CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



FIRST PLENARY SESSION

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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



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CONVENTION FOR A DEMOCRATIC SOUTH AFRICA



FIRST PLENARY SESSION

CHIEF JUSTICE CORBETT

Good morning Ladies and Gentlemen. Welcome to the first meeting of the Convention for a Democratic South Africa. In particular, I would like to welcome the following delegations representing participants in the Convention. The delegation of the African National Congress led by Mr Mandela; the delegation of the Government of Bophuthatswana led by President Mangope; the delegation of the Government of the Ciskei led by Brigadier Gqozo; the Democratic Party delegation led by

/Dr de Beer ...

Dr de Beer; the delegation of the Dikwankwetla Party of KwaKwa led by Dr Molepi; the delegation of the Inkatha Freedom Party led by Dr Mdlalose; the Intando Yesizwe Party led by Mr Mahlungu; the Inyandza National Movement of Kangwane led by Chief Minister Zitha; the Labour Party of South Africa delegation led by the Reverend Hendrickse; the Natal Indian Congress, Transvaal Indian Congress delegation led by Mr Sewpershad; the National Party delegation led by Dr de Villiers; the National People's Party delegation led by Mr Rajbansi; the Solidarity Party led by Dr Reddy; the South African Communist Party delegation led by Mr Hani; the delegation representing the South African Government led by President de Klerk; the delegation of the Government of Transkei led by Major General Holomisa; the United People's Front of Lebowa led by Chief Minister Ramodike; the delegation of the Government of Venda led by Brigadier Ramushwana; and the Ximoko Progressive Party of Gazankulu led by Professor Ntsanwisi.

In addition to the participants, we have with us today a large number of Ambassadors and other Diplomatic Officers representing embassies and diplomatic missions in South Africa. As well as distinguished representatives from the following International Organisations: The United Nations; The Organisation of African Unity; the Commonwealth; the European Community; the Non-Aligned Movement and the

/International ...

International Committee of the Red Cross.

And finally, I should like to mention the Fourth Estate in all its branches, the Press, the Radio and Television. To all of you I extend a warm and sincere welcome; and to our visitors from overseas and elsewhere in Africa, a fruitful and happy stay in South Africa.

As I stand here, I am very conscious of the gravity and immense importance of this occasion. This is the first meeting of the Convention for a Democratic South Africa, representing the culmination of a process which commenced on 2 February 1990. A process which as it has developed, has aimed to bring together the leaders of all significant political groupings in greater South Africa so that they should sit down with one another, state and debate their separate points of view, negotiate their differences and plan for South Africa a new constitutional dispensation which it is hoped would prove acceptable to the broad majority of South Africans.

I think that most of us cherish a vision of how the new South Africa should look, and I believe that I would be expressing a common sentiment if I were to say that what people want is a truly democratic South Africa; a just and open society, dominated solely by the rule of law; a society dedicated to the prosperity and well-being of all its members; a society at peace within itself, and one in which tolerance and mutual

/understanding ...

understanding prevail; a society characterised by non-discrimination and equality of opportunity; a society which recognises and guarantees the fundamental rights and freedoms of the individual such as the right to life and human dignity; equality before the law; the right to spiritual and physical integrity; the right to privacy and the security of one's home; freedom of speech; freedom of association; freedom from arbitrary search or arrest; freedom of movement; freedom of conscience and religion to name but some. We all hope and pray that the deliberations of this Convention eventually will enable this vision to become reality.

What we are witnessing today at this opening session of CODESA is history in the making, and I think that it is appropriate that I should for a brief moment turn back the pages of history to Monday 12 October 1908, for it was on that day that the National Union Convention comprising representatives from the four colonies, the Cape, the Transvaal, the Orange Free State, and Natal, together with an observer delegation from what was then Southern Rhodesia, met for the first time in Durban to discuss the formation of a political union and to draw up a draft constitution.

Coincidentally, it was nine years to the day after the outbreak of the Anglo-Boer War. The Chairman of the Convention was the distinguished Sir Henry de Villiers, then the Chief Justice of the Cape Colony and later to become the first Chief Justice of

the Union of South Africa. In opening the Convention, Sir Henry emphasised the difficulties which would be encountered, but stated that he was confident that they would not prove to be insurmountable. He continued and I quote:

> "Everything depends upon the spirit with which we approach the performance of our task. Failure is certain if we start with a feeling of distrust and suspicion of each other and with the sole desire to secure as many advantages as we can for our respective political parties or our respective colonies. Success is certain if we give to each other our fullest confidence and act upon the principle that while not neglectful of the interests of those who have sent us here, we are for the time being representatives of the whole of South Africa. A great opportunity now lies before us and it is an opportunity which may not soon occur again."

I venture to suggest that these words so appropriate 83 years ago are equally pertinent today.

There is now a flowing tide in our affairs and we must take it at the flood. The opportunity will not readily recur. Whether this will lead on to fortune will depend upon the deliberations which commence today.

Die welslae van hierdie beraad sal na my mening afhang van die vermoë en die bereidwilligheid van alle partye daartoe om takt aan die dag te lê, om die ander man se sienswyse te

/begryp ...

begryp en te verdra, om waar nodig pragmaties op te tree en bowenal waar standpunte onversoenbaar skyn te wees, om 'n vergelyk te tref. Afgevaardiges sal natuurlik die sienswyse en beleid van die wat hulle teenwoordig voordra. Dit is nie meer as reg dat hulle so te werk gaan nie. Dit is ook hulle plig om so te doen. Terselfde tyd moet hulle nooit die feit uit die oog verloor, dat bo en behalwe die instansies wat hulle na hierdie Konvensie gestuur het, hulle ook die hele Suid Afrika verteenwoordig.

Die analogië van 1908 is natuurlik slegs tot 'n mate juis. Die 32 afgevaardigdes wat destyds onder die voorsitterskap van Sir Henry de Villiers byeen gekom het was almal Blank gewees and hulle het oor die algemeen aan die behoefdes en benadering van Blanke Suid Afrikaners uiting gegee. Van agterna beskou, was dit 'n ernstige gebrek. Dit moet egter in die lig van geskiedkundige perspektief en met 'n begrip van destydse houdinge en persepies gesien word. Trouens die stigters van die Unie van Suid Afrika, met die verwoestend Boere-oorlog nog vars in die geheue, verwoestend in 'n stoflike sin, maar ook verwoestend - en dit is belangriker wat mense verhouding betref - was primêr besorgd oor die verwesenliking van 'n versoening tussen Boer en Brit. Daardie leemte, die afwesigheid van teenwoordiging van all rasse groepe, is gelukkig nie vandag te bespeur nie.

On the other hand, the need to achieve reconciliation so much

/to ...

to the forefront in 1908 is also of paramount importance today. The turbulent history of our country over the past 80 years, has inevitably scarred society and has created within it divisions, antagonisms and suspicions. But a kingdom divided against itself cannot stand. It is imperative that as far as possible, these divisions be healed; these antagonisms resolved, and these suspicions removed. That should be one of the most important, if not the most important goal of this Convention for I believe it is only if the parties approach these talks in a spirit of reconciliation that true success can be achieved.

Finally, as Sir Henry de Villiers emphasised, there must be trust between delegates. But trust does not appear overnight. Trust has to be earned. It is built on confidence, and confidence rests on experience. And here I refer to the experience which enables persons to get to know one another, the experience of candour and straight-forwardness in discussion, of consistency in debate and of adherence to understandings reached and compacts made.

I accordingly wish you all success in your deliberations. I am sure that with the right approach you will succeed. You must succeed. The whole of South Africa depends on you. With that message I open this convention. Ek vra nou vir Professor Heyns om namens ons te bid.

PRAYERS BY: RABBI CYRIL K HARRIS
PROF J A HEYNS
SHEIKH NAZIM MOHAMED
REV STANLEY MOGOBA
PANDIT NARDEV VEDALANKER

CHIEF JUSTICE CORBETT INTRODUCES THE CO-CHAIRPERSONS, JUSTICE SCHABORT AND JUSTICE MAHOMED

I now hand over to the two Chairpersons of the Convention, my judicial colleagues, Mr Justice Schabort and Mr Justice Mahomed.

MR JUSTICE MAHOMED

On behalf of my esteemed colleague, Mr Justice Schabort, myself, I wish to thank all of you present in this hall who have honoured our country and expressed their concern for its people and its future by accepting our formal invitations to join in the commencement of an exciting journey into the future.

Our gratitude is also due to His Lordship the Chief Justice who has graced this occasion with the dignity of his office, the sensitivity of his character and the wisdom of his intellect. And there is a special debt to the religious leaders of different faiths and denominations who have sought with such richness and dignity to infuse a spiritual dimension into an occasion of momentous political and secular significance. It is truly a momentous occasion. As our society attempts for the first time in its troubled history, squarely to face the real truth of our existence in Africa. The cosmic forces have intriguingly conspired to bless our beloved country

/with ...

with potentially dazzling material riches, with wondrous opportunities for human creativity and brotherly love, and with truly exciting possibilities in the evolution of the spiritual condition of those destined to love and to share in this country.

But what was a potentially glorious historical romance has been distorted into a major modern tragedy by the malignancy, the obscenity and the cruelty of apartheid and institutionalised racism which has separated us, demeaned us and isolated us from the mainstream of the civilized world. But the moment of truth has finally arrived for all of us. We can no longer avoid or dare delay our tryst with our own destiny. We should seek to meet that destiny with courage, with eagerness and with joy by proclaiming before the sun sets on this auspicious day, our irreversible commitment to a non-racial democratic and caring South Africa which can hold its head high among the free and civilized nations of the World. A clear commitment to structure our society with all deliberate speed on the constitutional foundations of the simple but profound truth shall begin to set us finally free from the shackles of fear; of anxiety; of greed; of insecurity; of poverty and of anger which have all perpetuated our needless tragedy and our terrible nightmare for so long.

It is in this spirit of goodwill, hope and reconciliation that I have the privilege of welcoming you to this convention on behalf of my esteemed colleague and myself. My esteemed colleague will deal with the next item on the agenda.

/Your ...

MR JUSTICE SCHABORT

Your Lordship, Mr Justice Corbett, my honourable and esteemed colleague, gentlemen, religious leaders, ladies and gentlemen, the item on the agenda which we have now reached is number 4 being the Opening Remarks by Leaders of Delegations. This is a matter which will take up most of the time of the convention today.

It seems true and appropriate on this occasion to say that multitudes of South Africans have been awaiting with great interest and perhaps even more expectation the opportunity to hear the opening speeches by the leaders of the various delegations present here. It was agreed that each speaker would be afforded a maximum of 15 minutes within which to deliver the address. There are no time-keepers and no devices to assist the speakers to stay within the time limits. We do however rely on their co-operation implicitly. The order shall be alphabetical.

Accordingly, the first speaker will be Mr Nelson Mandela, the leader of the delegation of the African National Congress. Mr Mandela, will you come forward please.

/MR MANDELA ...

DR N MANDELA

AFRICAN NATIONAL CONGRESS

Chief Justice, and Joint Chairpersons, Leaders of Political Parties and Movements, Distinguished Observers from International Organisations, Members of the Diplomatic Corps, venerable, traditional and religious leaders of our people, comrades and friends, and last but not least, the people of my country, today will be indelibly imprinted in the history of our country if we who are gathered here respond to the challenge before us. Today will mark the commencement of the transition from apartheid to democracy. Our people from every corner of our country have expressed their yearning for democracy and peace. CODESA represents the historical opportunity to translate that yearning into reality.

For eighty years the ANC has led the struggle for democracy in South Africa. Along the route traversed during the period many sacrifices were made by thousands upon thousands of our people in the arduous battle between freedom and oppression. Positions hardened and polarisation developed between the people and the State even when in the absence of any other recourse, the ANC took up arms, our objective was to secure a political settlement in South Africa. In the past few years an environment more conducive to establishing mutual trust has been established. South Africans of many persuasions recognised that this environment and its institutional product,

CODESA, is the fruit of their sacrifices and struggle. They have a justifiable expectation that CODESA will set our country on the road to democracy. Inasmuch as apartheid has been declared a crime against humanity and the problems of our country have engaged so much of the attention of the international community over decades, the presence of esteemed observers from key international organisations as guests of CODESA is most appropriate.

We welcome the guests from the United Nations Organisation, the Organisation of African Unity, the Commonwealth, the European Economic Community and the Non-Aligned Movement. We trust that they will avail to the process now unfolding their wisdom, insights and experience gained in many similar initiatives across the world. All South Africans share the hope and vision of a land free of apartheid where internal strife will have no place. The ANC initiated the search for peace in our country. Since 1986 the ANC has intensively campaigned for a negotiated transfer of power. This campaign reached new heights in 1989 when the OAU, the Non-Aligned Movement and the United Nations General Assembly all adopted declarations supporting this position. All three declarations stated, and I quote:

> "That where colonial, racial and apartheid domination exists, there can be neither peace nor justice."

In keeping with this spirit, CODESA must therefore lay the

/basis ...

basis for the elimination of racial and apartheid domination. It is only by decisive action in this regard, that South Africa will be granted entry to the Community of Nations as a full member.

The strength of the CODESA initiative lies in the range of political parties and persuasions represented here. The presence of so many parties augurs well for the future. The diverse interests represented, speak of the capacity to develop consensus across the spectrum and of the desire to maximise common purpose amongst South Africans. Many parties here have already invested so much by way of preparing their constituencies for transformation. Above all else, the investment already made, must spur us on to total commitment for the successful outcome of this convention.

Ons betreur die feit dat daar nog partye is wat hulself uit hierdie belangrike proses uitsluit. Na KODESA is die situasie in ons land onomkeerbaar. Die dreigemente met Burgeroorlog is onverantwoordelik en totaal onaanvaarbaar. Die tyd vir sulke praatjies is lankel verby. As hulle hierdie dreigemente uitvoer sal die wêreld sien dat hulle die lyding van alle Suid-Afrikaners wil verleng, en die soeke na vrede in ons land wil verpes.

Maar een ding staan vas: Die proses tot egte demokrasie is onstuitbaar. Die geskiedenis bied vir ons almal 'n unieke geleentheid. Om hierdie geleentheid vir die lensiesop van

/leë...

leë, negatiewe bravado te verkwansel is om die toekoms te ontken. Ons doen steeds 'n beroep op sulke partye om nou, selfs in hierdie laat stadium, by KODESA aan te sluit. Die boodskap van die ANC deur KODESA is eenvoudig duidelik en vir alle Suid-Afrikaners die tyd vir een Suid-Afrika, een volk, een stem, een toekoms, is daar.

The National Convention in 1908 was a gathering of Whites representing the four British colonies. It was also a betrayal of Black people and a denial of democracy. The Act of Union entrenched the colonial practices and institutions constitutionally. In its wake, our country has lived through eight decades of wasted opportunity. CODESA provides the first opportunity since, to attempt to establish democracy in our country. It is imperative that we also reach consensus on the definition of democracy.

From the ANC's perspective, democracy entails, and I quote:

> "That all governments must derive their authority from the consent of the governed.
>
> No persons or groups of persons shall be subjected to oppression, domination or discrimination by virtue of their race.

All persons should enjoy the right to life.

All persons should enjoy security in their persons and should be entitled to the peaceful enjoyment of their possessions, including the right to acquire, own or dispose of property without distinction based on race, colour, language, gender or creed.

All persons should have the right to hold, and express whatever opinions they wish to subscribe to, provided that in the exercise of that right, they do not infringe on the rights of others."

This quality of democracy will indeed only be possible when those who have borne the brunt of apartheid oppression, exercise their right to vote in a free and a fair election on the basis of universal suffrage.

/We ...

We can see no reason why an election for a Constituent Assembly should not be possible during 1992.

NGESIKHATHI ISIMO SENGCINDEZELO SIDINGA KUZATSHALAZWE uANC AKAZANGE AHLEHLELE EMUVA KODWA WAKHOMBA UMHLAHLANDELA. MANJE NGOBA ISIMO SESIYAVUMA FUTHI I ANC EHAMBA PHAMBILI EKULETHENI UXOLO KULELI LOKHOKHO.

UMA KUKHONA ABANTU ABANDINGA INKULULEKO ESOUTH AFRICA ABANTU ABAMNYAMA BAYINDINGA MANJE NGOBA ISIMO SABO SOMNOTHO NENHLALANHLE SIYA NGOKUBA SIBI INSUKU ZONKE.

ILUNGELO LOKUVOTA IYONA NTO EWUMONGO WOMZABALAZO WE NKULULEKO. U1992 UNYAKA WAMANQAMU OKUFALENE ULETHE ULETHE UKHETHO LOKUQALA LWENTANDO YENINGI ESOUTH AFRICA.

CODESA, on its own, will not deliver democracy. In recording this fact, there is no attempt to demean CODESA. Even absolute consensus during the life of CODESA will still leave an apartheid constitution in place. We need to be reminded that this very constitution was declared null and void by the United Nations Security Council in 1983. The invalidation of the prevailing constitution is the most persuasive argument in support of the view that the incumbent Government is unsuited to the task of overseeing the transition to democracy. Its oft-stated commitment to democracy must now compel it to make way for an Interim Government of national unity to supervise the transition. This is the only cogent outflow from our deliberations at CODESA. The consensus which we arrived at will certainly have far-reaching implications for the birth of a

/new...

new nationhood. None of us could be satisfied with circumstances where the consensus struck at this meeting is not translated into full legal force.

An interim government, important as it may be, is but a product of agreement between ourselves as political parties and organisations. It will not be the outcome of full participation by the people of our country. Negotiations, to be successful, must be owned and supported by the majority of South Africans. In the absence of full participation we must commit ourselves to open negotiations to ensure that notions of secret deals do not arise. This process will also hinge on the confidence by each participating party that the communication of developments be absolutely non-partisan. Consideration therefore needs to be given to the immediate establishment of the necessary mechanisms to ensure that the State-controlled media accurately and fairly represents the views of all participants.

The means of establishing an interim government will not be participatory. Therefore the consensus at CODESA should curtail both its mandate and its lifespan. The ANC remains fully committed to the installation of a government which can justly claim authority because it is based on the will of the people. This reality will have to be underpinned by a constitution which both engenders respect and enjoys legitimacy. There is a compelling urgency about this task. It is inconceivable that such a democratic constitution could be reached in any way but through the portals of an elected constitution-making body namely, a Constituent Assembly.

/It ...

It is tragic that our country, so well-endowed with natural resources, has been reduced to an economic wasteland by the system of apartheid, based on greed and mismanagement. It is also distressing to note that the deplorable violence has reached such alarming proportions, and others threaten still more. These features are a direct consequence of the determination of a minority to maintain the power and privilege accrued by apartheid. There are large parts of our country where free political activity is still not possible, where law and order is still ruled by the jackboot and a large number of political prisoners remain incarcerated. In the spirit of our Convention, we call upon the Government to proclaim an immediate CODESA Amnesty before Christmas for all remaining political prisoners throughout the country. Nothing could be more irresponsible than for those of us gathered here today to deny our people the right to peace and freedom of association and deny our country its due economic growth.

As everybody here is aware, the ANC and the Government have been involved in bilateral discussions since May last year. There are still some matters dealt with in these bilateral talks which have not been finalised. We will continue these discussions, among other things, seeking to resolve the question of the control of all armed formations in the country including Umkhonto we Sizwe. We can only reverse the current situation if we set our sights on establishing true democracy. The national interest is far, far more important than the sectional interests represented by any party here. Everybody wants a place in the sun of a post-apartheid South Africa. No delegation here could possibly have been

mandated by its constituency, however small, to attend the CODESA in order to annihilate itself. Recognising this, however, we want to make a strong appeal to everybody present to place the compelling national concerns above narrow sectional interest. History will judge us extremely harshly if we fail to turn the opportunity which it now presents us with into common good. The risks of further pain and affliction arising from violence, homelessness, unemployment or gutter education are immense. No country or people can afford the extension of this anguish even for a day. The approach which we adopt at CODESA must be fundamentally inclusive; the price of CODESA's failure will be far too great. We must not trample on the confidence which our people have placed in the successful conclusion to these negotiations. It would be foolhardy not to secure peace and prosperity for South Africa. Our people and the world expect a non-racial non-sexist democracy to emerge from the negotiations on which we are about to embark.

Failure of CODESA is inconceivable, so to is consensus without legal force. There is absolutely no room for error or obstinacy. The challenge which CODESA places before each one of us is to unshackle ourselves from the past and to build anew. CODESA can be the beginning of reconstruction. Let our common commitment to the future of our country inspire us to build a South Africa of which we can all be truly proud.

PRESIDENT L M MANGOPE

BOPHUTHATSWANA GOVERNMENT

Mr Chief Justice, Messrs Chairpersons, honoured delegates, distinguished guests, ladies and gentlemen. This is indeed a great and memorable occasion for all of us who for years have struggled for basic freedom and human rights, democracy and the restoration of dignity, to be present at this launching of a new era towards a free South Africa.

This moment Mr Chairman is as great, but also as serious and awesome, as the challenges and responsibilities facing all of us. We are here to seek not our own nor individual organisational benefit, but to sincerely and truly seek the future well-being of, and peace for all our people. Our purpose is not to seek posture for political gain outside these walls, but as true leaders to lead, to heal rifts, to close gaps, to break down barriers, to find common cause which will serve the best interests of Southern Africa. We want to set the example right here at this meeting. We are not creatures of apartheid nor are we part of apartheid structures. We abhor and have fought with all our being against this iniquitous system. Why do I say this? Because Mr Chairman, the history of Batswana - my people - nation goes back to the eleventh century when we inherited the greatest portion of the country north of the Orange River and south west of the Zambesi. We lived here as sovereign and free people until we suffered the dual fate of the northward expansions of colonial Britain and the westward encroachment by the Voortrekkers.

