on December 16.

But, following the Kallahong conference, observers doubt this will be a success.

The Kallahong conference declared last year's PAC congress "null and void", claiming that it was unconstitutional and undemocratic. The present PAC leadership was elected at this congress.

The meeting resolved to hold a national PAC congress on April 6 next year. The first congress, they said, was the organisation's launching congress in 1959. All meetings held in between were not recognised, they said.

Recent revelations of high-level meetings between PAC leaders and the government are likely to fuel the "anti-leadership" camp within the organisation.



■ MARGINALISED? Delegates marching to a Cosatu congress. Will Cosatu's exclusion from Codesa lead to the marginalisation of workers' interests?

participation in ANC and SACP delegations, they would not carry a Cosatu mandate.

And, while pointing out that individuals could decide whether to participate or not, delegates at the CEC cautioned that senior Cosatu leaders would have to take into account public perceptions about their profiles.

Many senior leaders in the federation are perceived publicly as an embodiment of Cosatu and their presence at the talks may well be construed as representing that of the federation.

Given this concern within Cosatu, it is likely that the federation will not have any presence at Codesa.

This would be in tune with the congress and CEC decisions not to participate in Codesa unless allowed

in its own right. However, it falls foul of the many-hats resolution, which allows Cosatu officials who are not full-time to hold office in political structures.

One way or the other, the CEC decision will have to be revisited to address this dilemma.

What is important at the end is to ensure that Cosatu stays in tune with the mood at Codesa and future developments.

It believes this can best be achieved under current conditions by electing a political committee to liaise and strategise with the ANC and SACP.

This is not significantly different from the past, when Cosatu, through the alliance, hoped to ensure that its views found expression at talks about talks. This approach has not always

worked to the satisfaction of all alliance partners. And it cannot be guaranteed that it will work satisfactorily this time.

Numsa's Mayekiso made this amply clear in his report to the union's national congress in August, when he said: "During 1990 and 1991, there was general concern in Cosatu at the fact that the pre-conditions negotiations were being widened to other issues. The suspension of the armed struggle during preconditions talks caught us by surprise," he said.

"It appeared as if important decisions, that were outside the Harare framework, were being taken, without sufficient consultation both with ANC rank and file membership and alliance partners," Mayekiso added.

These concerns were expressed almost 18 months after the alliance had begun functioning inside the country.

But much has changed in the alliance, it could be argued, and problems of consultation may not be insurmountable.

However, mere liaison and joint strategising with the ANC and SACP will not ensure that the working class perspective prevails at Codesa.

Cosatu has left open the option of mass action, a weapon that has proved formidable in the past, in directing change.

The federation says this is not the first time it has been outside of the political process. Yet it was able to dictate the pace and direction of events.

Its CEC has laid down a tight timetable, stating "our slogan is freedom in 18 months". This effectively limits the life of Codesa, the interim government and the constituent assembly.

Cosatu has also spelt out what its expects of Codesa.

The federation's Jay Naidoo says: "Cosatu will resist all attempts to broaden Codesa into a constituent assembly. We will not allow Codesa to assume the role of formulating a new constitution. That process belongs to the elected representatives of the people."

He also warned that the federation will resist any NP attempt to use broad constitutional principles to entrench apartheid values in the new constitution. Attempts to impinge on

the constitutional rights of workers, such as the right to strike, will also be resisted, Naidoo said.

And Cosatu will use mass action to ensure that these perspectives prevail.

There is also a view within Cosatu that various points of influence in Codesa need to be identified through which the labour movement can influence the course of events.

While mass action remains crucial at this level, ANC and SACP officials, who by virtue of their previous positions in the trade union movement owe a certain allegiance to the labour movement, will play an important role in this regard.

But their capacity to project a working class perspective, some argue, would have been greatly enhanced by the presence of Cosatu leaders at the Codesa table.

Once again, this will not be possible in the context of the current CEC resolution.

One way or the other, Cosatu will have to arrest the process of marginalisation of worker interests that is already in progress. The current CEC position appears inadequate when examined against the background of the contradictions inherent in it.

But it is not only marginalisation by the NP that Cosatu will have to guard against. As the process unfolds, the possibility of working class interests being marginalised from within the democratic movement cannot be ignored.