/As...

As a result of this intrusion and occupation of our traditional land and our resistance to these actions Lieutenant-Governor Keate of Natal was eventually approached for arbitration and ultimate judgment. The resulting Keate Award published on 17 October 1871 secured the rights and independence of Batswana chiefs in areas south of the Molopo,which today is Bophuthatswana, and north of the Molopo which today is Botswana.

Despite these findings and this judgment by their own official, we continue to become the victim of British colonial expansionism. In 1885 our land was occupied and divided into the Bechuanaland Protectorate and the Crown Colony of British Bechuanaland. Because they valued their freedom highly and feared for the future of their land the Batswana Chiefs and all the inhabitants obtained the solemn and categorical commitment from the British that they would never form part of either the South African Republic or the Cape Colony.

Sadly however, Mr Chairman, after the discovery of diamonds in Kimberley, the British, in violation of agreements and réneging on all their commitments, unjustly and unilaterally incorporated our country into the Cape Colony. Our struggle for freedom and justice then began in all earnest. This act was in direct contrast and contravention of the way in which the other three British Protectorates namely Lesotho, Swaziland and Botswana were treated and stands still today as probably the biggest injustice of all time against my country and was never accepted by my people.

/These ...

These events occurred fifteen years before the unification of South Africa in 1910 and fifty-three years before the National Party came into power with their policy of separate development. In 1977 we used the opportunity presented by the South African Government to regain our sovereignty and freedom so unjustly and cruelly taken from us by the British Colonial Government. We rid ourselves of apartheid, scrapped all apartheid laws and created a non-racial society. We re-moulded our people, who were scattered in groups in tribes over a wide area, and forged them again into a nation. We regained our dignity, our self-esteem, our sense of self-reliance and self-belief, acknowledging the wise and guiding hand of God Almighty.

The fact that this process resembled an element of the apartheid policy of the South African Government, was a cruel outcome of fate and very ironical. Ironical in the sense that we introduced and built on sound democratic principles and values that are acknowledged and demanded worldwide, and are even today seeping through Eastern Europe and Asia, with worldwide acclaim.

Were it not for the immoral act of colonialism by the British in 1895 and the apartheid policy followed by a minority régime over which we had no say, Bophuthatswana would have been accepted and recognised together with the other British Protectorates of that time, namely Botswana, Lesotho and Swaziland. Our cultural and historical heritage, the reality of diversity in Southern Africa and the need to satisfy the aspirations of all concerned, cannot be ignored or wished away. It will have to be accommodated and provided for, whatever political dispensation is decided upon.

/Why ...

Why then limit oneself to the position as it found expression in 1910 and ignore all previous historical and other developments and events? None of us need to look further than the world around us to see which policies and ideologies have been successful and which have failed. South Africa need not repeat any of the mistakes of others if the events and lessons of today's history are observed, if we note the principles and values of the successful nations, as well as those of countries who are in the process of collapse.

Turning to achievements and performances, it is evident that the people in my country enjoy wealth and a quality of life that is far advanced of standards achieved in many other countries. If this is compared with the political chaos, economic decline, unrest and violence elsewhere in the world we are doing much better than most at present. This was achieved within a period of fourteen years compared with developments over many, many decades elsewhere. In fact in development and growth we stand tall when compared to other countries in Sub-Saharan Africa. Over the past two years we've registered the highest real economic growth rates in Sub-Saharan Africa. Our enrolment of primary and secondary scholars rate under the first ten in Sub-Saharan Africa, and our 1990 matriculation results were second to none.

It is thus not fair nor prudent in terms of our history, our tested principles and values and our economic performances to be regarded as just another so-called self-governing territory or just another so-called TBVC state or product of apartheid. The circumstances

/in...

in each country drastically differ from one another. And these countries, especially my country, can therefore not be grouped and generalised for convenience purposes. This nation refuses, Mr Chairman, to be ignored or belittled in any way whatsoever.

For us to change our constitutional dispensation the change will have to be for something better or alternatively a future which at least is as good.

In turning to CODESA Mr Chairman, let there be no doubt that we are encouraged by the main developments to date. It is a culmination to us of our persistent representations, argumentation and negotiations over many years with the South African Government. It is our sincere wish to participate and contribute constructively to the proceedings. It must be remembered however that we are a sovereign and independent country, whether it is formally recognised or not, with our own parliament and legislative process and our own electoral system that meet democratic principles. The Government of Bophuthatswana is only capable of functioning within the parameters laid down by our constitution and our other laws. We are therefore not legally competent to enter into any commitment or agreement which may result in the abolition of Bophuthatswana as a sovereign independent state or the possible merging of its identity with another or others. Authority to that end may only be conferred by, or in accordance with, the provisions of the law of the National Assembly of Bophuthatswana, adopted for that purpose.

We are prepared to participate on the basis of sufficient consensus

/regarding...

regarding general procedures and decisions, but an important aspect is not acceptable. Decisions taken that affect our very existence we cannot allow. It is not constitutional nor is it proper that other participants in CODESA should make a decision for us.

We, the people of Bophuthatswana, are the ones who must have the final say on our future. I regret therefore Mr Chairman, that I cannot unreservedly commit myself to the Declaration of Intent as it is presently formulated and therefore cannot sign it.

My vision for the future is namely that all nations of Southern Africa commit themselves to grow into one powerful, prosperous inter-dependent and peaceful economic community. The destinies of all population groups in Southern Africa are intertwined economically and in respect of many other fields, I therefore sincerely hope that flowing from CODESA a wider vision regarding economic co-operation and development for the whole Southern Africa, including SADCC countries, be considered and actively pursued. My country will very whole-heartedly support any initiatives in this respect by CODESA.

Ek wil afsluit mnr die Voorsitter deur u die versekering te gee dat Bophuthatswana bereid is om sy bydrae te maak. Ons aanvaar terselfde tyd die verpligting om dit wat vir ons lief en dierbaar is te beskerm en uit te bou in 'n nuwe grondwet vir Suid Afrika. Ons wil saam met u ons vertroue stel in ons Almagtige Vader wie die finale beskikker is van die lotgevalle van volkere en nasies. Mag Sy seën op hierdie verrigtinge rus. Ek dank u.

BRIGADIER O J GQOZO

CISKEI GOVERNMENT

Thank you very much Mr Master of Ceremonies. The Honourable Chief Justice, Messrs Chairpersons, Foreign Dignatories, Distinguished Guests, Ladies and Gentlemen and the Members of the Press. As Southern African moves inexorably towards a true democracy we hope we stand naked in the eyes of the world, vulnerable at the razor's edge of history in the making awaiting our new clothes of credibility and legitimacy.

Credibility ladies and gentlemen, is the gap between promise of delivery and delivery of promise. Unless the expectations and aspirations of every party and interest group representing the total population of Southern Africa are considered narrowing the gap, we can etch our bloody demise in stone now. If the gap is too large then either the desired future must be re-defined with the focus on those aspects which can be achieved, or creative solutions must be re-developed. All of us here I'm sure are for creative solutions.

A gap analysis includes the current state, the ideal state, the resulting gap and the resources required to close the gap. I now address the current state.

The Republic of Ciskei is a sovereign independent State organised within Southern Africa, but always directly or indirectly affected by any political and economic trends within the broader Southern

/Africa...

Africa. Despite this influence we have developed our own identity and character. We have highly complex and developed infrastructures, entrenched laws, a unique liberal system of tax for corporations and individual persons, and a multitude of agreements and treaties. As sovereignty or statehood was never accorded to us by the international community we must be seen in the broader context of Southern Africa; hence we are here today.

Since the historical 2 February 1990, competitive ideologies of liberation movements have made their divergent impact on our society. In the process, regrettably, expectations have been raised. Law and order has been compromised and criminal elements are exploiting this climate. These are the universally recognised ingredients for a revolution. Southern Africa is in a crisis of legitimacy, Mr Chairman. By definition not only are the TBVC States branded with the illegitimacy stigma but so does every leader and government lack legitimacy.

In our quest for legitimacy and credibility to impress the international community we have forgotten the perceived costs or threats to minority group electorates in Southern Africa. They, with a zero-sum conclusion, a perception of nowhere to go and an inordinate commitment to their fatherlands, enter the battlefield with new and dangerous agendas. We could be spawning a minefield. We must bear in mind that not all parties who wish to negotiate the future and best interests of their electorates, for example the Zulu Royalty, the PAC, CP, the AWB and others, are here today. Although I fully believe that principles should not be compromised,

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I fully believe that if we all stayed at home today the new South Africa that we all hanker for would never be reached, it would elude us forever.

In the light of the above, the golden carrot of majority rule may in turn be rendered illegitimate enough to promote serious conflict, anarchy, instability and even civil war. We are present here today in a spirit of trust, co-operation and goodwill, seeking a united non-racial multi-party democracy acceptable to all. If we are to boast a level playing field we must make serious efforts to convince these other players to attend future talks of this nature. Sooner or later we may have to address a situation which may develop into an inevitable climate of bitter conflict and hostilities. Could we say then that this was not anticipated?

The gap lies with the imponderables for which CODESA hopefully will provide creative solutions. Southern Africa is not a promising candidate for democracy. Extensive studies have shown that societies divided along racial and ethnic lines and also polarised along ideological lines, find democracy difficult to attain. How do we breach these cleavages, foster inter-group political tolerance and accommodation in a climate crystallised by many years of distrust?

Majority rule is a simplistic solution that brings with it its own problems. It could exacerbate and not resolve decisions and intentions. How do we handle the present entrenched culture of violence when forty-two percent of our population comprise Black youth, fifteen years and under, who have been experienced traditional or formal education because they could simply not afford it,

/and ...

and have been indoctrinated with ideas of disobedience. There can be no true liberation ladies and gentlemen, Mr Chairman, without education. There can be no liberation when discipline, respect for moral and traditional values is lacking.

The ideal solution should contain an action plan. It seems to me that our society is becoming divided and polarised, and if this continues we will have to pay the penalties of anarchy, chaos and violence. Clearly we do not wish this to happen and we would address this scenario by suggesting a federal system with central and regional checks and balances and a central parliament consisting of upper and lower houses which would provide these necessary checks and balances. We endorse the use of referendums and elections on both a national and regional level to determine respective leadership. We support inherent fairness of proportional representation. No group must dominate another.

We recommend an alternative voting system which is based on a majority threshhold for elections. This solves coalition government problems and allows for second and third preferences to be re-allocated until a majority is attained by a candidate. This will help to create a government committed to accommodative and moderate policies. A Bill of Rights and Responsibilities is essential. Emergency powers could be built into this to protect the rights and freedom of individuals who are presently being compromised by inefficient law enforcement, violence and intimidation.

The Ciskei has initiated incentives for the private sector to

/accelerate...

accelerate economic growth and made unique commitments to local and foreign investors. We regard ourselves duty bound and legally committed to safeguard and eventually negotiate guarantees acceptable to our investors insofar as contracts, agreements, and even promises.

CODESA must be regarded, we believe, as a voluntarily agreed upon structure which, irrespective of physical boundaries, seeks to unite all leaders of political parties and goverments within the broader South Africa who are committed to bring about a new South Africa through negotiations. It is a noble vehicle to facilitate negotiations, discussions, debate and agreements. The players must themselves negotiate until agreement is reached. Only then may decisions be binding. CODESA must be the medium for which a framework is developed for the TBVC states to bilaterally or jointly discuss the mechanism of re-incorporation with each other. A timeframe must be given for adequate consultation by all governments on the question of re-incorporation. Surely Ciskei can never be re-incorporated into a constitutional vacuum. The Ciskei citizens will expect us to negotiate re-incorporation into some better dispensation than is their fate today.

Constitutional development cannot and should not be considered in isolation of economic development. Events in the world around us are there for everyone to see. We must heed these warnings and these red signs. All leaders must be accountable and responsible for not raising expectations to such inordinately high levels that they cannot be met by an incumbent government. Historically the

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party that raises the highest expectations incurs the greatest wrath of the electorate when such expectations cannot be met the day it takes over.

All South Africans must be committed to the creation of wealth, implying hard work and commitment based on equal opportunities given to all the peoples of South Africa under a new South Africa, rather than the distribution of wealth. Mechanisms for addressing the gross inequalities of the past must be established. A society which does not care for its disadvantaged citizens does not accept its moral obligations. And a new South Africa would have to pay particular attention to the unemployed, the homeless, the elderly, the mentally and physically handicapped and other under-privileged peoples.

Regional Government and Federalism.

Regional government is a factor of future stability. Throughout the world regional government is increasing and is being recognised as an effective mechanism for keeping in touch with, and being accountable to, an electorate. This is apart from its inherent ability to fractionalise conflicts and its ability to cater for human diversity and difference of interest.

Accepting realities, the Ciskei sees itself as part of a region defined by cultural, political, socio-economic and technical parameters. Federalism also protects our civil service. A de-centralised civil service is well equipped to manage local affairs in their understanding of local conditions.

/In...

In terms of foreign policy we must not forget that while we wish to attract foreign investment to accelerate economic growth, solutions for our problems cannot be sorted out with the prime objective of merely appeasing the international community. "Render unto Caesar what belongs to Caesar." We should address our own problems within the context of our own uniqueness in our country.

Finally during the transitional period constitutional structures should be kept in place until a new dispensation has been established. Any interim form of power sharing should not be arbitrary or unconstitutional and should be acceptable to all. We seek a negotiated settlement based on goodwill, consultation, co-operation and consensus in CODESA which is our only hope for the future. May I quote from a respected American judge:

> "Liberty lies in the hearts of men. When it dies there no constitution, no law, no court can save it."

Thank you very much.

MR JUSTICE MAHOMED

I wish to take the opportunity of Dr De Beer's arrival to thank him and his Steering Committee for the incredible amount of energy and discipline they have put into the work of CODESA before today and to enable us to reach the end of the beginning to a new South Africa.

/Dr Z J De Beer ...

DR Z J DE BEER

DEMOCRATIC PARTY

Mr Chairman sir, Distinguished Guests, Ladies and Gentlemen. When our Democratic Party was founded less than three years ago, we never dreamed that we would so soon be attending the Convention for a Democratic South Africa. We pay tribute to all who have made this possible.

All of us here present share our love of justice, and of this land and its people. We share more: we share our faith in the ability of men and women of goodwill to achieve peace and prosperity.

Our task is to write the constitution which will enable those who come after us to be proud citizens of a free South Africa commanding respect in the community of nations.

We are deeply conscious that we have to approach this task not writing as it were on a clean slate, but dealing with a human society which is the product of centuries of wrong. Much is rightly said of the terrible harm that was done in the name of apartheid, but we dare not pretend that injustice began only in 1948. The distortions caused by race and sex discrimination have been present for centuries. Their impact is there for all to see in the life of our people today.

It is necessary but not sufficient for us to close the book on yesterday's society and say: "from tomorrow we shall do justice,

/and...

and from tomorrow there will be equal opportunities." That is not sufficient. We must go further than this, and do all that can be done to repair the damage of the past. Yet we must tell truth to ourselves and the world, and say that our ability to achieve a perfect society is limited by the extent of our resources, human and material - just as is that of every other society in the world. Having looked fearlessly at the facts, we must follow the shortest road towards perfection, in the knowledge that we may never reach it, but in the determination that we shall strive towards it with each year and with each day that passes.

As we face our monumental task, we ask: "from where will the force, the strength and the drive come to achieve it?" Ultimately sir, the power to save lives and print books and build cities and grow food and sail the seas and work below the earth and fly to the moon has come from the wish of ordinary people for a better life. A better life for themselves, their families and their fellows. Ultimately, the efforts made have been made by individuals each following his or her own path to a desired destiny. That which sets people free to use their powers in the improvement of their lives maximises achievement, that which seeks to coerce and compel human beings who were born free is not only wicked in itself but also destructive of potential human progress. We all should believe in the immense creative force of a free human person, and we should all fear the damaging potential of one frustrated in the exercise of personal freedom. As I say that I think of those in this place today whose freedom was taken from them and who nonetheless found the strength and nobility to surmount that assault

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upon their characters, and I salute them: and I believe they will agree when I say that personal freedom must always be a primary aim of government.

If the liberty of the people is a great good, then it is necessary to do all that can be done to limit and constrain the power of governments to interfere with that liberty. We need always to remember that rights reside in the people. The people lend certain of these rights to government for it to exercise in the interests of good administration: but government can never validly possess them, only steal them if it is unjust and authoritarian. One of the great tasks CODESA must fulfil is to produce a constitution which prevents the abuse of power by government.

In this connection I wish to refer to the cataclysmic events that have taken place in Eastern Europe and the former Soviet Union during these last years. I spoke this week to a woman of sophistication - not a South African - who had recently visited Saint Petersburg, and moved among private people. She spoke of two things: the very high quality of the people, well-educated and intellectually capable; and the bitter resentment they feel against all politicians. All the delegates to this Convention are political leaders, and I imagine that the vast majority hope to continue as leaders in the future. I do not wish to believe that there is one of us here who so despises the people that he or she does not care if they are full of such resentment. Millions of South Africans have experienced the bitterness of oppression. Let us never let that recur - nor let us ever again do to our

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people what those Russian politicians did to theirs.

The rage among the Russian people would certainly seem to be based on the denial to them of normal political rights, but to at least the same extent it is founded in economic deprivation - a system that has failed. Now for many people - perhaps particularly for Liberal Democrats like ourselves - there is something attractive about the proposition that well-educated and able people can find the way to live their lives satisfactorily regardless of who governs. But Sir, the recent evidence denies this. It shows that the political system followed is actually a major determination of the quality of life; it matters. Unless we wish to be hated by generations to come, we must stay far away from all authoritarianism, either in its South African version or in the form of the system imposed in the former Soviet Union.

There can be no doubting the fact that the gap in economic standards between the elite few and the poverty-stricken masses in our country is intolerably wide, or that its rapid narrowing must be a tip-top government priority. But we may not run away from the equally indubitable fact that the wealth needed to close that gap is at present non-existent, it has to be created. Economic recovery and rapid growth therefore become a top priority also. And here also the world gives us lessons and demonstrations. Governments cannot and do not create wealth: they only obtain it with the consent of the people, and then spend it (which, heaven knows, is a most important duty). Wealth is created by free human beings applying their talents and strengths in the ceaseless and

/natural...

natural struggle for self-improvement, trading in free markets This does not deny an economic role for government, but that role must always be a supportive one.

So it must be in South Africa. The creation of wealth is the responsibility of the people; its expenditure is that of government. And the chief and highest spending priority must be the social progress of the people - Education, Health and Housing.

The new government of South Africa will have, above all, two tasks: to restore law and order, and to establish sustained, rapid economic growth. To achieve these two, we shall have to harness all the creative talent of a wide section of our people.

Sir, the Chief Justice quoted this morning from Sir Henry De Villiers to show that we must be here for South Africa and not for any sectional interest of our own. Indeed this is so. Those, if there are any, who have come to CODESA to pursue party political aims without regard to the great national interest will be cursed by generations to come. Those who have come prepared to support all narrow interests to the general good will have a place among the heroes.

DR T K MOPELI

DIKWANKWETLA PARTY

Messrs Chairpersons, Your Lordship Chief Justice Corbett, our Religious Leaders, observers from the International Organisations, fellow South Africans.

This is indeed a historic occasion, a historic occasion in which all parties in South Africa have, for the first time, come together in search of a democratic constitution which will, hopefully, be fair and just to all their citizens.

Mr Chairperson, the creation of a new South Africa is the responsibility of all South Africans. I wish therefore, here and now, to avail myself of this opportunity to congratulate our leaders on having come together in a spirit of goodwill and harmony to find the mutually acceptable Constitution for our country. We must, in the words of Shakespeare, I quote:

"Take the tide where it serves or lose our ventures."

The constructive spirit that is presently prevailing among our leaders to negotiate a viable constitutional future for our country is not only highly commended but should also be strongly encouraged.

The Dikwankwetla Party of South Africa has, since its establishment in 1974, believed in and upheld the philosophy that a National Constitution for our country, South Africa should not just be a document in solemn form, but should be a living framework for the government of a people exhibiting sufficient degree of cohesion. As a corollary to this belief the Party's

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standpoint is that constitution, however carefully constituted, **cannot** function with efficacy among the people fundamentally at odds with one another.

To stand the test of time, we believe, a constitution should be a nationally endorsed scheme of rules which dictate, give direction, and constitute the character of the State. After being adopted by a convention of this stature the constitution should, we believe unshakably constitute the supreme law of the country. Each and every country needs a constitution that fits its own circumstances. Mr Chairperson, that is exactly why we are here.

The Dikwankwetla Party of South Africa has maintained over the years the principle and objective of one economy, one passport, one citizenship and one non-racial democratic South Africa, this is the one solution to the present political impasse in South Africa. To this end Mr Chairperson, we, the Dikwankwetla Party of South Africa, pledge ourselves to unrelentlessly labour for and devote all our energy towards the realisation of a new South Africa, and we accordingly call upon all our compatriots to join hands with us in a common purpose of achieving this enormous but noble task. Here at lies the basic philosophy of our motto:

"KOPANO KE MATLA"

"EX UNITATE VIRES"

"EENDRAG MAAK MAG"

"UNITY IS STRENGTH"

Mr Chairperson, the Party took up this burden after realising how our society was being plagued and torn asunder by tribal divisions, colour and class differentiations. It dawned upon us that the best law of any land is the law that resides in the hearts of men. That tolerance and forgiveness cannot be legislated: these are either to be in the hearts of men or they do not exists at all! We believe that when each group within a society perceives its survival in terms of the domination or extermination of another, this premonitates the seeds of social disintegration, and yet a society endowed with an abundance of tolerance is a society which must succeed in maximising human liberty.

Mr Chairperson, as we enter a new era, let us be reminded of the words of Martin Luther King Jnr. I quote:

> "Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must, however, conduct our struggle on the high plain of dignity and discipline. We must not allow creative protest to develop into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force."

This is exactly, Mr Chairperson, what we are aspiring to achieve today; meeting physical force with soul force, conducting our struggle on the high plain of dignity and discipline, not allowing creative protest to develop into physical violence.

In conclusion Mr Chairperson, I do not have the slightest doubts that if the deliberations are conducted in a constructive spirit,

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there may yet emerge from this Convention a free and democratic order. We need to create a society with equal opportunity for all. South Africans from all walks of life have never before in the history of their country been afforded such an historic opportunity to come together for an all-comprehensive purpose of negotiating a constitutional future for their country. The new order is already with us. There is now no turning back. We must do everything possible to see to it that this country becomes a country in which everyone will have a free and equal chance to realise his or her individual talents and possibilities. We have no option but to "take the tide when it serves or lose our ventures".

Thank you very much.

MR JUSTICE MAHOMED

Our last and final speaker before the lunch adjournment is Dr Frank Mdlalose of the Inkatha Freedom Party.

DR F T MDLALOSE

INKATHA FREEDOM PARTY

Honourable Chairpersons, Mr Justice Mahomed and Mr Justice Schabort, our Spiritual Leaders, distinguished members of the Organisation of African Unity, the United Nations, the European Economic Community, the Commonwealth and Non-Aligned Movement, distinguished Ambassadors present; distinguished representatives from other countries, Cabinet Ministers present; distinguished guests, Ladies and Gentlemen.

It is with a sense of deep pride that I rise to present a message from the Inkatha Freedom Party. I am proud to be a South African today. I am proud to serve my Party and my Country today. I am proud before mankind because South Africa is demonstrating the capacity which so many of us for so long now knew was there, to grasp thorny nettles and face the difficulties inherent in dismembering apartheid, throwing its pieces away and establishing a just South Africa, sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity freedom, dignity, equality and security for all, irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination.

There has been conviction in the minds of millions of South Africans that we are capable as a society of coming together across all racial and political barriers to put South Africa first by joining together to work for a new South Africa.

I am proud to be a working member of my Party's delegation to CODESA and I commit my Party to achieve these goals.

/I declare ...

I declare that there are in South Africa reserves of strength and honour sufficient to make CODESA a resounding success. Inkatha Freedom Party has come to CODESA deeply committed to turn South Africa into a show piece of racial co-operation leading to a united people with a national will to make democracy work.

There will be long and hard hours of discussion and negotiation in the months to come, as we grapple with the problems of preserving our unity of purpose, when we are faced with very divergent views and aspirations about the principles and the details of the parliamentary democracy that we each think we need in this country.

Thus South Africa will be able to avoid the evils of centralisation which led to great suffering and the erosion of personal liberty that characterised the now defunct Communist societies of the former Soviet Union and Eastern Europe.

We shall be making recommendations for entrenched constitutional clauses establishing a federal government with an independent judiciary in which Executive acts and legislative enactments are justiciable.

We have demonstrated the capacity to put aside past differences as we came together to sign the National Peace Accord on the 14th of September this year.

We wish we could say that we again demonstrated this ability to

cover terrain which will have been regarded as totally hostile to all who dared to do so and to make astonishing progress in developing a unity of purpose to establish a fair and just race-free democracy in this country when we came together in a Preparatory Committee which played midwife to CODESA.

Despite our disappointments with the pre-CODESA processes we remain convinced that the only politics in this country now worthy of the name is the politics of peace and negotiation.

It is because we are so positive and my President, Dr Mangosuthu Buthelezi, leads us all with such hope and confidence, that the rejection of His Majesty the King of the Zulus by CODESA was indeed so very painful.

His Majesty is no by-stander to the great events that must now be shaped in this country.

He is a man of today, born out of the trials and the tribulations and the great suffering that illustrious Zulu Kings before him suffered, as they helped shape modern South Africa.

The Zulu Kings: when we think of him, the reigning monarch, we think of him who is known as uBhejane ephuma eSigqiwini. Umzukulu kaGuqa bathokoze nhlambamasoka uwaba lenkomo zakwaMoshoeshoe uthukuthele ngaphakathi kwanoMagqi lwawa-khethamathonsi kungawesilimela.

The Zulu Kings to whom he is successor fought ferocious wars against colonial domination. The last recorded organised resistance against foreign domination was the Bambatha rebellion under King Dinuzulu, his great grandfather, in 1906. He therefore has a vital, non-partisan, interest in the abolition of apartheid.

Now CODESA is meeting to negotiate a new South Africa. And yet the Zulu nation is excluded.

My understanding is that the Zulu people of South Africa want to make their own contribution to the emergence of a new and just land. They have a commitment to offer which runs as deep as South African history itself.

They have a thirst for democracy and justice which will shape the words of politicians and those who will be drawing up our constitution and design the new South Africa to the benefit of all mankind in this country.

Their exclusion is tragic and we should all support the President of the Inkatha Freedom Party, Dr Mangosuthu Buthelezi, who in his other role as traditional Prime Minister to His Majesty the King of the Zulus had no alternative but to stand by his King and campaign for the acceptance of the rightful role of the Zulu people in reshaping South Africa.

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There are difficult discussions ahead. We in the Inkatha Freedom Party who have observed the African experiences will fight to avoid the disasters that attended faulty nation building and misconceived constitution making elsewhere on this continent.

There can be no centrist political solutions to South Africa's problems just as there can be no racist solutions.

We see CODESA as a forum for discussion and negotiations. We are committed to apply our minds to everything any party has to say and examine each proposal in a search for any merit it may contain.

It is only the common discovery of the best that each of us can produce which will help us succeed in shaping the new South Africa for the benefit of everybody in it and for generations to come.

I thank you.

MR JUSTICE MAHOMED

Thank you Dr Mdlalose

CONVENTION ADJOURNED FOR LUNCH

PRINCE J S MAHLANGU

ITANDO YESIZWE PARTY

The Honourable Chairperson, the Chief Justice, Foreign Community Representatives, honourable ladies and gentlemen. We are indeed here today witnessing another important milestone and great achievement in the political development of our country: that is an endeavour by concerned political parties to bring about the true democratisation of South Africa in this Convention. All parties are indeed part of history in the making. My Party accepts this challenge with optimism. We in the Intando Yesizwe Party believe that where there is willingness and determination to do a thing, difficulties become lesser and lesser. During the Peace Convention in September, I categorically stated that by coming together as parties and organisations and also signing the Peace Accord, we were opening a door to peace and democracy and paving a way for a new order.

Mr Chairperson, let me indicate that this is a historic occasion that is not merely symbolic nor is it a public-relations exercise of various political organisations. This occasion is symbolic of an earnest engagement of all relevant formations in a bid to achieve a new order that all peace-loving and democracy-conscious people of this country, have been tirelessly working for.

Mr Chairperson, it is true that South Africa has entered an era in the political history where disunity and intolerance cannot be allowed to exist. Yes, we have entered an era that demands of all participants here a meaningful and positive contribution

/towards ...

towards the making of a new order in this country.

My Party remains steadfast in its commitment to the unity of South Africans, across ethnic and racial divides. We are more confident than ever before that our beautiful country will soon breathe the sweet fragrance of freedom, peace and social justice.

I want to add Mr Chairperson, that we have reached a stage in the democratisation process of our country where political confusion and misdirection cannot be allowed. We need to come out clear on the tactics and mechanisms of transferring power from minority rule to the democratic and legitimate government of the many. Our call in this regard has always been the eradication of apartheid and ushering of a democratic order that will be accommodative to all South Africans.

Let me warn here that it would be a fatal mistake to assume that these preliminary negotiations of CODESA One will address all political problems in this country.

I want to conclude by making a call to all present here to commence here and now with honest, true and selfless actions that will translate our dream of creating a new order into a living reality.

Let the struggle for creating peace and a just society continue. Let the efforts of all South Africans who are dedicated and

/seriously ...

seriously committed in creating a non-racial, non-sexist, democratic and united South Africa, be crowned with success.

The Honourable Chairperson and fellow participants in this historic Convention, we in the Intando Yesizwe Party and certainly in other peace-loving and democratic formations, believe that for this Convention to yield any significant results, the will of the people should come first, and the personal will of us leaders should come last.

The Intando Yesizwe Party comes into the Convention with a clear view and conviction that a new government based on democratic principles in the place of the present one, should be our fundamental objective which need not be negotiable. The government envisaged by the Intando Yesizwe Party and most probably by many South African citizens, needs to start on a foundation of legitimacy but not on selfish intentions of certain formations.

The Chairperson, it is a long-standing conviction of the Intando Yesizwe Party that the people of South Africa will be better suited by a system of government that will adopt as its fundamental objective equality of all persons before the law. A government that will endeavour at all material times to guard against any form of perpetration of the past system of apartheid through disguised means, especially in terms of economic dispensation. And it is our honest prayer that this should be vigorously pursued by all, and we believe that this can be better achieved in a South Africa that is characterised by a conducive atmosphere for free political activity.

I take this opportunity Mr Chairperson, to urge concerned authorities to consider very seriously the question of political prisoners. The Intando Yesizwe Party also prays for the Convention to come out of its exercise one day, having proposed an economic system that will aggressively address the present economic imbalances and ensure a sustainable and growing economy that will benefit all South African citizens.

The Intando Yesizwe Party wishes to reiterate its belief that whilst regional governments are constituting an acceptable element in the governing of the country, the present regional authorities are definitely apartheid-based. It would be highly discouraging therefore, to find some of our leaders being adamantly glued to these structures. The Intando Yesizwe Party wishes to call upon all to treat the South African political process with honesty and genuineness.

Finally Mr Chairperson, the Intando Yesizwe Party wants to make an audible call to all delegations to convey the true sentiments of their followership. This we must strive to do in spite of any strong need inside us to enhance our own esteem. Let us all agree and accept with honesty that we are here going to speak on behalf of the people, and that should be the base of all our utterances and doings.

I thank you, Mr Chairperson.

/M C ZITHA ...

CHIEF MINISTER M C ZITHA

INYANDZA NATIONAL MOVEMENT

The Chief Justice, Co-Chairpersons, distinguished members of the International Community, Ministers of Religion present here, leaders of political organisations and administrations, delegates, ladies and gentlemen.

On behalf of the Inyandza National Movement and the accredited delegates of the Movement, I am profoundly privileged to address you on this historical and epoch-making occasion. Never in the history of the South African political spectrum have so many leaders representing such a number of political organisations, parties and persuasions, assembled with the sole purpose of determining constitutional principles and the modalities of constitution-making that will consequently result in the new Constitution for our country.

I do believe sir, that CODESA is set to pilot us along a unique historical path, poised not only to cross the Rubicon, but it also marks the formal point of no return in the negotiation process.

I must concede though, that change in any society is a difficult process. Change is either supported or resisted for various reasons. Ideal change occurs when the majority of parties and political organisations gain without the fear of losing. Though this ideal may sound difficult to attain, it is certainly within our reach, depending largely on how serious we are in our desire to give CODESA our best.

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In a book entitled "The Agony and the Ecstasy", the teacher of the great artist, Michelangelo, states:

"Sculpture is hard, brutal labour; talent is cheap; but dedication is expensive."

What else is life for in a nation if it is not for dedication by the people to freedom and to greatness. But a dedication to freedom and to greatness carries with it responsibilities and strict disciplines. It carries with it the responsibility of hard work so that the political and economic well-being and freedom of all our people will be attained.

To paraphrase John Adams, freedom requires that each individual conducts himself in a manner that his life demonstrates the dignity of man.

Of course sir, whilst CODESA will be dealing with a lot of procedural matters in the next two days, constitution-making entails far more than formal procedures. Constitution-making means the shaping of the minds, the sharing of ideals, the sharing of values, the forging of political co-operation and the projection of political leadership.

In fact sir, active constitution-making demands the construction of a set of values that can permeate society and which will guide and inspire socio-economic change and reform.

In the past thirteen years, the Inyandza National Movement succeeded in transforming KaNgwane and the Eastern Transvaal Lowveld region into a relevant political constituency with a very clear

/political ...

political vision. A vision of an undivided and a united South Africa; a vision of equal rights and equal opportunities where the dignity of man is respected. That all its people shall always enjoy common citizenship and nationality regardless of race, colour or creed. That all shall enjoy internationally recognised human rights and civil liberties, protected under an entrenched Bill of Rights.

That we also support a multi-party democracy with free and fair elections held regularly.

This vision that I have presented to you is very well summed up in the words of the late Winston Churchill, who stated that this vision includes:

> "A safety net beneath which none need fall, and a ladder upon which all might climb."

The former British Prime Minister, Mr Harold MacMillan, spoke about the winds of change blowing in the continent of Africa. We must, however, be guarded that the winds of change do not turn into hurricanes of chaos and confusion.

As leader of the Inyandza National Movement and the accredited delegates of the Movement, I have pleasure in informing you Mr Chairman, that we have a very clear mandate from our constituency to participate in the deliberations of CODESA.

The Inyandza National Movement is ready and fully prepared to seize this golden opportunity CODESA affords us, to mould the

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future of our nation. Our values and principles are firmly entrenched in good old-fashioned democratic processes. Our experience lends us credibility and usefulness in the synchronisation of the political process that will be following in the near future.

I, on behalf of the Inyandza National Movement, hereby commit myself and the accredited delegates, to bring about, through serious negotiations in this forum, a united and unfragmented non-racial and democratic South Africa.

We further commit ourselves to the decisions of CODESA as binding and to take the necessary steps in the implementation of the decisions.

I must, however, appeal to all parties and political organisations to accept CODESA decisions as binding to all, including the Government of the day. We must all try to ensure that CODESA succeeds, but it has the potential of being derailed and undermined if the Government of the day does not give legal force to CODESA.

Sir, I therefore make a very passionate plea to all the leaders present here, including the Government of the day, to adopt a give-and-take approach in a spirit of consensus. In this very difficult test we will have to ensure that the hope of today is not transformed into the disillusionment of tomorrow. The hope of today must not be defeated by the doubts of tomorrow.

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The choice we face sir, is simple; we either make history or be made by history. I hope sir, for the sake of posterity, and for the sake of peace and prosperity, that we, as leaders and compatriots, are prepared for the great hour dawning in our political history. By the grace of God and the wisdom of the leadership present here, may our country become a monument not of oppression, not of hate, not of bitterness, but of love, understanding and unity.

I thank you.

/REVEREND ...

REVEREND A HENDRICKSE

LABOUR PARTY OF SOUTH AFRICA

Mr Chairman and fellow South Africans. Some time ago a friend of mine returned from the United States where he had listened to a sermon by the world wellknown Vincent Peale, and he went up to him and said: What do I tell South Africans when I get back home? The message of Vincent Peale was: Tell your people not to stop dreaming.

Today Mr Chairman, marks the beginning of the manifestation of the dreams of the majority of South Africans in which we will all, irrespective of race, colour, creed or sex, take our rightful place as South Africans. I want to use this moment to pay tribute to great men and women who paid the supreme price in the struggle for liberation and to those who also paid a heavy price for their ideas and their ideals, and who spent many months and many years in incarceration. Dare we Mr Chairman, forget a great man, a great Afrikaner like Braam Fisher. Or a great leader like Robert Subukwe, or a martyr like Steve Biko. Or forget the great Chief Albert Luthuli. And so many others.

But I also want to use the occasion to pay tribute to Helen Suzman who for many years represented the voice of the oppressed in the South African Parliament. I also remember those who suffered and died because of apartheid, but I believe that our presence here is directed by the presence of that spirit.

We cannot spend too much time on the past lest we lose the future,

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but I feel it necessary to recall for a moment the history, the role and contribution of the Labour Party of South Africa.

After thirty years I hear today the demands of the South African Coloured Convention - the Malmesbury Convention of April 1961, as it is known. During that period the South African Indian Congress met in Durban, the African National Congress met in Pietermaritzburg, the South African Congress of Democrats met in Johannesburg, and the South African Coloured Peoples Organisation met together with others in the Malmesbury Convention. And on the Executive of that Convention, served persons - and we are happy to see him here today - Dr Richard van der Ross, Mr Sonny Leon, one of the founders of the Labour Party, Mr Joe Daniels, who later also was part of the founding of the Labour Party. Regrettably Mr Barney Desai of the PAC is not here, but he was part of the Convention Executive at that particular time. And for me also then personally this is a great day, as one who was present at that particular Convention.

The existing governmental structure in no way represents the people of South Africa. As a result of the National Convention held in 1909, a constitution was written without the participation in the decision-making by the majority of South Africans. As a matter of fact, the appeals of the African and Coloured leaders at that time, went unheeded by the British Government. That Convention, the 1909 one, removed from the people of colour the right to be elected to Parliament and that Convention decided that "only people of European descent" could be members of

Parliament. When one looks at the structure of Parliament thereafter, we wonder how many of them were really of European descent.

That particular Convention agreed that:

(a) It is necessary to draw up a new Constitution fully democratic and truly representative of the people of South Africa.

(b) That such a Constitution must embody a Bill of Rights.

Realising, they said, that the mere granting of political freedom will not lift our people out of dire poverty and the state of semi-starvation to which they have been subjected for hundreds of years. That all restrictions on the right of the individual to enter skilled trades must be abolished and that the colour bar in commerce and industry be scrapped, and that the principle of equal pay for equal work irrespective of sex, be firmly entrenched in the statutes of the land, and that the natural resources of the country should be used to promote the welfare of the entire population.

In formulating a healthy economic policy, they said, we feel that the tot system, contract labour, child labour, compound labour and convict labour must be abolished. And we feel that the re-division of land should take place, so that it can be developed in full productivity for the benefit of the country as a whole.

/"History ...

"History will say (they said) that Malmesbury conjured the dawn and proclaimed a new dynamic for the South African nation - peace, justice, honour, happiness and security." Is this then not what this Convention is saying again today after thirty years? They said then that the dawn was what they were looking for; we are happy to celebrate today the rising of the sun on the horizon of a new South Africa.

The formation of the Labour Party was seen as essential to continue the work of those who had been imprisoned - incarcerated - or those who had gone into exile. It was important, they said, that the liberatory struggle had to continue. And the Labour Party Mr Chairman, has always seen itself as part of the liberatory struggle. We have said that in spite of differences with regard to strategy, that our participation in structures was complementary rather than in opposition to other strategies. The liberatory struggle had to continue and because of the Non-political Interference Act which led to the disbanding of the Liberal Party rather than asking their members of colour to leave - rather than asking their members to leave while other parties did ask their members to leave, we felt that the Labour Party had to fill that gap in the political structure and we later opted for participation not as an acceptance of apartheid, but to use created platforms to oppose apartheid, to expose the immorality of such creations and eventually to dispose of them.

The closing of the Coloured Persons Representative Council in 1979, is an example of the success of participation. This is

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also true of our Eshowe decision of 1983 where we rejected the Tricameral structure as a constitutional model, but decided to use it to oppose, and to dispose of, discrimination. This was successfully done - so much so that when we this year rejected, as a result of consultation with Labour Unions, the privatisation of the Post Office Bill, came the concerted campaign to destroy the Labour Party by wooing members into the National Party, believing also that reconciliation must as far as is possible, be a reconciliation between equals. In other words, that your reconciliation is a horizontal process and can never be a vertical one in which those on the top keep what they have, and those who are at the bottom are denied that which they ought to have. We believe that reconciliation must as far as possible be between equals and to this end, we decided on a strategy of upliftment of a community that had been left behind, by means of education, health and welfare, housing and the creation of economic opportunities.

While there has been criticism of our participation within the Patriotic Front, let me say very clearly and loudly that the constitution of the Labour Party says:

> "It is the intention of our Party in the first instance to consolidate the position of all oppressed South Africans."

The Labour Party sees the need for the creation of a climate for free political participation and to this end demands total elimination of all discriminatory legislation, with no disguised substitutes. A lot has been said about the repeal of the Group Areas Act but written into that repeal was the question of

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protection of environment which was nothing else but protection for White people.

We also look for, and seek and demand from all those involved, the ending of violence and intimidation. We also believe Mr Chairman, that equal and fair access to the electronic media is a must and that there be no selective reporting as is at present experienced. Equal and fair access to public facilities for meetings political, are absolutely essential. And then socio-economic reconstruction, certainly, for your end process of reform - the result of reform cannot take place unless there is a sound and healthy economy.

We believe Mr Chairman, that the international community does have a role to play, not in giving us advice how to solve our problems or influencing CODESA, but because of the fact that the world has become smaller and that there is an interdependence of one country upon another. And so I believe that we will need the rest of the world and its support in terms of a reconstruction programme.

Constitutionally the Labour Party states that South Africa shall be a sovereign, democratic non-racial state, based on the principle of equal citizenship for all. That there be universal suffrage - that is one person, one vote - for all South Africans of the age of eighteen years and over. That South Africa be a non-racial geographical federation of states with a devolution of power from central government to federal states, and that

/there ...

there shall be a clear division of the powers and functions of the executive, legislature and judiciary.

The legislature shall comprise a Bi-cameral Parliament; that is an upper house in the form of a federal senate in which all component states will have equal representation; a lower house elected on a basis of proportional representation, and that legislation be approved by both houses.

The executive - we believe a president who shall be elected either directly by popular vote, or indirectly by an electoral college comprising of members of both houses; that the president shall appoint his cabinet which will be, must be, representative of all your federal states.

The judiciary shall function independently from the legislature and the executive, and judges shall be appointed by an independent commission established for such a purpose.

The Constitution shall and must be sovereign and it must not be possible to do what was immorally done by the National Party, the ruling party of the day, when they removed the so-called Coloured people from the Coloured voters roll by immorally loading the Appeal Court with judges of their selection, or by loading the Senate in order to obtain a two-thirds majority to overcome the question of an entrenched clause.

On the question of an interim/transitional arrangement, we believe

/that ...

that it must be temporary, its object must be to help the transition to run as smoothly and fairly for all the parties concerned. That there must be checks and balances against the actions of such a transitional arrangement, and that that arrangement be accountable to Parliament. Parliament must remain the sovereign institution until it has approved the new Constitution. And that there must be equitable representation of all parties involved in such interim arrangements.

The preparation and management of the next democratic election must be its function, the management of the SABC and other public broadcasting mediums, the security services, key elements of public spending appointments, particularly the question of the Commission of Administration, because this has been a stumbling block in our acceptance as a strategy of affirmative action. We have not been able to overcome that.

With regard to the future of the TBVC States, the Labour Party believes that these States are economically and geographically an integral part of the Republic of South Africa and that steps must be taken to consult the citizens of these States by way of referenda on the re-incorporation of these areas into the Republic of South Africa. And that CODESA with their consent must investigate the possible transformation of these States into non-racial, economically viable geographic states to form part of the total federal South Africa.

Mr Chairman and fellow South Africans, while we again emphasise

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the importance of CODESA and welcome this Convention, we believe that the negotiation process must be completed within a period of eighteen to twenty-four months, and that the agreed new Constitution must be implemented twelve months thereafter. To this end registration of all voters must be completed by the end of 1993, and we believe that the implementation of decisions taken by CODESA must be referred to Parliament.

We state emphaticaly that all decisions of CODESA must be implemented by all participants. To this the Labour Party commits itself.

While CODESA is the most representative body South Africa has ever had and whereas the South African Government represents only 5% of the South African community, we cannot allow the decisions of CODESA to be vetoed by the Government.

The future requires us to be constructive, conciliatory and courageous, but there must be a firm commitment to one nation and one South Africa and on behalf of the Labour Party of South Africa, may the peace that passes all understanding be a real experience to you all this Christmas.
I thank you.

MR G SEWPERSHAD

NATAL AND TRANSVAAL INDIAN CONGRESS

The Honourable Chief Justice, Religious Leaders, the Chairpersons, the distinguished representatives of the United Nations, the Organisation of African Unity, the Non-Aligned Movement, the Commonwealth, the European Community, members of the Diplomatic Corps, and fellow South Africans.

As we commence the first meeting of the Convention for a Democratic South Africa, we are all no doubt acutely aware of our historic responsibilities. We are also aware that the process we launch today is pregnant with possibilities for a democratic future for all South Africans. The Natal and Transvaal Indian Congress are very conscious of the expectations of millions of our people and the world at large. Our people await a constructive and swift outcome; an outcome that is emphatically democratic and measurable in: "genuine and lasting peace in our country; political empowerment through an equal vote on a common voters roll for every person over the age of 18; a significant improvement in the living and working conditions of the majority that lives in abject poverty; the total removal of all aspects of apartheid - political, economic and social; and economic empowerment through various forms of affirmative action in order to correct decades of discrimination and inequality."

The South African tragedy has gone on long enough. Too many communities have been uprooted and destroyed by apartheid laws.

/Generations ...

Generations of our children have had their futures distorted by apartheid education. Many generations of Indian, Coloured and African businessmen have had their efforts stifled for decades. Today millions of capable adults spend much of their lives without work and without a chance to work. Thousands of pensioners subsist on meagre and discriminatory pensions.

History and our people charge us with a clear mission: Rid us of apartheid, its inhumanity and suffering, put in its place a democratic, non-racial, non-sexist and united South Africa. We cannot fail them - least of all delay this process one day longer than necessary.

We in the Natal and Transvaal Indian Congresses, come to CODESA with a proud record of resistance against racism and inhuman laws, and we have struggled for the establishment of a non-racial democracy in our country. Since Mahatma Gandhi founded the Natal Indian Congress in 1894, we have opposed Government attempts to create division and alienation. In alliance with the African National Congress we have taken positive steps to build unity and harmony among all South Africans. To this end we have been involved in the struggle led by Mahatma Gandhi from 1906 to 1914; opposed land deprivation and the racial voters roll in the 1946 Passive Resistance Campaign; laid the basis of unity between Indian and African people in the Dadoo-Xumar-Naicker Pact of 1947; participated in developing a new vision for South Africa enshrined in the Freedom Charter adopted at the Congress of the People in 1955; continued this tradition of non-racial unity

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in launching the United Democratic Front in 1983 and opposed Government attempts to co-opt the Indian community into the Nationalist ranks to the racist LAC, SAIC and the Tricameral Constitution, and correctly predicted that the exclusion of African people in any constitution, would be a recipe for violence and disaster.

As a pioneer of the liberation organisation in South Africa, we enter CODESA with dedication and commitment for which our members for almost a century paid a high price in prisons, banishment and bannings. Today the Gandhian demand for a non-racial common voters roll, finds resonance throughout South Africa. History will and must record that it was the struggle of all the people of South Africa over the many decades that has facilitated our coming together at this Convention. Over the next two days it is we believe, our task to take the first steps to irreversibility in the negotiation process. It is our view that this point has yet to be reached.

There is widespread mistrust today because of a perception that the State reneged on the Pretoria and Groote Schuur Minutes. There is equal concern over the succession of disclosures about secret Government funding of organisations and the undermining of the genuine democratic process in South Africa. Unfortunately the past eighteen months have reinforced the perception by the majority of people of South Africa, that those in Government while commanding both power and legal capacity, do not have the will to create the climate for free political activity in South

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Africa. In particular the people of South Africa await an explanation for the Government's refusal to release all remaining political prisoners like Robert McBride and others; the large number of South Africans still remaining in exile; the continuation of the Government's covert operations, structures and funding, notwithstanding assurances to the contrary; the apparent refusal of the State to rid us of the scourge of violence; and the Government's opposition to an elected Constituent Assembly.

There is no doubt in the minds of South Africans that this Government cannot lead us to a democratic future and until a government of national unity is put in place, the ravages of apartheid will continue. This Government has been given an adequate opportunity to demonstrate its often stated commitment to change. Little has been done to fundamentally remedy the situation. Only a sovereign interim government followed by the election of a democratic Constituent Assembly that offers a possibility of a new era of peace and a meaningful improvement in the material conditions of the millions of impoverished people in our country. This is the only assurance that the constitution-making process itself will be democratic, and enjoy popular legitimacy.

The people of South Africa have been excluded from the constitutional process for many centuries. CODESA has a vital responsibility to now create the conditions for the participation of all South Africans in the constitution-making process. Accordingly a democratically elected Constituent Assembly must draft the new democratic Constitution for South Africa.

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Our mission for a democratic South Africa is underpinned by these fundamental concerns. The people must govern. We must not be judged by history of having deprived our people of this universally accepted right. Our people have striven for an undivided South Africa. Fragmentation of our land in any form or guise will be a travesty of justice. The future economy must overcome the chasm we see today between the rich and the many poor.

The unemployed, the homeless, landless, must have their needs addressed with success.

We therefore subscribe to the following constitutional principles on which the new Constitution will be founded: An undivided, democratic, non-racial and non-sexist State; a multi-party democracy; an electoral system based on proportional representation; universally accepted human rights, freedoms and civil liberties protected under a Bill of Rights; equality of all before the law; an independent non-racial judiciary.

The Natal and Transvaal Indian Congresses recognise the cultural diversities of South Africans. We believe that this diversity enriches the culture of our entire nation. We have an unshakeable belief in the inalienable right of all the people of our country to freely express and practise their beliefs, religions, traditions, languages and cultures. These individual and collective rights should be guaranteed through an enforceable Bill of Rights. At the same time we are acutely aware that the apartheid Govern-

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ment historically manipulated this ethnic and cultural diversity for narrow political ends. As a result the various cultures of our people have either been stifled or perverted to suit the political interests of the ruling minority.

Over the years Indian South Africans in particular have suffered as victims of ethnic manipulation, resulting in tragic incidents such as the 1949 riots and the 1985 Inanda violence.
While the policy of Apartheid and ethnic co-option was designed to divide the Black communities on racial and ethnic lines, we in the Congress movement have succeeded in building a strong non-racial and multi-cultural unity. Historically we have rejected on principle the belief that ethnic racial minorities should be given special political and constitutional privileges. This would be inconsistent with our basic commitment to achieve equality for all citizens.

It is this that explains our principled opposition to the Asiatic Land Tenure and Indian Representation Act of 1946, and the 1983 National Party Constitution would put into place the ethnically structured Tricameral Parliament. The logical option for the proponent of minority political rights would be the creation of fragmented, proverty-stricken ethnic states as opposed to a non-racial and united South Africa. In the final analysis minority fears will only disappear once a truly non-racial, multi-cultural and democratic state is born. This will mean an end to the culture of distrust and strife born of the statutory protection of White minority rights, at the expense of the basic

/rights ...

rights of the majority.

Our country is on the threshold of a new era. CODESA represents the hope and aspirations of our people to finally restore their dignity and humanity. Our people are tired of violence, division and mistrust. The political forces represented here have the responsibility to build trust and create a process which can categorically leave our gruesome past behind.

We in the Natal Indian Congress and Transvaal Indian Congress commit ourselves to this process in the hope that we can collectively lay the foundations for a non-racial, non-sexist, undivided democratic South Africa.

Thank you.

DR D J DE VILLIERS

NASIONALE PARTY

Mnr die Voorsitter, vandag het die oënskynlik onmoontlike, moontlik geword, het die eens ondenkbare inderdaad werklikheid geword. Twee jaar gelede het niemand kon droom dat die leiers van strydende en selfs vegtende partye in Suid-Afrika, mekaar die hand oor die diep verdelings in ons land, sou reik om hulle saam te verbind om 'n volwaardige demokrasie op vreedsame wyse tot stand te bring nie. Dit is 'n wonder, 'n wonder waarvoor ons God moet dank. Die wonder is dat vir die eerste keer in die geskiedenis van Suid-Afrika daar 'n geleentheid is wat die leiers van al Suid-Afrika se mense saam kan beraadslaag oor die toekoms. Vir die eerste keer kan hierdie leiers saam die verantwoordelikheid aanvaar om Suid-Afrika se volle en opwindende potensiaal te ontsluit. Dit skep vir ons groot geleenthede.

Ten eerste, die geleentheid vir vreedsame grondwetlike veranderinge. Die sleutels vir die toekoms van Suid-Afrika is menslik gesproke in ons hande. Dit is binne ons vermoë om anders as in baie ander lande, staatkundige veranderinge vreedsaam deur te voer sonder die tragedie en verwoesting van revolusie. Vreedsame oplossings vir ons probleme is binne ons bereik.

Daar is tweedens die geleentheid om nou 'n volwaardige demokrasie in Suid-Afrika tot stand te bring.

Democracy is, however, a fragile institution. In the name of democracy the true principles of democratic government have

/frequently ...

frequently been violated, and recent history is replete with examples. The National Party has, therefore, committed itself to voting rights for all but with effective checks and balances which will prevent the abuse of power, which inevitably results in domination and oppression.

A true and sustainable democracy is based on majority rule but in plural societies that rule is always conditional on the fair treatment of, and meaningful participation by, minorities. This principle should be embodied in our constitution.

Throughout the world, the fear of domination and authoritarian rule has bedevilled relationships in plural societies. In a multi-cultural society it is essential that the system of government should inspire the people with confidence and allay their fears and uncertainties about the future. It should be our objective to build co-operation and a spirit of reconciliation into our Constitution.

In a country with diversities such as ours, the concentration of power in an all-powerful central government, simply could not serve the best interests of our people.

The National Party strongly feels that government should be close to the people - that the interaction of the people at local and regional level with those who have been given authority to govern, should be as close and direct as possible.

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The National Party, therefore, feels strongly that there should be three tiers of government, local, regional and national, with the powers and functions of each being entrenched in the Constitution.

This fundamental viewpoint also underlies our understanding for and sympathy with the unique constitutional position of the King of the Zulu nation. We trust that an acceptable solution can be found soon, to enable him as well as other traditional leaders with special status to become involved in the negotiation process. The National Party suggests that CODESA and its Management Committee further consider and investigate such possibilities.

Mr Chairman, there was a time in the past when the National Party felt that the policy of separation would bring peace to the nation. That did not materialise. The policy did not produce the anticipated peace, but greater conflict and increasing injustice. It was not the intention to deprive other people of their rights and to contribute to their misery, but eventually it led to just that. Insofar as that occurred, we deeply regret it.

Consequently, after profound and honest self-searching we have made fundamental changes to our policies, basing them on premises which, to the best of our convictions, are morally justifiable. We have committed ourselves to strive for a free and non-racial democracy without any form of domination. To that we are committed and from that we shall not deviate. We do not intend to repeat the mistakes of the past, but we also do not intend

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to allow the proven mistakes of those systems or policy-guidelines which have failed elsewhere, to be duplicated here.

Thirdly, we have the opportunity to create the basis for economic growth and prosperity. We are all aware that many have high expectations from the new South Africa. The unemployed expect that there will be employment for them. Those with employment expect better remuneration and faster promotions. Those hindered by backlogs and poverty, expect swift relief. Businessmen penalised by difficult economic circumstances, expect to be able to expand their enterprises and to be able to exploit the advantages of growth in South Africa as well as new international markets. All have great expectations. If these growing expectations are not satisfied to a certain degree, the risks of unrest and instability in our country will be very high, irrespective of who governs the country.

The hard reality is that of all the praiseworthy issues which we have written into the Declaration of Intent, of all those praiseworthy issues, none will be realised if the process is not underpinned by sound economic growth and prosperity. The new investments necessary for economic growth and job-creation, will not take place as long as matters such as the possibility of nationalisation, increased taxation, labour unrest, consumer boycotts and unrealistic wage demands, continue to undermine the confidence of business and overseas investors in South Africa. Without business confidence and investment there will be no growth or job-creation, and there will also not be the tax revenues

/necessary ...

necessary to address the enormous socio-economic backlogs and social needs of our country effectively.

If we wish to grow, we will have to compete with Eastern Europe and other developing countries in order to get a reasonable share of the world's available investment capital. This will require that we lower the rate of taxation, ensure the stability of the workforce and guarantee the repatriation of capital, interest and dividends. Unrest and violence must also be brought under control and the safety of our people and the protection of their possessions, must be addressed with conviction by our collective leadership. In order to achieve this aim, a well-prepared defence force and a highly professional police force, are of the utmost importance. The National Party is committed to this.

Despite the adverse effect which certain aspects of former National Party political policies undoubtedly had on the economy, it is nevertheless very significant that the resources of this country have already been developed to such an extent, that South Africa is today recognised as a major economic force on our continent and even beyond. Several indisputable statistics substantiate this reality and it is a fact that there are countries in Africa with comparable resources.

The singular resilience and inherent strength of our economy was dramatically illustrated, inter alia, by its capacity to withstand the effect of wide-ranging sanctions applied over many years. During this time we not only survived sanctions, but

/regularly ...

regularly registered positive real growth, albeit at a lower rate than would otherwise have been possible. At the same time we also embarked on a major on-going restructuring of the economy. The result is that today our economy is poised for a resumption of sound growth, with fundamental parameters well placed to support the imminent upswing.

The abolition of trade sanctions has boosted our export potential especially our already significant trade with Africa. Our increasing access to international financial markets where we have very high standing, will further support higher and more sustainable economic growth than was possible in recent years. The removal of discriminatory and other inhibiting legislation will make a further contribution in this regard.

It is Mr Chairman, against this background that the National Party again commits itself to promoting an economic system in which, inter alia:

* All people will be free to sell their labour and market their products;

* property rights will be accessible to all and will be protected by a Bill of Fundamental Rights;

* the maintenance of fiscal and monetary discipline which will protect and maintain the internal and external value of the Rand;

/the ...

* the resources of the State will be available on an equitable basis for the welfare of all, with a view to eliminating the socio-economic backlogs which prevail in our country, as rapidly as possible.

Mnr die Voorsitter, dit is nou ons geleentheid en uitdaging om 'n nasie te bou; om bokant die verdelings en bitterheid van die verlede uit te styg en mekaar te vind in 'n nuwe trou en lojaliteit teenoor ons vaderland. Dit is nie moontlik om oor nasiebou te praat sonder om 'n opmerking te maak oor daardie politieke groeperinge wat besluit het om van die Konvensie weg te bly nie. Solank hulle buite bly, is ons nasie nie voltallig nie, het Suid-Afrika se kinders nog nie almal met mekaar vrede gemaak en grondwetlik huistoe gekom nie.

Ek rig my in besonder tot die lede van die Konserwatiewe Party en ander regse organisasies. KODESA bied aan u 'n geleentheid om u oortuigings en standpunte hier te kom stel. In die Verklaring van Voorneme wat vandag deur al die verteenwoordigers onderteken gaan word, word spesifiek daarna verwys en verbind KODESA hom:

> "Om huidige en toekomstige deelnemers vrye geleentheid te bied om enige voorstel wat op demokratiese beginsels gebaseer is, aan die Konvensie voor te lê."

Hoe jammer - hoe jammer sal dit nie wees nie as daardie partye wat daarop aanspraak maak dat hulle ook mense verteenwoordig wie se voorgeslagte groot opofferings in hierdie land gemaak het, in gebreke bly om hulle saak te kom stel. Nie alleen die

/debatte ...

debatte nie maar ook die resultate van ons beraadslagings mag onvolledig wees sonder hulle bydraes. Die Nasionale Party onderneem derhalwe om hom daarvoor te beywer om die beginsel van self-beskikking vir volke op die agenda van KODESA te plaas.

Ek sluit af: Die toekoms van Suid-Afrika is in 'n besondere sin in ons hande. Dit is 'n geweldige verantwoordelikheid, dit is binne ons vermoë om ware vryheid en 'n standhoudende demokrasie in ons land te bewerkstellig.

If there is one motto, one approach to life necessary now, then it is to put South Africa first. A powerful message could emerge from this Convention if all of us unite our forces to truly seek to build a new nation in a spirit of genuine reconciliation and tolerance. That is the exciting challenge which stands before us - the historic opportunity which we have but also the responsibility which rests upon us.

May God give us strength, mercy and direction.
I thank you.

MR A RAJBANSI

NATIONAL PEOPLE'S PARTY

Mr Chairman, our dignitaries and fellow delegates. I know that the various participants will show understanding when I express a tremendous measure of jubilation, especially at the presence on this very, very significant day, of our dignitary from India. I say this because Mr Chairman, on a very historic occasion of this nature, we must not forget those who made tremendous sacrifices for a just order in this country. Amongst the many people I want to salute Mahatma Gandhi because we are reminded especially of the momentous 1914 Gandhi/Smuts Agreement; we are reminded of his messages; we are reminded of his actions and his sacrifices and today Mr Chairman, we are seeing the fruits of the efforts of Mahatma Gandhi's stay in South Africa.

The National Peoples' Party is proud to be associated with this, the greatest event of political importance in the history of our beloved country. The journey to CODESA has been a very painful one; a few years ago it would have been impossible to accept that such an event was ever possible. Tremendous sacrifices were made and much can be said about the unfortunate chapter in our country's history.

Today Mr Chairman, the race for a truly democratic South Africa has reached the home straight; when sworn enemies are walking the last mile in a spirit of national reconciliation to reach the winning post of a truly non-racial South Africa, a South Africa free of apartheid and the shackles of the past, in a South

/Africa ...

Africa where there can be mutual co-existence in our divergent societies similar to those of the Soviet Union.

This is not the time to reflect on the past, although there can be full justification for being bitter. But we have seen in the past twenty-four months Mr Chairman, great statesmen of the calibre of Mahatma Gandhi and the late Pandit Jawaharlal Nehru, who indicated for the sake of South Africa, that they are not bitter. And the future beckons to all of us.

Today we thank the Almighty that CODESA is a reality, for the representatives of the international community to witness that this last part of the race to a truly non-racial South Africa, is irreversible. We also thank the Almighty for blessing us with national leaders who have the moral courage and also the charisma, to become the force of reason, the force of reconciliation, and the force of compromise and without these three characteristics, CODESA will not be able to succeed with the important task that is going to be entrusted to it.

For the past twenty days this building has seen the apartheid South Africa in the making; the beginning of the end of an era, the dawning of a new, bright period in our country. For example, we see the political head of the once much hated South African Defence Force, seated next to representatives of the South African Communist Party. People who once could not be reconciled with each other, talking, discussing and deciding, negotiating by compromise in a process of give and take, so that in this

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togetherness CODESA today Mr Chairman, is being launched. I substantiate this with the very significant utterences made by the head of our office administration, Mr Murphy Morobe, in the "Business Day" today:

> "The nightmarish task of co-ordinating officials from nineteen different organisations and welding them in to a coherent force, is a reality. The success of this coherent force is now an important infrastructure on which the success of CODESA must at all costs stand."

We also witness today the beginning of the formation of the pattern of a South African carpet, which pattern will be the new or the post-apartheid South Africa we are all endeavouring to create.

Of course, today is also Mr Chairman, a day of regret. Our regret is that there are empty chairs. CODESA is being boycotted and denigrated as a sell-out. South Africa is a country boycotted and people. It is our important task to accept this as a reality and mediate so that the empty chairs can be filled with people from the PAC, AZAPO, the AWB, the Conservative Party and others. They should know that CODESA hasn't a closed agenda. Self-determination can form part of a discussion as will be the question of an interim government and the formation of the establishment of a Constituent Assembly. In the "Business Day" of yesterday, Mr Vladimir I Tikhomirov, a political scientist from the Soviet Union, writes in an article under the heading "Soviet Experiences Hold Crucial Lessons for Changing South Africa", that the Soviet Union

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and South Africa are probably the only countries in the modern world that have such complicated national ethnic structures. There are striking similarities in both these countries. The Soviet Union and South Africa are formed from a large number of smaller nations - ethnic groups - many of which have their own historical areas. There exists a situation which can create a very dangerous potential to destroy these countries. Therefore the National Peoples' Party of South Africa supports generally a federal type of government with strong regional devolution of power.

Therefore, in laying the first bricks for the new South Africa Mr Chairman, CODESA must not be unmindful of the factors that led to the disintegration of the mighty Soviet Union and also what has happened in countries like India and Yugoslavia. We are also much conscious of the fact that we all want to avoid South Africa being another "killing field" for conflicts like RENAMO, UNITA, the Kalistanis* in Punjab, or the Tamil Tigers of Sri Lanka. There is also no time for point-scoring exercises. Many individuals Mr Chairman, and organisations, some in a very big way, some in a small way, have made CODESA possible. The representatives of the international community are also here to witness firsthand the bearing of the fruits of their actions and the stand they have taken to cause South Africa to move speedily on the path of democratic reform.

Much has been said about economy and change. Change has a price. National political reconciliation and nation building go side-

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by-side with each other. We call upon everyone internally and also in the international community, to assist in the building of our economy, to improve our growth and also to improve the foreign confidence. CODESA's achievements Mr Chairman, will be meaningless if in the words of Mahatma Gandhi the benefits that are going to be derived from our actions and activities, do not yield in the direction of the long-suffering masses.

Being involved in the heart of CODESA, we say that CODESA dare not fail, it will not fail because the participants of CODESA are willing to see that it succeeds.

Reference to legal and constitutional issues must not be misinterpreted as unwillingness to find or point out the way. I want to say very clearly and bluntly that nobody here should be concerned about the handing over or the taking over of power. CODESA has so far shown that the givers and the takers are becoming part of the new order as Mr Murphy Morobe has highlighted in the "Business Day" today.

The National Peoples' Party of South Africa dedicates itself to ensure that CODESA marches forward. We concur Mr Chairman, with the views expressed today about mutual trust and having faith and confidence in each other. We have now come not only to the moment of truth, but to the moment of a severe test where patience, tolerance and understanding will be necessary if we have to succeed on the sacred path we have chosen. This is evident and important so that nothing must be done to halt this

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momentum which is taking place in South Africa today. Our actions must be such that successive generations must look back at CODESA with pride. As the Honourable Chairman has stated this morning, today we must make a tryst with destiny and I am sure Dr Mandela will agree with me that this is a common phrase of the great Pandit Jawaharlal Nehru.

In the planning of a new South Africa a very high priority must be afforded to the improvement of the quality of life of all the peoples in this country, and especially yielding benefits in the direction of the impoverished masses. We also concur with the views expressed today, that in order to achieve success we must rise above petty party politics, and I want to emphasise that we must do this not only in rhetoric, but also in reality.

On the 3rd November this year at the Durban City Hall, Dr Nelson Mandela made an important policy decision which affects the relationship of sixteen of the nineteen participants at CODESA. I don't propose to go into the details of that but I noted that Dr Mandela was consistent on the 3rd November 1991, as he was consistent on the same topic in 1958, but the significance is that Dr Mandela modelled - and he stated so at the Durban City Hall - that he is shaping this policy on what Pandit Nehru did in 1948 when faced with a similar situation in relation to great people like Shastri and Pandit Kanstru*.

We will put a case - and I say this without any fear or ambiguity - for minorities, and I want to warn or give friendly advice that collectively

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*Type phonetically.

minorities can form a powerful force as India has shown it, the Soviet Union has shown it, and other countries have shown it, that it can form in South Africa such a powerful force that it can hold the balance of power to decide who is going to govern this country in a new South Africa. And I want to say Mr Chairman, we have great faith in the future of this country.

Let me admonish that South Africa cannot be compared with countries like India, Kenya or Zimbabwe. We are not negotiating at CODESA with an absentee landlord. We are negotiating with people who have a chequered history in this country, whose determination to be part of South Africa and Africa and whose determination to survive in South Africa or Africa, must never be underestimated.

And finally Mr Chairman, I want to quote one of the greatest disciples of Mahatma Gandhi, Pandit Nehru who once said, and this statement is evergreen, it is relevant today:

> "We end today a period of ill fortune in the history of our country. Moments like this come very rarely in history when the soul of a nation - long sufferers - find utterance."

At CODESA Mr Chairman, the soul of the South African nation is finding a solemn pledge: We in CODESA shall not fail. We in CODESA will not fail and in the words of many organisations that were reverberated throughout South Africa, throughout the forty years, we shall say: We shall overcome.

Mr Chairman, I wish all fellow delegates and everyone a merry Christmas on behalf of the NPP.

Thank you.

(DR J N BERRY

DR J N REDDY

SOLIDARITY PARTY

Mr Chairman, delegates and distinguished dignitaries. On this historic day I stand before you and the nation in all humility, to acknowledge the realisation of the goal of my Party and of my personal vision of the birth of a new nation to be founded on the pillars of established democratic values that acknowledge the dignity of life and the rights of individuals to various freedoms, in their quest for a better life-style and social justice.

A number of political parties are assembled here today under the banner of the Convention for a Democratic South Africa; parties which have adopted different strategies previously, are now committed to the instrument of negotiation to achieve common goals. "This is no doubt our finest hour."

I wish to pledge my commitment and that of Solidarity to the resolution of a permanent settlement and the founding of a Constitution that ensures justice and peace, progress and prosperity and harmony and stability, for this generation and the generations to come. We owe it to all the people who over the years have struggled to establish an undivided South Africa and a government that enjoys legitimacy.

This day offers the greatest prospects for achieving a negotiated settlement through the vision and leadership of those assembled here because of the growing acceptance of the reality that there

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can be no lasting peace, and no sustained economic development, unless the Government is based on the suffrage and consent of the governed.

My Party submits for consideration and debate a set of principles based on accepted values of a multi-party democracy for the establishment of a new constitutional order in South Africa.

The Constitution shall be the sole criterion for government action; the protection of individual freedom and human dignity is the highest principle of law and fundamental rights are guaranteed in a justiciable Bill of Rights; the guarantee of protection is ensured through the establishment of a constitutional court; the functions of the State are exercised by separate legislative, executive and judicial authorities with appropriate checks and balances; there shall be universal adult franchise based on proportional representation structured to meet the needs of our unique situation, with periodic elections in a multi-party system; a directly elected President; a multi-party cabinet based on proportionality to symbolise a government of national unity; a bicameral parliament; a decentralised regional/provincial system of government with devolved powers entrenched in the Constitution; a third tier of government with powers and functions relevant to the needs of the local communities.

MINORITY INCLUSION

The basis for the development of a stable democratic society and a well-functioning political system is the recognition of

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the plurality of South African society. Solidarity advocates that minorities shall be protected by the principle of inclusivity at all levels of government.

The existence of minority groups is a reality that cannot be ignored in South Africa and, therefore, has to be acknowledged and recognised if we are to avoid tension and conflict. There is recent evidence that new minority groupings are asserting themselves more than ever before in many countries of the world. In South Africa, ethnicity has been used as a divisive force leading to suspicion mistrust and cynicism. Ethnicity creates an identity and a sense of belonging, and ought not to be regarded as misconceived or irrelevant. In the virtual absence of experience in the practice of democracy, there must be an awareness and a sensitivity towards minority groups at least in the transitional phase. Ignoring it is wrong, condemning it accomplishes nothing.

A topical subject in the present constitutional debate is the question of the extent of provision for the participation of minority groups in Government institutions and processes. The debate in my view tends to be distorted, partial and emotive with the intention of creating the perception that those who acknowledge minorities are dividing society. Yet international agreements concluded by the United Nations since 1960 point to a new approach that provides minority groups with constitutional protection. To avoid mistrust and suspicion, any political solution must address the question of minorities in an open impartial and reasoned manner.

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In formulating its constitutional principles, Solidarity has endeavoured to address the question of minorities within the parameters of a democratic system. The overwhelming majority of parties profess to support a future Government in which no group dominates. The surest way to kill the idea of democracy in a plural society is to adopt the system of "first past the post" or "winner takes all". In a heterogeneous society the objective should be to achieve maximum agreement to enhance the legitimacy of decisions.

The principles of Solidarity have many innovations that overcome obstacles to democracy. It is desirable to have a separately or directly elected President through an electoral system that provides strong incentives for a candidate to reach out to groups other than his own or risk losing the elections. The candidate will reflect the heterogeneity of South Africa's people and the office of the President will serve to reinforce the principle of meaningful minority inclusion and thus symbolising the unity of the nation. This would represent a positive expression of an inclusive democracy.

There is need for a broad consensus among all political parties at this Convention that minorities need to be included in the decision making structurers of government. It must be stressed that individuals should neither be obliged to belong to minorities nor should they be prohibited from doing so. The process of

/Government ...

Government must be designed to inculcate a common patriotism among all members of the population.

Economic growth and social justice: The mere dismantling of the apartheid system is no assurance that democracy will endure in South Africa. A post-apartheid Government will be under increasing pressure to meet the rising expectations of the underprivileged for improvements in their standards of living and the quality of life. And rightly so.

Demands will be placed on housing, education, health care and employment and can only be met by a market based system with minimum Government intervention which can produce both economic growth and economic equity. It is crucial to develop conditions conducive to attracting overseas capital and economic development. Let us hope that the lifting of sanctions by nearly all the leading countries provides the incentive for economic restructuring. Sustainable development requires manufactured exports and targeted incentives are the real key to export-led growth.

Large corporations must provide opportunities for emergent entrepreneurs to enter into the manufacturing sector in a complementary manner rather than monopolising the whole range of activities. Simplistic solutions such as forcing big firms to break up would only remove the symptoms rather than the cause. The need is for wealth creation and not wealth destruction.

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The small business sector which is a major contributor to job creation must be encouraged through incentives and recognised in a restructured economy. Having regard to the fact that small business provides a larger percentage of the work opporunities in both the United States of America and Japan, the small business sector should serve as a catalyst for the economic mobility of the developing sectors of our population.

A cooperative relationship must be encouraged between labour and capital and there is need to inculcate the necessity of a productive work ethic for South Africa to regain a comparative advantage in those industries which make use of intensive labour. The country is well endowed with mineral resources, has a high level of management, civil and administrative skills, sophisticated banking and financial systems and is supported by a well developed infrastructure. South Africa needs to seek and foster closer regional economic cooperation in Southern Africa as a gateway to Africa and the rest of the world in the new international order.

Political freedom in South Africa without economic prosperity will be an empty gesture. Prosperity and liberty go hand in hand; without economic liberty, prosperity can only be a vision or a dream. Economic deprivation will substitute for political problems in exacerbating tensions and conflict. Affirmative action could run into fierce opposition in conditions of

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economic hardship. The answer is to stimulate wealth creation and employment opportunities. Our priority must be to create an economic and political partnership between Whites and Blacks for stability and prosperity for all South Africans for now and for the future.

We are standing on the threshold of a new and a challenging future for the first time in the history of our beloved country. We are moving away from a system of denial to one of inclusion, from oppression to openness, from authoritarianism to democracy. We are treading the path of the unknown. None of us can claim to have a meaningful experience of democracy or an appreciation for the demands that a democratic value system places on our behaviour and conduct. We must leave behind the baggage of the past, the hate, the fear, the suspicion and the bitterness and together work for the success of a new system that will emerge after the fullest consultation, compromise and consensus. Consensus represents a non-zero outcome in which all parties benefit.

I wish to refer to my call in Parliament earlier this year for the inclusion of representatives of the extra Parliamentary groups in the decision making process at the highest level and in this context I fully support the need to constitute an interim Government comprising of the various groups participating in this Convention.

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I urge all other political groups not to become prisoners of history, to unshackle themselves from the rhetoric of the past and to join hands in a spirit of reconciliation to build a new nation. The imperatives of history demand support for the goals of this Convention committed to primary ethical concepts of freedom, equality and justice.

Getting rid of the apartheid structures is easy; replacing it with a stable democracy is much more difficult and challenging. Ensuring democracy may be far more difficult than negotiating a new political order. Rising expectactions have to be scaled down to realistic terms. Democracy will be threatened if it fails to produce a dramatic change in the material conditions of the underpriviledged sectors of our population. A post-apartheid Government needs a considerable 'probationary period' to settle in and achieve stability as the new political order will be marked by many pressures and demands from all groups. Any newly elected Government taking office needs time to develop a democratic culture to permeate every spectrum of society.

I pledge my personal support and cooperation and that of my party, Solidarity, to honour our commitment for a successful conclusion of this Convention's task to establish the ground-work for a democratic South Africa. The formation of CODESA is in itself a unique experience. An agreement has to be negotiated and entered into between CODESA and the Government to translate where necessary and appropriate the decisions

of CODESA into law either by the introduction of new legislation or by the amendment of existing ones by Parliament to facilitate the process of Constitution making for a new South Africa.

The greatest challenge ultimately is not whether we produce the perfect Constitution but the will and determination to honour, to protect and to nurture the tradition and principles of democracy in a new South Africa. The world is littered with far too many monuments to failed democracy and we should therefore refrain from repeating such experiments. To fail to act wisely now is only to ensure having to act desperately later. This is the challenge that faces us today. The future must be given a chance. My the good Lord grant all of us the humility, the wisdom, the courage and the ability to rise to the challenge facing our nation in a spirit of reconciliation.

Thank you.

MR JUSTICE MAHOMED

Our next speaker is supposed to be Mr Chris Hani who has a reputation both for classical scholarship and military strategy. But before we hear him we will take a tea adjournment.

CONVENTION ADJOURNED FOR TEA.

CONVENTION RESUMED

MR C HANI

SOUTH AFRICAN COMMUNIST PARTY

The Honourable Chief Justice, esteemed Chairpersons, esteemed Foreign Dignatories, comrades, ladies and gentlemen.

The South African Communist Party enters the Convention for a Democratic South Africa with a total commitment to ensuring that the process succeeds. The oppressed and working people long for peace. They long for an end to violence. They long for their freedom that has long been denied.

The South African Communist Party, in alliance with the ANC and COSATU has grasped the first opportunity that has arisen - as a result of our struggles - to secure a negotiated settlement of the apartheid conflict. The CODESA process is a victory for our people. We believe that it is our responsibility as a vanguard organisation of the working class, together with our allies, to pursue this process with the utmost vigour.

But we need to make clear that we are not mesmerised by the word "process". We want it to succeed and get on track and remain on track. But that is not our only preoccupation. We are in this process because we want it to lead to a democratic result. We are

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in this process because there are a majority of South Africans who do not have a say in the rules governing their own lives. We are in this process because there are millions of South Africans who need a new Government that will listen to their needs.

We want this process to succeed because without a new Constitution there can be no peace. Peace must be based on a secure foundation; on a lasting Constitution enjoying overwhelming support of the majority of our people.

Such a new Constitution must also provide the framework within which this society can be transformed from a paradise for a small minority and misery for most others, to one where all enjoy peace and social justice.

These are our broad goals, but how do we proceed from here? We believe, with the ANC, that it is essential that this meeting emerges with decisions that are enforceable, that we are all bound by these decisions.

Without wanting to be unduly provocative, it must be clear to all with open minds that no reasonable person can justify a Government elected by 5% of South Africa's adult population, holding a veto over the decisions of these proceedings.

All decisions carried through a process of sufficient consensus must be implemented.

/But ...

But what are the decisions that we would like to see emerge from CODESA One? In the first place, we in the South African Communist Party reiterate our belief that it is not possible to pursue the process of negotiations successfully unless a climate of free political activity exists. This demands the immediate and unconditional release of all political prisoners, return of exiles, repeal of all repressive legislation, an end to the violence and freedom of all to pursue their political activities without harassment.

We are especially concerned at this time with the failure of the Government to implement its undertaking under the Groote Schuur and Pretoria Minutes by continuing to hold as prisoners, including on death row, people who are being punished because of their actions against apartheid.

We insist that these people be released - not after further representation or consideration by some or other intricate bureaucratic process or the presentation of new facts. We demand that these people be released now. The Government can do this without any further formalities. We are saying that they must be free to spend their first Christmas for many, many years, with their families.

When we call for free political activity we do so in the context of a climate of violence that we know has persisted for many years, particularly in Natal, the Transvaal and the Western Cape.

/But ...

But it is found throughout the country. Not only is this causing havoc to community life, but it obviously makes a mockery of any attempt to organise politically.

This freedom of political activity is obviously also impeded by continued evidence of Government funding of organisations that it favours. We need to know the truth and there is no doubt that the truth is only emerging gradually under pressure and that the scale of Government financing of organisations to which it feels well-disposed is much greater than previously admitted. This must end.

We believe that the present Government has shown its unwillingness or incapacity to tackle these issues. That is why we demand the immediate installation of an Interim Government of National Unity to oversee the process of transition towards a democratic constitution. The longer the installation of such an Interim Government is delayed the longer we allow the violence to continue, the more we endanger not only lives at the present moment, but we also build into our culture a sense of the normality of such violence.

We want to reiterate that one of the prime tasks of such an Interim Government is to oversee elections for a Constituent Assembly - the body that we see as best suited for drawing up a new Constitution. We see this as the most democratic and inclusive way of making the new Constitution, enabling our people to make their impact on their own future. That is how the new democratic, non-racial, non-sexist Constitution must be made.

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There is no reason why this process should be drawn out. We believe that the parties should commit themselves to ensuring that the establishment of an Interim Government and elections for a Constituent Assembly should be completed within 18 months.

The South African Communist Party is determined that this process should lead to a functioning multi-party democracy with regular elections. That is why the South African Communist Party commits itself to abide by the results of any such elections, independently verified as free and fair. We call upon the South African Government to make a similar commmitment. We cannot have any party to negotiations setting itself up with a form of veto right over democratic decisions.

It is important to note that while this Convention primarily addresses itself to constitutional questions, it takes place amidst a social and economic crisis of unprecedented proportions. The level of unemployment and the scale of poverty is a source of great alarm to us. The economic policies pursued by successive apartheid regimes have resulted in a distorted and stagnant economy.

We need a democratically elected Government in place as soon as possible, a Government with a mandate to deal with the social and economic issues that are fundamental to any real transformation.

Of all sectors of our society it is the Black working people who have suffered most from the racism and exploitation. It is, above

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all, their aspirations that will have to be addressed. We are participating in this process, in the first place, to articulate their needs. We are also concerned that women be able to occupy their rightful place as equals at every level of society in any new democratic order.

We in the South African Communist Party do not hide our belief that political freedom without social reconstruction will be meaningless. There needs to be a new growth path which creates wealth more efficiently than the present economic policies, but also ensures that such wealth is used to better the lives not only of a few, but of all.

For the peace process to succeed, demands from all who are committed to democracy, the greatest possible unity. I want to say to organisations which have not traditionally formed part of the ANC-SACP-COSATU Alliance or even the Mass Democratic Movement, that this is not the time to emphasise our differences. It is our job to build on the highest level of unity we can develop to take ourselves forward, not to narrow sectarian goals, but the broad democratic system that is in all of our interests.

To those who are not part of this process either through withdrawing or failing to join, we make a special appeal. Let us turn CODESA into a truly patriotic contribution, the remaking of our beloved country into one to which we will all feel an abiding

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loyalty. Let this be the work of all of us, no matter what our differences may be. Let us put aside these differences and concentrate on what unites us and ensure that that unity results in a product that is truly enduring.

At the same time this is a period where all of us must exercise the maximum degree of responsibility. It is not helpful for any of us to raise the spectre of civil war. Anyone with knowledge of what has happened in Angola and Mozambique must know that words like "civil war" should not be lightly bandied about. Let us rather redouble our efforts to bury any possibility of such a fate enveloping us.

Let me conclude by expressing the wish of the South African Communist Party that this Convention should succeed in laying the basis for peace in our country, a process that will unlock the talents of all South Africans in building a new nation, which will secure the health, happiness and wellbeing of all our people.

I thank you.

MR JUSTICE SCHABORT

Thank you Mr Hani. The next speaker will be Major-General Holomisa of the Transkei Government's Delegation.

MAJOR-GENERAL B HOLOMISA

TRANSKEI GOVERNMENT

Co-Chairpersons, South Africans and our international friends.

The peculiar independent constitutional status of Transkei necessitated that this territory be represented as a State by the Government and elected representatives of organisations, interest groups and various structures across the social spectrum of the territory. In order to secure a proper mandate from the people of Transkei, four conferences of delegates from these organisations and groupings were held to discuss and prepare for the CODESA conference. All in all fifty-nine organisations based in the territory attended the conferences and each sent five representatives. As a delegation we can with confidence claim that the inputs we shall make at this gathering represent the aspirations and concerns of the majority of Transkeians from divergent social groupings with a variety of political opinions and affiliations.

We responded positively to an invitation to attend the Preparatory meeting on the 29th November, and the CODESA conference today and tomorrow, as well as the future meetings, because we believe that this forum has the capacity or the potential to steer the country to the desired goal. Millions of South Africans and well wishers in Africa and abroad have focussed their eyes and pinned their hopes on a fruitful outcome of these deliberations. Through selfless reflection and debate, disinterested dialogue, objectivity and statesmanship, we must project this forum as a worthy mechanism which should draw into its fold even those who have so far demurred from attending this conference because of

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certain political considerations.

One method by which this ideal could be achieved would be the granting of general amnesty to all political prisoners and the granting of unconditional indemnity to all political exiles to as to enable them to return freely to the country of their birth. It must not be forgotten that all these patriots have contributed in no small way to the process which will lead to freedom and democracy in South Africa. CODESA should not be perceived as a body which is incapable of addressing all aspects of the democratisation of the country.

At the Sand River and Vereeniging Conventions at the beginning of this century, the Boer and British combatants agreed on a cease-fire and on principles of a then new White South Africa. At the Conventions of 1909 they resolved on a Union of South Africa under White hegemony. The realisation of the Union of South Africa in 1910 was a direct consequence of the resolutions of the above-mentioned conventions.

The universal discrediting and condemnation of apartheid underlines the illegitimacy of the present apartheid Government. The latter's disavowal of the apartheid creed and apparent readiness to enter into negotiations for a democratic, non-racial South Africa underwrites the death knell for apartheid and its creations and is by implication an abdication from the socio-eco-political order they have enforced, defended and sustained for the duration

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of the apartheid internal colonial epoch.

This, therefore, calls for an honest, objective and disinterested evaluation of the purpose, content, essence, scope and status of the Convention for a Democratic South Africa insofar as it is a gathering for the determination of the modalities for the setting up of a mechanism that will transform South Africa from apartheid to democracy.

Transkei do not subscribe to the concept of "loser takes all" (sic), but to the Westminster Fifty, and that is "winner takes the most".

It is therefore a reasonable and logical expectation that the resolutions for change - if indeed they are for change as we understand it - adopted by the Convention for a Democratic South Africa, should be implemented by this Convention through a mutually-agreed-upon mechanism. This, in categorical terms, means that the exultation of the semantics of the so-called sovereignty of the apartheid Parliament for the purpose of arrogating to itself the exclusive responsibility of legislating the decisions of CODESA, is an anachronism and absurdity of the first order. History denies this option. The Transkei Delegation, Chairpersons, has resolved that the appropriate status be accorded to CODESA to endow its decisions with meaningful legal status. Transkei therefore advocate the enactment of a law by the RSA Parliament to formally establish CODESA so that its decisions are valid in the eyes of everybody including the RSA legislature.

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The contrary would be the subordination of CODESA resolutions to a Sectarian Parliament, and therefore, by design, wittingly or unwittingly, the perpetuation of the status quo. We do not wish to believe for one moment that this is the purpose of this Convention.

Strong feelings are being entertained across the entire country that CODESA also be a vehicle for the restoration of peace and stability. The noble sentiments and lofty objectives embraced in the National Peace Accord, hitherto a fatherless and motherless child, can only be given effect, meaning and purpose to, only if CODESA decides to assume full responsibility for their implementation. One of the most viable options to render the work of the National Peace Committee of the Peace Accord meaningful and make it bear fruit, is to involve all leaders of political organisations /parties and Heads of Governments in South Africa's context in decision-making on matters related to security at the highest level.

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For example, the State Security Council, or they call it these days the Cabinet Committee for Security Affairs, for purposes of ensuring that the recommendations made by CODESA will be given effect to, and that the security establishment does not take any decisions or action which undermines the spirit and letter of the Convention. The involvement of all at State Security Council level will eliminate fears and suspicions and dissipate charges and allegations of hidden agendas. The urgency of this matter is borne out by the threats of violence and civil war that are ventilated from several quarters. This issue becomes important if one bears in mind that the South African Security Forces have at one stage or another been deployed in the states of some of the participants at this Convention. There is an urgent need for CODESA to consider whether such actions were, or are, intended to promote democracy and the ideals for which CODESA stands in those states; Transkei included.

In the same vein, the role of CODESA, during its temporary period of existence, should be expanded to bring about peace throughout Southern Africa. This, in effect, entails that South African soil will cease to be a launching pad for attacks on neighbouring countries like Mozambique.

A warning is also sounded to African countries having trade links with South Africa which give material, logistical and military support to the Renamo bandits that, if they do not stop the flow of aid to these butchers of humanity in Mozambique, CODESA will demand the immediate cutting of all trade and diplomatic links

/with...

with those African countries.

Great care has also to be exercised when grappling with the wave of multi-party democracy engulfing the African continent at present. The exponents and sponsors of the concept of multi-party democracy in Africa have a moral duty to ensure that it does not engender anarchy and chaos in the wake of its introduction; that it does not incite tribal and regional hatred/jealousies thereby plunging the various countries into bloody civil wars as parties vie with one another for political ascendancy. The source of multi-party democracy must be from within; it must not be imposed from outside.

It is also important to note, that the failure of CODESA will spell economic doom for South Africa and therefore a prescription for social and political disaster. South Africa can no longer afford an internal and international siege. For our own sakes we need economic growth and equitable distribution of opportunities and wealth. This is the only way violence and strife, manipulation and fratricide will end.

Transkeians have always regarded themselves as part of South Africa. The very type of relationship that exists between Transkei and other independent homelands on the one hand and South African Government on the other, confirms the inseparability of these homelands from the rest of South Africa. Transkei therefore has braced herself for the sacrificing of her present constitutional status in favour of re-incorporation. However, she must be part of the debate and process of re-incorporation in order to ensure

/that...

that she does not re-join an apartheid South Africa.

It must be stated with pellucid clarity that the question of Transkei's re-incorporation into South Africa will not be a matter of bilateral discussions between the Transkei and RSA Governments but will be discussed with a new Interim Government for obvious reasons. Hopefully all participants appreciate the significance of the Interim Government which in essence means the dissolution of the Tricameral Parliament, all Homeland Parliaments and the disappearance of Military Governments from the national political scene. It is reasonably expected that CODESA will expedite the completion of her task in order to pave way for the establishment of an Interim Government - at least hopefully by June 1992.

The idea is being sponsored in some quarters that Homelands should be turned into component parts of a federation. This is however a matter for the constitutional-making body. I would on the other hand be failing in my duty if I did not state that when considering constitutional dispensation which must be adopted in South Africa, one cannot relegate the economic realities of the country to the background. Many of our Homelands are impoverished and are indeed not viable economic entities. A federation is doomed to fail if regard is had to economic realities of South Africa. Wealth in this country is concentrated in the PWV area. The greater part of the country cannot sustain a federation. If it is thought that a federation is the correct option, serious consideration will first have to be given to the economic development and financial

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ills or imbalances of the country. But now time is of the essence. We need to adopt solutions which are workable. It would be suicidal to grant autonomy to entities which at the end of the day have to look to "Big Brother" for financial support.

We welcome the presence of representatives of international forums charged with the task of monitoring the process.

Since the administration of rural areas is founded on chieftainship, there is an urgent need for CODESA to address the future róle of traditional leaders.

Transkei has the honour to move that a task group be formed by CODESA to travel around the country meeting with traditional leaders, look into their interests and endeavour to forge unity among them so that they ventilate their aspirations in fruitful unison rather than as disparate groups. The task group will have to report to CODESA on its findings.

These positive steps will minimise the chances of the manipulation of traditional leaders by certain individuals and other groups for the furtherance of their political ambitions.

The founding of CODESA is fuelling the already high expectations among the disadvantaged people that their deliverance from denial, deprivation and the seemingly permanent state of penury is about to come to an abrupt end.

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In conclusion it must have been noted that the scourge of violence gripping the country has always been attributed to ethnic rivalry. We boldly refuted these statements and the third party involvement through the use of, inter alia, all slush funds has been exposed. This merits the undivided attention of CODESA if any meaningful progress is to be made towards the restoration of trust among participants.

The South African public at large has constantly complained about the bias of the SABC-TV and Radio. It would be a prudent move for CODESA to insist on a fair distribution of the SABC Board of Directors so that it becomes representative of the entire population.

The conduct of the country's foreign relations needs to be examined closely during the period of CODESA's life-span. The danger always looms that an interested party can hijack collective achievements for self-projection abroad in a bid to improve its image and present itself in a better light as the sole agent of changes occurring in the country. It is incumbent upon CODESA to place a moratorium on the opening of new diplomatic links with other countries as this can militate against her (CODESA) interests should the negotiation process crumble in the face of intransigence by the ruling White oligarchy.

Our hearty thanks go to the Steering Committee which has worked round the clock to make this day a reality. We cannot forget to commend the initiatives of Dr Mandela and President De Klerk who

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commenced talks in the latter part of 1989 to unlock the country's political log-jam. CODESA can correctly be judged as the direct outcome and continuation of the meeting of the two leaders. With the broad participation of South Africans the ship can safely be steered and land in safe waters.

Thank you, sir.

CHIEF MINISTER RAMODIKE

UNITED PEOPLE'S FRONT

His Lordship Chief Justice Corbett, Chairpersons, Justice Schabort and Justice Mahomed, delegates of political parties and organisations present here, representatives of the international community at various levels, my countrymen, it is my pleasure to address you on this very historic occasion.

Mr Chairperson, this is the day that we as South Africans should mark as a turning point in the history of our country. For the first time in this country, political representatives of our people are in a position to sit around the table and discuss the future of the land. For a long time, the history of this country was dominated by the seemingly irreconcilable differences of opinions as regards the solution to the heterogeneous nature of our society. We know for a fact that heterogeneity is nothing new in our family of nations; solutions were sought and found before, but we cannot remain oblivious to the major events in the world around us, in Africa, Europe, and elsewhere, most of which have some degree of influence on developments here. The onus is of course on us as South Africans to read these lessons and read them well without any sectoral bias as far as our community is concerned. I cannot agree more with the statement: "History is the best teacher but its lessons are not on the surface, and it is a pity that it is the surface lessons which are learnt more quickly and easily." We are gathered in here armed with experience of our own in the country and that of the world outside and the resultant balance between the two, I maintain, should be the area of our solution.

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Ke nyaka go tšea sebaka se go leboga le go lebogiša mekgahlo ka moka yeo e phuthegilego mo lehono ka ponelo pele yeo ba bilego le yona mabapi le bokamoso bja naga ye. Tsela ya CODESA e be e tletše mathata le ditsikitlano tša meeno go fihla lehono; empa mafelelong go bonala e ka re tla kgona gotšwelela pele ka lerato le khutšo, e seng ka kgohlagano le leretha.

We have not come here to compromise or capitulate as our critics sometimes put it; nor are we here to remain fixed to positions unmoved and undeterred by sometimes reasonable outcries of our counterparts who are in any case our own countrymen and fellow citizens. We have come here to measure the actual lengths of both our differences and agreements. We have come to lay foundations for future discussions on the differences we have, and to be guided by the national interest in the country in whatever solutions we may reach.

For many years this country has been torn apart politically and socially in pursuit of a policy that nearly destroyed us all, and I want to thank various institutions in the political field or elsewhere inside and outside the country, and the international community as well as the two leading figures who took the initiative to make history today, namely, Dr Mandela and President F W De Klerk for the contribution that they have both made; the combined effect of which has ultimately made it possible for us to be at this Convention. We are finally gathered here today bound together not only by the need to negotiate, but by our common basic belief in one united and sovereign country governed by a constitution that

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is to be underpinned by democracy and the will of the majority of all citizens. Mr Chairperson, you are aware of those of our brothers and sisters who could not see their way clear in participating at this Convention. We believe that it would be in the interest of the country for those of us in here, individual and collectively, to intensify communication with them rather than break it. We should do so with a common and logical desire to build a new country in which most if not all of us had a hand in its birth and upbringing. It is our wish that no one is left behind in this task - if we can help it.

I have already set an example in having taken the initiative to meet Dr Treurnicht, the leader of the Conservative Party. I have his reaction but I think time doesn't allow me to convey his message to the Convention.

Mr Chairperson, South Africa has at last broken the ice on the long and hard road to democracy and we wish that the courage and vision which pulled participants of various political persuasions together, should keep us joined up and carry us through to the next stages of discussions.

We have to concede that it will absolutely serve no purpose to look back in the past in our pursuit to shape a new political dispensation. The future is in the future and not in the past. The past is empty of the future.

I believe that CODESA is here to unite and not to endorse or perpetuate separation of the people of this country.

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In referring to our country I mean the whole of South Africa, including the so-called self-governing territories and the so-called TBVC States which are nationally tolerated, and internationally rejected. This body must therefore find ways and means of bringing all of us together as a nation that has no choice but to live together, to survive together, and to share the riches and the burdens together in a new spirit of reconciliation and reconstruction. The reality of the moment is that the situation is indeed irreversible. Change is bound to come and those who resist will be blown off by the devastating winds that are blowing in our country.

It will be a serious omission Mr Chairperson, that this Convention will stand adjourned without taking decisions as recommended and proposed to this Convention by a draft task group of CODESA. I just want to quote but two: We agreed that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy; that CODESA will establish a mechanism whose task it will be in co-operation with administrations and the South African Government to draft the texts of all legislation required to give effect to the agreements reached in Codesa and by this Convention today. And we shall have Mr Chairperson, in my humble opinion, have delivered the goods for our people throughout the country. God be praised.

BRIGADIER RAMUSHWANA

VENDA GOVERNMENT

Co-Chairpersons, Leaders of Political Parties, Movements and Governments, Distinguished Observers from International Organisations, Members of the Diplomatic Corps, Religious Leaders, ladies and gentlemen.

I doubt whether there has ever rested a heavier burden and a greater responsibility on the shoulders of leaders than we have at this first meeting of CODESA. This Convention is a milestone in the history of reconstructing the new democratic South Africa of equal rights, equal opportunities, where the dignity of men will be respected and there will be freedom for all.

We who are gathered here should be united in vision and purpose to achieve the total elimination of all forms of discrimination based on race, colour, religion, sex, language or political opinion. For many years some South Africans were forced to accept the political system which they did not like and which was not of their making. We have gathered here yearning and striving to recover those basic rights and freedoms that were denied us for so long by apartheid.

Hopefully in this Convention common sense will prevail so that a new and more just dispensation may be ushered in. It should be self-evident and acceptable to all that no ultimate resolution of our situation can be possible by any other means than through consensus politics which is a process of negotiation. Being

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conscious of the fact that the end result of this Convention is to establish a new united non-racial, non-sexist democratic South Africa wherein freedom of association, speech, religion, Bill of Rights, the rule of law, participation in the government administration etcetera, we the delegates of Venda commit ourselves to be bound by the CODESA resolutions in good faith.

We further commit ourselves to be party to creating a climate conducive to peaceful negotiations and free political participation. The Homelands, and independence of certain Homelands, were born out of the universally rejected policy of separate development. They have remained unpopular and unacceptable instruments of perpetuating the goals of apartheid. The so-called land consolidation and economic development have remained hollow fiction, not only in the case of Venda but in respect of other Homelands. Hence the people of Venda, without any desire to conduct any form of referendum, are in favour of integrating with a new democratic South Africa. To fulfil the desire of the people I established the Re-incorporation Forum, to give the people free participation in election of candidate in order to facilitate the process of integration in the most responsible and democratic way. I am pleased that the future of the TBVC countries stands on the agenda of the Conference.

The question of land is a burning issue because of the imbalances inherent and the manner in which it was alienated by unfair and cruel removals. It stands to good reason that any future Government should carefully consider re-distribution of land. However emphasis should also be placed on the production of land with the

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necessary financial support and orientation towards economic land utility.

The question of access to land and consideration of returning certain land to rightful owners cannot be ignored. Of equal importance is the acknowledgement of the diversity of religious and language existence and the plurality of culture which are not the products of apartheid. Religious freedom should prevail and language rights be recognised, freedom of association, freedom of speech, freedom of expression, and freedom of opinion should prevail.

In spite of the evils of the apartheid system it has afforded officers an opportunity of acquiring an immense and unfathomable experience and knowledge of running State affairs and administration of the public policy. Obviously public servants have to be protected as the new South Africa will be devoid of discrimination on colour and sex, but due consideration of merit, experience, qualifications will be taken into account. Similarly their privileges and well deserved pension benefits have to be protected.

Some form of declaration clearing uncertainties in the minds of the public servants; their protection and the protection of their privileges and their interests have to be made by CODESA.
There is no doubt that intensive training programmes of public service will have to be introduced because of the imbalances of the past.

The fact that culture and language will receive recognition, it

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becomes obvious that traditional leadership will also be retained but with relevancy to indigenous function. This institution is also not a product of apartheid except that some chieftanships we have deliberately and purposefully created.

The dismantling of the Homelands and the Independent Homelands gives rise to the possibility of regionalism with a devolution of power. It also gives rise to their finding in the interim period these issues I contend will receive attention of the Conference. What should be born in mind is that these geographical entities will continue to remain even in a post-apartheid South Africa; it is only the form of Government which will change.

The apartheid system has placed economic constraints on the development of the so-called Homelands, Independent Homelands and Black areas. In these areas development was neglected under the pretext of self-determination. As they had no resources of their own they remained beggars and at the mercy of the South African regime which has done very little in these areas. One has just to travel to all Black areas and observe the developmental differences in comparative terms. The development agencies did not show keen interest towards tangible development. Perhaps regionalism might be ideal towards accelerating development in some of these remote areas.

The parastatal institutions such as DBSA and other racially defined development agencies will either be rationalised or be transformed to conform to the spirit of a future new Government.

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Although the tempo of economic development is accelerated by free enterprise system, because of imbalances and unfair distribution of wealth a mixed economic system may be an answer. On the whole, stability will be instrumental towards the maintenance of sustenance of sound economy. All people should be afforded an opportunity to participate in the economy of the country. Those who have been disadvantaged for such a long time should be assisted financially to establish themselves as well as enhancing the quality of life and to ensure equal opportunity for all the people.

In order to ensure the birth of the desired new democratic South Africa it will be imperative for CODESA to address the issue of the transitional arrangements realistically. Strategies will have to be attended to seriously. This issue will succeed if there is understanding, compromise and trust among all role players. We should all commit ourselves to establishing a transitional arrangement mechanism.

In conclusion I believe that the proceedings of this Convention will be constructive and that there will be a spirit of goodwill and mutual trust. I am looking forward to a fruitful conclusion of the Convention in the establishment of the new democratic South Africa based on a constitution entrenching fundamental human rights under the supremacy of the law.

(BRIEF COMMENT IN MOTHER TONGUE)

Thank you.

PROFESSOR H W E NTSANWISI

XIMOKO PROGRESSIVE PARTY

Messrs Chairman, fellow delegates, State President, distinguished guests, ladies and gentlemen, at this particular time in the history of our country the Ximoko Progressive Party approaches CODESA with a sense of both profound enthusiasm and relief. Our enthusiasm stems from the fact that at this Convention all the parties which have hitherto expressed commitment toward a negotiated settlement in South Africa have gathered together around the table to commence with real constitutional negotiations. Our sense of relief stems from the fact that at long last the culmination of years of struggle for political justice in this country is in sight.

We have no doubt many complex obstacles to overcome. Most prominent is the unwillingness of some organisations to participate in the search for a new South Africa, and the desire of yet others to maintain the status quo. But despite this, for the very first time in the troubled history of our country, a representative group of men and women have gathered together objectively to contemplate the future of our country in a spirit of peace and reconciliation. Let not this moment go unmarked in the history of our continent, and may it stand as testimony to the reservoir of goodwill among South Africans despite the divisions and strife of the past.

Today marks the burial of the immorality, tyranny, arrogance, selfishness and evils of Verwoerdian Apartheid, and the dawn of a new South Africa which will walk tall within the corridors of

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the international community. Let us, through CODESA, hammer out a democratic constitution which will embrace the aspirations of all South Africans, irrespective of colour, creed, sex and race.

History has favoured those of us gathered here today with the inestimable fortune of re-shaping our destiny. In doing so it has also placed upon us a responsibility of enormous magnitude. Millions of our countrymen look to our every deed for hope, happiness, peace and prosperity. Let us never forget that although we are here as representatives of political groupings, our actions must be those of Statesmen and must transcend mere party politics.

Our focus should always be upon the well-being of all South Africans. The negotiations to follow will be demanding and complex, for what we are attempting to create in a new constitutional dispensation is a vehicle for the achievement of reasonable aspirations of all segments of our diverse, complex society. An immediate imperative is, to my mind, political empowerment of those who have hitherto not enjoyed these rights. But if we are to have peace in our country, we must accept that we need to empower people in a manner which will provide a basis for continuity of orderly and responsible government, and sustained economic and social development.

The overriding concern cannot, however, merely be power for the majority. Indeed this is possibly the least important function

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of a constitution. We are not in the first place here to contemplate the issue of power in itself. What we are here to consider is, to my mind, the framework of core values and mechanisms which will ensure the entrenchment and protection of fundamental rights and freedom for all South Africans, and we should establish the ground rules for exercising those rights and freedoms.

But what are those freedoms, Messrs Chairmen? They are certainly not only political, but also socio-economic. We must not allow ourselves to become so preoccupied with purely political dimensions that we lose sight of societal and economic freedoms, without which, as the lamentable post-colonial history of Africa has shown, political freedom has no substance. The right of free association in open society, and the right to earn and disburse financial resources, is an essentially free enterprise economy, are fundamental rights and must accompany political rights per se. They are in fact merely other dimensions of the total freedom which we seek. In our South African society all these aspects need attention, particularly the economic dimensions which we can only neglect at our own peril.

Above all, we must not repeat the errors of ideology which have reduced vibrant economies to the north in Africa and elsewhere in the world in a few short years to a state of penury and the people of this continent to a state of deprivation with few precedents in the modern world. Let us make CODESA a marketplace of ideas, a marketplace of unity. Let us devote our

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energies to constructive debate and interchange of ideas, to educating our people and democratising our perspective of life, for we must remember that although democracy is our dearest desire, change has sprung upon us and left our nation ill-prepared for the responsibilities of a democratic life. Certainly democracy is much more than a system of government. It is not so much the things you do as the way you do things. We in Gazankulu refused to go independent. We refused to abdicate our birthright as South Africans. We shall not do so now. What we should do is recognise and underpin the dire need for national reconciliation and true nation-building. Indeed what we do now cannot be seen as an end. It is the beginning of a process which must lead us down a path of reform in the constitutional, social and economic field in measured steps.

That process, to my mind, will be complex and the needs of our society as it passes through the process, will mould and re-mould. The process may take years and not merely months. Indeed out of the strains and strife of the old South Africa, it would be naïve to believe that we can move to a Utopia which such facility as sound people would make us believe. We need to be flexible in these things, as behoves statesmen and leaders. The interests of the most sophisticated community in Africa are in our hands, and we should surely not like to repeat the mistakes which have reduced this continent in a few short years to a state of abject misery; mistakes which are now increasingly being realised by responsible leaders throughout Africa.

/Above all...

Above all, we should be alive to the requirements of practical government and not allow ourselves to be seduced into ideological self-indulgence. The rule of law should be the very corner-stone of our government.

In conclusion, allow me to observe that what is required of us all in a South Africa of the 1990's, by way of a formula for success, is the following:

A large degree of tolerance;

A generous measure of good sense;

More than a mere modicum of dedication to the course of social and economic justice;

A touch of pride;

A great deal of wisdom;

Responsibility and foresight;

Brotherly love; and above all

A sense of the great mission on which we are embarked.

(ADDRESSES CONVENTION BRIEFLY IN MOTHER TONGUE)

Our great concern must be for posterity. Our great concern must be for those that follow us, for it is with the future of our children that we now deal. May we receive the strength from above to discharge our responsibilities in a manner which will cause ensuing generations to say kindly of us: They were true South Africans all, whose efforts were well meant.

Fellow delegates, distinguished guests, countrymen, I have spoken.

MR JUSTICE SCHABORT

Thank you Professor Ntsanwisi.

Dames en here, ons het nou gekom by die laaste inleidende spreker van die dag, die segsman vir die Regering van die Republiek van Suid-Afrika, die Staatspresident Mnr F W de Klerk.

/President de Klerk...

PRESIDENT F W DE KLERK

SOUTH AFRICAN GOVERNMENT

Geagte Voorsitters, geagte afgevaardigdes, ge-eerde gaste van die buiteland, u Eksellensies, Ambassadeurs van die internasionale gemeenskap, die oë van die ganse Suid Afrika is gerig op ons hier vergader. Die toekoms van man, vrou en kind, van ryk en arm, van geleerd en ongeleerd gaan wesenlik geraak word deur ons sukses of ons mislukking.

Afrika hou asem op in die wete dat Suid Afrika 'n belangrike sleutel is tot groter stabiliteit en voorspoed vir 'n baie groot deel van ons kontinent. Belangrike leiers van Afrika met wie ek die afgelope jaar gesprek gevoer het, het dit aan my gestel dat hulle Suid Afrika as die lokomotief van ekonomiese vooruitgang op die kontinent beskou. Die internasionale gemeenskap sien met verwagting uit na die stabilisering van ons gekwelde land, sodat ons die opbouende internasionale rol, die rol waarvoor ons uitgeknip is in hierdie wêreld streek, kan begin speel. Die wêreld aanvaar dat die proses van verandering onomkeerbaar is en dat die hoekstene van apartheid verwyder is. Deure het vir ons oor die hele wêreld oopgegaan. Hardkoppiges, kwaadwilliges en rewolusionêres wil hê ons moet misluk, maar die oorgrote en stille meerderheid van almal in hierdie land bid vir ons sukses.

Op die skouers van ons hier vergader rus die geweldige verantwoordelikheid om die hoop van ons burgery, die verwagtinge van ons vriende te verwesenlik, en die planne van hulle wat chaos wil saai te fnuik. Ons einddoel is 'n nuwe billike, regverdige,

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onderhandelde, en ten volle demokratiese grondwet, 'n grondwet wat goeie en stabiele regering kan verseker, 'n grondwet wat magsmisbruike en oorheersing kan voorkom, en wat billike deelname aan almal op elke lewensterrein sal waarborg.

Die aanvang van hierdie Konvensie is die enkele belangrikste gebeurtenis sedert daar 'n breë konsensus oor die noodsaak van veelparty onderhandeling begin groei het. Ons sal in werkgroepe en in volle sittings worstel met die prosedures, die metodes, en die substansie van die onomkeerbare konstitusionele proses waarin ons betrokke is. Sukses of mislukking sal in 'n hoë mate bepaal word deur Konvensiegangers se wil om mekaar te vind, se wil om mekaar te vind langs die weg van gee en neem. Die Regering neem in hierdie gesindheid deel aan hierdie konvensie. Ons is hier om oplossings te vind, verstandhoudings te bou, en saam met almal 'n grondslag vir 'n demokratiese, stabiele en voorspoedige toekoms te lê.

Ons sal ons spesifieke standpunte met oortuiging stel. Tegelykertyd sal ons luister, sal ons luister na alle ander standpunte en brue probeer bou tussen die uiteenlopende behoeftes van ons verskeie kultuur gemeentskappe en belange groepe. As alle afvaardigings in hierdie gees saamwerk, dan twyfel ek vir geen oomblik dat ons saam, saam, 'n deurbraak sal maak tot langtermyn vrede, voorspoed en vooruitgang binne 'n ware demokrasie.

One of the greatest problems we shall have to overcome, is

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mutual distrust and suspicion. No one can deny that it exists over a wide front.

A particular facet of it emerges from the demands in various quarters for a transitional government, an interim government or a government of national unity. Suspicion exists that the Government may wish to abuse its power during the negotiations and be both player and referee.

I wish to make use of this early opportunity to attempt to remove this suspicion by spelling out exactly where the Government stands on this issue.

It is not the Government's approach to cling to power or abuse its powers during the negotiations. A perception has been created that the Government is opposed to any form of transitional government. That is not true and numerous previous statements confirm this. The Government's position is the following:

> We are prepared to begin negotiating immediately on amending the Constitution of the Republic to make an interim power-sharing model possible on a democratic basis.
>
> We are convinced that it is in the best interests of South Africa and all its people for us - us gathered here - to institute expeditiously, as a first phase, a government that is broadly representative of the total population. Such a generally representative government will not only

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see to the administration of the country, but will also be able to take the lead in further constitutional reform.

We are equally convinced that the composition of Parliament, too, should be changed during this initial phase already to include the total population in an equitable manner.

In this respect, we are almost ready to table specific proposals which, naturally, will have to be negotiated intensively together with all the proposals from all others.

What we are not prepared to consider is the circumvention or suspension of the present Constitution of the Republic. Any substantive constitutional amendments, even if they are aimed at transitional measures only, will have to be adopted by Parliament after a mandate has been obtained by means of a referendum.

Such a referendum will have to produce, among other things, a positive mandate from the electorates of each of the existing Houses of Parliament. If the proposals in respect of transitional measures are fair to all, the response from every section of the population will be an overwhelming Yes. This does not mean that the rest of the population can be excluded from a referendum. All South Africans must participate in such a referendum.

/We are...

We are also fundamentally opposed to a form of transitional government which, in the words of the ANC this morning, "will not be participatory". Government must, after proper elections, be composed in terms of the Constitution of the day. Unconstitutional government cannot be accepted in a country which is sovereign, independent, and whose sovereignty and independence are recognised by the total international community.

Therefore, the Constitution first must change after a referendum mandating Parliament to change the Constitution. Thereafter elections must be held, and in terms of that new, changed, interim Constitution - call it whatever you like - Government must be constituted.

To sum up, I wish to state today in clearer terms than ever before that the Government is amenable to a negotiated form of transitional government being implemented expeditiously in a democratic and constitutional manner. A newly constituted Parliament may be part of it. That could produce an entirely new dimension in the debate about a Constituent Assembly.

This approach entails substantial advantages over the institution of all manner of cumbersome structures and forums to expand the say of people during a protracted transitional phase.

Constitutionally-founded transitional structures may and will enable all South Africans to become part, within a short time,

/through...

through their democratically elected representatives, of decision-making, as well as of further negotiations about a more final constitution. Nobody will be able to dispute the legitimacy of such a transitional government and newly-constituted Parliament, as is being done at present in respect of CODESA and other structures in our country.

I wish to urge every delegation to think deeply about this approach. The Government has no sinister, ulterior motives on this subject. It is our honest conviction that such a step is the shortest democratic and constitutional route to the aims we share with one another and to the elimination of the many differences that still exist among us.

Mr Chairman, from the Government's point of view, there is one major obstacle in the way of rapid progress within CODESA. I regret having to refer to it here, but that is, unfortunately, unavoidable. It has to do with the lack of progress by the ANC in coming into line with other political parties and movements. It appears to wish to remain different.

The heart of the problem is the following:

> The ANC has not yet terminated what it has itself defined as the "armed struggle".

In this connection, the ANC has not honoured important undertakings in terms of the Pretoria Minute and the D F Malan

/Conference...

Conference and has resorted to delaying tactics.

Before the Peace Conference on the 14th of September 1991, I considered making the solution of this important problem, which includes disclosure of illegal arms caches within the Republic of South Africa, a pre-condition for signing the Peace Accord. In view of renewed undertakings at that stage by the ANC, I refrained from doing so.

Unfortunately, this concession did not produce results. As we are gathered here, there still has not been sufficient progress in spite of ongoing efforts on the part of the Government.

The stipulation in the Peace Accord that no political party shall have a private army places a question mark over the ANC's participation in a Convention which, essentially, is taking place among political parties.

An organisation which remains committed to an armed struggle cannot be trusted completely when it also commits itself to peacefully negotiated solutions. Everything that is happening in the world today proves that violence and peaceful compromise are not compatible. The choice is between peace through negotiation or a power struggle through violence. The ANC and other organisations still sitting on two stools, such as the PAC, now have to make this choice.

/The very...

The very stage of negotiation towards a new constitution which we have reached here at CODESA, now makes it imperative that the ANC and others who wish to participate will have to terminate armed struggle before such participants can really enter into binding, legitimate, reliable and credible peaceful agreements.

The Government will continue, through bilateral negotiation with the ANC and others, to try to overcome this obstacle which is standing in the way of a peaceful solution.

There is also distrust and suspicion about a variety of other things. Some of the participants in this Convention are suspected by other parties who have chosen not to be here, of having hidden agendas. At this stage there is even mutual distrust and suspicion among the parties and organisations present here today.

Therefore, the challenge which we are facing is to address the basic causes of this distrust and suspicion. CODESA cannot succeed unless it generates confidence among the population. And it will be able to create confidence outside only if it is able, within a reasonable time, to reach convincing and workable agreements here to remove existing distrust, suspicions and fears; if it is able to succeed in converting the deep-seated policy differences among many of us into agreements and compromises.

/Dit...

Dit sal ons nie regkry as ons ingestel is op oorwinnings teenoor mekaar nie. As afvaardigings werk vir 'n wen of 'n verloor situasie, dan is CODESA tot mislukking gedoem. As almal eerlik streef na 'n wen/wen situasie, sal CODESA slaag. Daarom is die grondslag vir ooreenkomste binne CODESA konsensus.

Om 'n wen/wen resultaat te verkry sal van ons verg om die werklikheid in die oë te kyk vierkantig. Oënskynlik botsende aansprake wat deel is van daardie werklikheid sal sinvol met mekaar versoen moet work. Ek wil 'n paar van daardie botsende aansprake noem:

Beskerming van gevestigde ekonomiese belange van beleggers, grondeienaars, sakemanne, die professionele, en gesalarieerde werknemers aan die een kant teenoor die aandrang op beter lewensomstandighede van die kant van minderbevoorregtes.

Botsende aansprake soos, aan die een kant, deelname deur en beskerming van minderhede teenoor oorheersing, teenoor die aanspraak van 'n mederheid, hoe ookal saamgestel, op demokaties-verkreë mag.

Botsende aansprake soos die erkenning en akkommodasie van ons kulturele en bevolgingsverskeidenheid teenoor die noodsaak van een nasieskap met 'n gemeenskaplike lojaliteit.

Botsende aansprake soos die behoefte aan taal en kultuur-gebonde onderwys teenoor die noodsaak van een onderwysstelsel.

/And so...

And so I could continue, Mr Chairman. The heart of the challenge lies in all of us having to learn not to propagate only the truth that fits our case, but also in being able to see and understand the truth that may not suit our case - and then, together, working out a solution that recognises the whole truth and deals with it sensibly.

In order to assist CODESA to do just that, I would like to make an announcement.

The South African Law Commission has completed its Report on Constitutional Models. This report will be released tomorrow morning. The report contains an excellent exposition of a wide variety of constitutional options relevant to the process of constitution making on which we have embarked. As a product of an autonomous body composed of independent jurists, the report is commended to all participants to CODESA as a valuable source of information for the work of this Convention and its working groups.

The Government, Mr Chairman, is determined to make its contribution towards enabling CODESA to succeed. I am encouraged by that which has been achieved already. I believe that we are on the threshold of a new South Africa, firmly based on the foundation of fairness and justice. Let us join forces, while talking openly and straightforwardly, also where we differ, but nonetheless join forces in turning CODESA into the instrument to achieve this new, fair and just South Africa. And let us pray to

/God...

God Almighty that, under His auspices - because we are all in His hands - that we will succeed.

Ek wil, ten slotte Mnr die Voorsitter, 'n hartlike woord van dank aan almal wat so hard meegewerk het aan hierdie eerste byeenkoms rig, aan Regeringslede, aan werknemers van die Staat, aan leiers van alle partye en organisasies hier verteenwoordig, en almal wat hulle ondersteun het. Daar is in die afgelope weke geswoeg en gesweet. Daar is geweldige massas onderhandelingstyd gespandeer om seker te maak dat ons kan wegspring by hierdie eerste vergadering op 'n basies positiewe noot, in die wete dat ons reeds rondom enkele belangrike fasette konsensus gebou en gevind het.

My wens is, my hoop is, en ons bydrae daartoe sal wees, dat hierdie Konvensie die beginpunt sal wees van die verwesenliking van die droom van 'n regverdige Suid Afrika waarin al die land se inwoners billik en regverdig 'n volle aandeel sal hê in alles wat hierdie land bied. Ek dank u.

/Dankie...

MR JUSTICE SCHABORT

Dankie Mnr de Klerk.

Ladies and gentlemen, this has indeed been a long day and it is not over yet. We have now reached Item 5 on the agenda, being the adoption and signing of the Declaration of Intent. My esteemed colleague and I shall now present the draft Declaration of Intent to the Convention. I shall read out the first part thereof, and he shall read the remainder thereof.

He shall thereafter invite proposals for the adoption thereof.

/Declaration...

CO-CHAIRPERSONS JUSTICE SCHABORT AND JUSTICE MAHOMED

DECLARATION OF INTENT

MR JUSTICE SCHABORT

We, the duly authorised representatives of political parties, political organisations, administrations and the South African Government, coming together at this first meeting of the Convention for a Democratic South Africa, mindful of the awesome responsibility that rests on us at this moment in the history of our country,

declare our solemn commitment:

1. **to bring about** an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty, pursuing amidst our diversity, freedom, equality and security for all irrespective of race, colour, sex or creed; a country free from apartheid or any other form of discrimination or domination;

2. **to work** to heal the divisions of the past, to secure the advancement of all, and to establish a free and open society based on democratic values where the dignity, worth and rights of every South African are protected by law;

3. **to strive** to improve the quality of life of our people through policies that will promote economic growth and human development and ensure equal opportunities and social justice for all South Africans;

4. **to create** a climate conducive to peaceful constitutional change by eliminating violence, intimidation and destabilisation and by promoting free political participation, discussion and debate;

5. **to set in motion** the process of drawing up and establishing a constitution that will ensure, inter alia:

   a. that South Africa will be a united, democratic, non-racial and non-sexist state in which sovereign authority is exercised over the whole of its territory;

   b. that the Constitution will be the supreme law and that it will be guarded over by an independent, non-racial and impartial judiciary;

   c. that there will be a multi-party democracy with the right to form and join political parties and with regular elections on the basis of universal adult suffrage on a common voters roll; in general the basic electoral system shall be that of proportional representation;

   d. that there shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances;

e. that the diversity of languages, cultures and religions of the people of South Africa shall be acknowledged;

f. that all shall enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly protected by an entrenched and justiciable Bill of Rights and a legal system that guarantees equality of all before the law.

MR JUSTICE MAHOMED

I am privileged to read the remainder of the Declaration.

We agree:

1. that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy.

2. that CODESA will establish a mechanism whose task it will be, in co-operation with administrations and the South African Government, to draft the texts of all legislation required to give effect to the agreements reached in CODESA.

We, the representatives of political parties, political

/organisations...

organisations and administrations, further solemnly commit ourselves to be bound by the agreements of CODESA and in good faith to take all such steps as are within our power and authority to realise their implementation.

JUSTICE MAHOMED: Provision is then made for signatures by the nineteen organisations and movements present today and then there follows this very important provision for endorsement by the South African Government, reading as follows:

We, the South African Government, declare ourselves to be bound by agreements we reach together with other participants in CODESA in accordance with the standing rules and hereby commit ourselves to the implementation thereof within our capacity, powers and authority.

JUSTICE MOHAMED: Having read this historic document, I now wish to ask whether there is anybody who is prepared to propose the adoption thereof.

Dr De Beer, you are prepared to propose the adoption thereof? Would you care to come to podium?

/Sir ...

Z W DE BEER: Sir, it's with pride that I ask CODESA to adopt the document that you have just put before this assembly. This document, sir, was prepared in one of the task groups of the Steering Committee and there, I am informed, it obtained the unanimous support of that group. It was brought to the Steering Committee where there was considerable discussion. There were certain amendments adopted. In the final analysis the delegation from Bophuthatswana had to express certain reservations, although our understanding was that that delegation was in no way opposed to the general spirit of this document, and those difficulties have been referred to here this morning, and delegates understand them.

For the rest, sir, this document obtained general consensus from all delegations. It was presented on behalf of Task Group 2 by Mr Felgate who was the Chairman of that group, and by Mr Eglin who had been particularly active in the preparation. Sir, this document as you've read it out, states a set of general beliefs and then a set of political aims. These sir, we believe reflect in truth the common aims which have brought us here.

/These...

These reflect the conditions which can create in South Africa, an integrity and a democracy which can bring us the kind of Government that we are looking for.

I would point in particular that if we commit to to this document, we commit ourselves to a number of important elements in a democratic state, as that is generally understood. This document is not prescriptive and is specifically drafted in such a manner so as not to commit anybody to any undertaking that he cannot carry out because he is incapable of doing so. I draw your attention sir, to such words as "all such steps as are within our power" and "within our capacity, powers and authority" in the two commitments.

Sir, I do not believe that this assembly wants me to talk at length. This document has been thoroughly worked through by all delegations. It does the things I have said it does, and it is my privilege to move its adoption.

JUSTICE MAHOMED: From the point of view of the judiciary what is especially attractive and important for us is the commitment to accept the sovereignty, the majesty of the law and the Constitution under which we will be ruled.

Dr De Beer has proposed its adoption. There is obviously a great deal of support for the adoption, and there seems to be little virtue in inviting re-affirmation of Dr De Beer's very persuasive submissions. What I would be more interested in is to hear from anybody who has any disagreements, reservations, or qualifications about the adoption of the Declaration of Intent.

F T MDLALOSI: Mr Chairman sir, distinguished delegates, ladies and gentlemen, The Inkatha Freedom Party really would like to sign this document. There's a lot which is good, a lot in it that we agree with. We really would like to sign this document. That's our sincere wish. Nevertheless we think there are certain elements that we are not happy with. The Inkatha Freedom Party therefore wants to sign and be a full consenting party to a Declaration of Intent with which it wholeheartedly subscribes. However our delegation's considered view is that the document - the Declaration - points unmistakably in a particular direction; a direction exclusive of a possibility of federal government forming. We are therefore holding over our decision regarding the signing of the Declaration of Intent, and intend pursuing the principles which concern us for further deliberation in the appropriate Commitee of CODESA in an effort to secure the amendments to it which would enable us to sign it, because we think in the main it is a

good document, but certain things need to be rectified. I thank you, Sir.

JUSTICE MAHOMED: Well you've heard the contribution of Dr Mdlalosi who is in substantial agreement with the content of the document, but suggests a further opportunity for review of certain details, as I understand him.

Are there any further responses from anybody? Dr Mandela.

N MANDELA: Mr Chairman, I am very happy about the constructive approach which has been put forward by Dr Mdlalosi. I think we should regard CODESA as a process and not something that should be accomplished in a couple of hours. I think he is perfectly within his rights to ask that he should take up the matter with the relevant committees of CODESA. It is proper and wise for us to concede, to accept that, because we want all people who attach their signature to the Declaration to do so because they have the conviction that that document mirrors their ideas as well.

I would however suggest that we, all of us, have spent a great deal of time and energy in trying to shape and give shape to this document. And insofar as the relevant committees of CODESA, they have handled it very well, and I think that the moment has come, which we should sieze, of signing the

/document...

document. That those parties and organisations which are ready to sign must sign the document.

I am ready to sign the document on behalf of the ANC, and I invite all other political parties that have no reservations to join me in signing that document.

I might point out that I have had a lot of reservations about this document, and in fact I was instructed last night by the National Working Committee of the ANC to contact Mr De Klerk as the leader of the National Party, and to express my reservations about some aspects of this document. And I also intend to consult the leaders of all other political parties, as I have done consistently, in the course of preparing for this meeting. However, he raised certain ...

JUSTICE MAHOMED: Dr Mandela, we have a pure technological problem. If you stand and speak the transcribers can't get it down. Either you sit or you come to the podium.

N MANDELA: I don't know, Mr Chairman, whether you want me to start from the beginning? I have forgotten what I said.

Mr Chairman, the point I'm making is that Dr Mdlalosi has made a very constructive proposal, for which I

/must...

must pay him the warmest compliment. He has suggested that his delegation is not ready to sign the Declaration, and he would like to take up the matter with the relevant committees of CODESA.

Listening to Dr Zach De Beer, it is possible to argue that once the matter has been properly addressed by the Task Group and reported to the Steering Committee, we could argue that that has disposed of the matter, but this is a very important initiative, and it would be a mistake for us to regard it as something other than a process. It is not something that we can tackle and dispose of in a few hours, and I think that any organisation that feels that it is not ready to sign the Declaration must be given enough time to examine the Declaration and to take up the matter with the relevant committees. And I thank Dr Mdlalosi for that constructive approach.

But I am prepared to sign the document now - I think that to ask for a postponement, even for tomorrow, would be regrettable. Many people have worked very hard, some twenty-four hours a day, to produce this document, and we have had the honour of this Conference, this meeting, being opened by the Chief Justice, and we have had the honour of having two Judges to preside over this meeting.

I think that all of us today should leave here with a sense of achievement, and that is the reason why I'm inviting you to join me in signing this document.

I want to add that yesterday we were supposed to have a meeting with the National Working Committee from 10h00 to 12h30 discussing this Declaration. We discussed it the whole day and adjourned only at 16h00. I was instructed to get in touch with Mr De Klerk and to put certain reservations which we had, and which we still have, about this document. I contacted Mr De Klerk on a number of occasions and the last one was about 20h20 in the evening. He placed certain information before me, and advanced certain arguments, and one of the arguments that he advanced was that it would be undesirable for us to re-open a matter which had been properly discussed by the Committees of CODESA.

I did not agree with him, but in the spirit of contributing to the success of this meeting, I went back to my colleagues and persuaded them to accept the document as it is. And I therefore would like - I'm not going to persuade other political parties to adopt the same approach which we have adopted, but I would like all of us to sign the document now, and I hope no political

/party...

party is going to argue that the signing of the document should be postponed.

Now there is another matter of very grave national importance which I would like to raise, but I would like to raise it after we have signed the Declaration. I sincerely hope, Mr Chairman, you will give me the opportunity of raising it.

JUSTICE MAHOMED: We have now had two responses to the proposal for adoption, and they are not inconsistent with each other at all. Dr Mdlalosi would prefer an opportunity to consider the details in one of the Committees of CODESA; Dr Mandela in his statesman-like response, has conceded that that is the right of Dr Mdlalosi and the Inkatha Freedom Party, but he has urged those who have no reservations to join him in signing the Declaration. Is there any opposition to his proposal that those who are ready and willing to sign should do so now?

N NOGCANTSI: Thank you Mr Chairman. My name is Nogcantsi, representing the Ciskei Government. Mr Chairman, I would like to get some clarity here.

Now, assuming Dr Ndlalosi moves an amendment to that Declaration and he lobbies this or he takes this up with other delegations and coming up with a separate and a distinct Declaration which is different from this one, which Declaration here

/will...

will be signed? That's the problem I'm having here Mr Chairman, because we're having one, two or three Declarations. I would like to have some clarity. Otherwise we as the Ciskeian Government have got no problem with the basic principles in the Declaration, and we feel that this Declaration has been hurriedly produced and although we had a delegate in the Steering Committee, we had little or no time really to consider the contents, though we move that the parties that are happy with the contents of the Declaration as it stands, they can gladly sign it. Thank you Mr Chairman.

JUSTICE MAHOMED: As I see it, those who are happy to sign will sign. If Dr Mdlalosi subsequently produces a document which is an improvement, people will be free to add to that signature, or to react appropriately. I don't think that Dr Mdlalosi's proposal is in any way inconsistent with Mr Mandela's invitation that those who have read this document, who have considered it, and who are happy with it, should sign tonight before the sun sets.

G VILJOEN: Thank you Mr Chairman. On behalf of the Government I would like to emphasise that we consider it of the greatest importance that the signing of this document should be as inclusive and as comprehensive with regard to participants as is humanly possible. We are prepared to sign this document. We've been involved in its development, and in its

/working...

working out, and whilst it is certainly not a perfect document in the sense of meeting the requirements of everybody and every detail, we think it is a major achievement to have been negotiated in the way it has been negotiated.

At the same time, sir, I would like to subscribe and support your view that signing the document now is not irreconcilable with Dr Mdlalosi's request that the Inkatha Freedom Party be allowed an opportunity to further consider its position and after negotiations or discussions, then decide about signing or not. I would therefore support you sir, in your interpretation that the request of Dr Mdlalosi is a request that should be granted, while those who are prepared to sign will sign.

I would just like to emphasise, in the light of what Dr Mdlalosi has said, that the Government, in considering the final document, also felt that because the emphasis has been on points of agreement, on common ground, by definition this document does not include those aspects of different parties' policies on which they differ from other parties. The points of difference have not been included here; the common ground has been included.

But at the same time, as we read the document, and

/this...

this is the spirit in which we sign it and the understanding on which we sign it, we also added on the second page that "we agree that the present and future participants shall be entitled to put forward freely to the Convention any proposal consistent with democracy". In other words, this is not a comprehensive and an exclusve list of policy. There are areas in which we feel very strongly, in which we differ from others, but which are consistent with the spirit of the document as a whole, and we shall sign on the clear understanding that we and others - in fact I think virtually every party present here will remain entitled to put its viewpoint and will not be cut off from that possibility by the fact of having signed this document. And in particular, sir, our interpreation of the document is not such that it excludes any party from promoting a regional or a federal approach in its political and its policy position.

JUSTICE MAHOMED: I think that was a very constructive - in my respectful view - a clearly accurate response to the position in which we find ourselves. There seems to be substantial agreement between Mr Mandela, Dr Viljoen, and from the vibes I pick up, from the rest of the audience, that those who are ready, willing and eager to sign must now be encouraged to do so.

/Do...

Do you have an important contribution, Mr Rajbansi?

A RAJBANSI: Yes, a suggestion on the request made by Dr Mdlalosi. Mr Chairman, I concur with the view that his request is very constructive; it's reasonable; it doesn't stand in the way in respect of progress being made today in relation to those who want to sign the document. I think CODESA must decide to grant the Inkatha Freedom Party's request that if they desire so to raise this matter at a relevant Committee, either the Steering Committee or any other structures established by it. I believe that one issue is the signing of this particular document, and the other is that CODESA itself should grant the IFP its request to have the right to take this to a Committee, and the Committee must be mandated to deal with Inkatha's request.

JUSTICE MAHOMED: Yes, I think that's inherent in the very document itself, and more particularly paragraph 1 after the words "we agree". Are there any other contributions, appreciating that to encore is not necessarily to augment.

I OMAR: Mr Chairman, on the agenda under Item 5 we have the "Adoption and Signing", and I submit respectfully, that before we can really adopt the Declaration, we would have to accept the standing rules. But I don't think there is anything militating against the signing of the Agreement, and I therefore wish to make a proposal which might be acceptable to both sides, or both propositions.

/We could...

We could all sign, including Inkatha, today, the document that is tabled here, but we need not adopt it. We wait until we adopt the standing rules...

JUSTICE MAHOMED: You have a murmur.

I OMAR: I have heard a murmur, but I have heard Dr Mandela ask for signing and I support that. I've heard everyone else asking for a signing; I'm not against that. What I'm saying is this process - I think we also heard from Mr Mandela - has to be as inclusive as possible, and it is a process, and we cannot have a quick-fix process. The adoption must go through a process sir, and I think that is slightly a point of order, but that is for you to comment on.

What I would suggest sir, is that the adoption be discussed tomorrow after we've adopted the rules, and then accommodate Inkatha's difficulty in this regard.

JUSTICE MAHOMED: Is there any support for this suggestion?

F T MDLALOSI: Mr Chairman, and members of the delegates to this CODESA, first I would like to express my appreciation of the response that we got from the leader of the African National Congress with respect to this that was moved by Inkatha. Having said so, I think it is in order that people should know what my reservations were about. I think right away now, I was opening an issue hoping that in fact one

/might...

might like to know what it was all about, but I was quite prepared to go to the relevant Committee.

I should like then to take this opportunity of tabling this as our proposed amendments in fact, to this Declaration of Intent.

/With regard...

With regard to paragraph 1, we suggest that the words:

"an undivided South Africa with one nation"

be omitted and substituted by the following:

"a new South African nation."

The reason for amendment: We of the IFP are moving this amendment because it might give the false impression that we are necessarily committed to a unitary State and will deny us the opportunity to advance the advantages of Federalism (at a later stage). Nevertheless the substituted wording would emphasise the desire to create a new South African nation.

(2) Paragraph 5(a) - that the words: "in which sovereign authority is exercised over the whole of its territory" be omitted.

The reason for amendment: We move for the elimination of the words concerned for the same reasons referred to in (1) above.

(d)(i) - that the word "horizontal" be inserted before the word "separation".

(ii) - that the words "and a vertical separation of powers between the central government and the regions and" be inserted after the word "judiciary".

The reason for the amendment: The intention of this amendment

/is ...

is again to make room not only for separation of powers between the legislature, executive and judiciary, but for devolution of power from the central government to the regions.

The essential theme that is running through in our approach is that it is important to know that regions exist and that regions have their own particular problems which need to be attended to by their own local regional areas or regional structures.

(3) Under the heading "We agree" - to delete the paragraph numbered 2 and substitute the following:

> "That CODESA and all of the parties, signatories hereto, will make every effort to facilitate the process leading to a democratic constitution to be submitted to a referendum of all the people of South Africa."

The reason for the amendment: The IFP moves for this amendment because we cannot permit the recommendations here to be recognised as having the effect of formal binding legislation. Resulting from this change, the determinations made here must be subject to referenda before they are legally effective.

(4) That the final paragraph of the Declaration be omitted.

Reason for the amendment: The IFP moves for this deletion because the words might be interpreted as conferring parliamentary

power to the results of the negotiations reached at this Conference.

This is our view Mr Chairman, and as I said earlier, we would be quite happy to have further negotiations about this in the Management Committee. How that then will fit with the rest of the procedure and how this accords with your Rules of Procedure, I do not know Mr Chairman, but we are honestly talking how we feel about it without any fear. Those that feel that they can sign, well alright let them sign. But I think those that are concerned about some of these things that I have raised, ought to search their consciences and find out whether they are really in a position to sign before they can clear these matters and be sure that they are not caught up in any manner that they may regret about in future. I thank you for your forbearance, Mr Chairman.

MR JUSTICE MAHOMED

Thank you, Dr Mdlalose. The position as I understand it, remains intact. What Dr Mdlalose was doing was giving to us the benefits of his motivation and reason for not being ready to sign right now. That still does not amount to a suggestion or proposal inconsistent with that which has been supported by Dr Mandela and Professor Viljoen which is that those who are happy with it, can now be invited to sign.

With the consent of my esteemed co-chairman, I formally rule that that is the position. But I have great appreciation for the spirit and the manner in which Dr Mdlalose has expressed his concerns and the solutions which he has suggested and I think we are all indebted to him.

That being so, I have the great honour of calling in alphabetical order the first of the persons to sign this declaration, Mr Nelson Mandela on behalf of the African National Congress. If you'll do me the honour of coming to the podium and signing it.

The next organisation on the list provided is the Bophuthatswana Government. I do not know whether they are ready at this stage to sign. They are not.

The next organisation provided is the Ciskei Government. Are you ready to sign?

O J GQOZO

CISKEI GOVERNMENT

Mr Chairman, we, the Ciskei, move that we postpone our signing until such time that we have considered one particular section which we are not happy with.

/Is ...

MR JUSTICE MAHOMED

Is the Democratic Party prepared to sign? Dr de Beer. The next organisation is the Dikwankwetla Party. Are you ready to sign? The Inkatha Freedom Party's position has been canvassed. And the next is the Inyandza National Movement. Are you ready to sign, sir? And the next organisation is the Intando Yesizwe Party. The next organisation is the Labour Party of South Africa, the Reverend Hendrickse. The next organisation is the Natal and Transvaal Indian Congress. The next organisation is the National Party of South Africa, Dr Dawid de Villiers. The next organisation is the National People's Party, Mr Rajbansi. The next organisation is Solidarity, Dr J N Reddy. And the next organisation is the South African Communist Party. Mr Chris Hani will probably say that this document is the result of a thesis, an antithesis and synthesis. Major-General Holomisa, Transkei Government. United People's Front, Chief Minister Ramodike. Brigadier Ramushwana, Venda Government. Professor Ntsanwisi, Ximoko Progressive Party. The last signature on this document which is needed is that of the joint architect of this day, President De Klerk.

I think we should grant to the other joint architect his wish to say something, which he earned.

DR N MANDELA

AFRICAN NATIONAL CONGRESS

Thank you, Mr Chairman. I said I would like to raise a matter of national importance, and I am happy you have given me the opportunity to do so. I am gravely concerned about the behaviour of Mr de Klerk today. He has launched an attack on the African National Congress, and in doing so he has been less than frank. Even the head of an illegitimate, discredited, minority regime as his, has certain moral standards to uphold. He has no excuse, because he is a representative of a discredited regime, not to uphold moral standards. He has handled - and before I say so, let me say that no wonder the Conservative Party has made such a serious inroad into his power base. You understand why.

If a man can come to a conference of this nature and play the type of politics which are contained in his paper, very few people would like to deal with such a man. We have handled the question of Umkhonto we Sizwe in a constructive manner. We pointed out that this is one of the issues we are discussing with the Government. We had bilateral discussions but in his paper, although I was with him, I was discussing with him until about 20h20 last night, he never even hinted that he was going to make this attack. The members of the Government persuaded us to allow them to speak last. They were very keen to say the last word here. It is now clear why they did so. And he has abused his position because he hoped that I would not reply. He was

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completely mistaken. I am replying now. We are still prepared to have discussions with him if he wants, but he must forget that he can impose conditions on the African National Congress and, I daresay, on any one of the political organisations here.

I have tried very hard, in discussions with him, that firstly his weakness is to look at matters from the point of view of the National Party and the White minority in this country, not from the point of view of the population of South Africa. I have gone further to say to him, no useful purpose will be served by the ANC trying to undermine the National Party, because we wanted the National Party to carry the Whites in this initiative. And I have said to him on countless occasions that no useful purpose will be served by the National Party trying to undermine the African National Congress. He continues to do exactly that and we are going to stop him.

He has told you - and I say he is less than frank, because he has not told you that it is the African National Congress, not the National Party, nor his Government that started this initiative. I have been discussing with Mr Kobie Coetsee and other top Government officials since July 1986, when I was still in prison, asking that the ANC and the Government should sit down to explore a peaceful solution. As a result of the pressure of the people inside this country, and of the international community and as a result of persuasion from us, they eventually agreed to sit down to discuss with us. We have gone a long way in trying to

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contribute to the creation of an atmosphere whereby this initiative can succeed. As part of that effort, we suspended the armed struggle. What has happened on the side of the Government? We suspended the armed struggle in spite of the fact that our people were being killed and the Government, with all its capacity to put an end to the violence, were doing nothing to stop the slaughter of innocent people.

I have said to him: You have got a strong, well-equipped, efficient Police Force and Defence Force. Why are you not using that capacity to stop this violence. I have pointed out to him that the perception that exists amongst our people is that in the forefront of this violence, are elements of the Security Forces. No doubt. It is common knowledge that organisations like the CCB, their main task is to eliminate freedom fighters in this country. So many activists have been killed, without trace. The killers have never been traced, or hardly ever traced. And in those massacres not a single member of the National Party was even grazed with a spear. It is all activists who are in your position who fight apartheid.

Nevertheless, we have told him, and done things to show our commitment to the peace process. I have indicated that only last night I had a discussion with him about this very Declaration of Intent. There were certain loopholes which, when it was

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reported to us, we found in the document, and I was instructed to ensure that those loopholes are closed. I discussed the matter with him. He then persuaded me, saying that this document has gone through to the relevant committees. We must not amend it at this moment. I agreed with him. And I went back to my committee to say, it is now too late for us to do anything. They accepted that because of our commitment to the peace process, our desire that this process should succeed. Now he is attacking us because we have not dissolved Umkhonto. He is not even telling you, reporting to you that when we agreed, we had a discussion in Cape Town at the beginning of this year on Umkhonto we Sizwe. We then had an agreement in terms of which we had to hand over our weapons for joint control by the Government and ourselves, but we linked that to the development of the political process.

We said when the process has reached a certain stage, which can ensure that we would have an effective control or say in Government, then it would be easy because that would be our Government. Their army will be our army. We would be ready at that time to do so. That was the spirit of our discussions and I have met him - I have met him for example before the signing of the Peace Accord, when he was threatening to do then what he has done now - and I say to him: You are asking us to do something. You are asking us to commit suicide, because when your Government is not prepared to intervene and stop the violence; when the

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perception amongst our people is that it is elements in the Security Forces that are killing our people; when our people are demanding to be armed, what political organisation would hand over its weapons to the same man who is regarded by the people as killing innocent people.

And I asked him not to insist on this because we would never agree, and I told him that we should discuss the matter and see whether we can reach a solution. And I met him Thursday, last week. He raised the same point. I again emphasised to him that he is asking us to do something that is absolutely ridiculous and that we wouldn't do so. We could never give our arms to a Government which we are sure either has lost control over the Security Forces or the Security Forces are doing precisely what he wants them to do. I can't see any head of Government who would allow such a culture of violence to take root, without interfering. We have discussed certain mechanisms and agreed that these mechanisms should be applied, in documents setting out the principles of the Peace Accord.

Nevertheless, in spite of those mechanisms, violence still continues in this country and he has given a lot of statistics to show how many new policemen have been employed, what courts have been created. He does not relate what is happening, because in spite of what he has done, the incidence of violence is growing, is increasing in the country. And I regret very

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much that he should try to take advantage of this meeting for petty, political gains. It confirms what we have been saying all along, that the National Party and the Government have a double agenda. They are talking peace to us. They are at the same time conducting a war. They are busy doing certain things which are unacceptable, using taxpayers' money. They are funding certain organisations through the Police and he comes forward and says he didn't know about it. If the head of the Government does not know when as much as R7 million is spent, he doesn't know about it, then he is not fit to be a head of a government.

He is calling on us to disband Umkhonto we Sizwe, yet hit squads are operating freely in this country. When we heard that at the funeral of a prominent activist, Sam Ntuli, who was gunned down by the same hit squads as the mourners were dispersing, eighteen people were killed in broad daylight and the Police were in the vicinity. It was clear that these were killers who were carrying out their job in the knowledge that the law enforcement agencies would not interfere with them. They walked away freely, without fear of any detection. You can make your own inferences at that.

If Mr de Klerk promises to do his duty as the head of Government, to put an end to the violence, to restrain his security services, to clean the country of hit squads and other elements which are responsible for killing innocent people, then he can come to us and say: I want you to hand over your weapons to us for joint control. But as long as he's playing this double

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game, he must be clear that we are not going to co-operate with him on this matter. He can do what he likes. We are not going to disband Umkhonto we Sizwe. We are not a political party. We are a political organisation, perhaps with more support world-wide than he has. We have used Umkhonto we Sizwe to help in the exertion of pressure on the Government to change its policies.

We have no illusions. It is not the operations of Umkhonto alone which have brought about these developments, but Umkhonto has had a very significant contribution towards the struggle and we cannot hand over that instrument to the National Party. I must appeal to him to work harmoniously and seriously with the African National Congress. This is our initiative. A number of people have paid him compliments. Very well, we agree with that. He has tried to undo what his brothers have done to us. Through the policy of apartheid, they have created misery beyond words. Nevertheless, we are prepared to forget and he has made a contribution towards normalising the situation because without him we would not have made this progress. I ask him to place his cards on the table face upwards. Let's work together, openly. Let there be no secret agendas. Let him not persuade us that he should be the last speaker because he wants to abuse that privilege and to attack us in the hope that he will get no reply.

I am prepared to work with him in spite of all his mistakes. And I am prepared to make allowances because he is a product of apartheid. Although he wants these democratic

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changes, he has sometimes very little idea what democracy means and his statement here, many people will regard it as very harsh, where he is threatening us, where he says this cannot be done. He is forgetting that he cannot speak like a representative of a Government which has got legitimacy and which represents the majority of the population.

These are statements which can only be used by somebody who represents the majority of the population in the country. He doesn't represent us. He can't talk to us in that language, but nevertheless I am prepared to work with him to see to it that these democratic changes are introduced in the country and we can only succeed if we are candid and open with one another. This type of thing, of trying to take advantage of the co-operation which we are giving him willingly, is something extremely dangerous and I hope this is the last time he will do so.

Thank you very much, Mr Chairman.

/Chairman ...

MR JUSTICE SCHABORT

Thank you, Dr Mandela. Ladies and gentlemen, it is our task as the joint chairmen of this meeting to try and see that CODESA does not get bogged down in the quagmire of misunderstanding; that we don't land in any cul-de-sac, and the wheels are kept rolling in the direction of progress, peace and all those other ideals which we have heard so much about today.

It is the opinion of my esteemed colleague and myself that should Mr de Klerk at this stage wish to respond to what has been said, then it would be better to end this meeting on that note than to adjourn at this stage. The sun has presumably set outside. In here we've still got these glaring lights and as far as we are concerned, this is still an opportunity which we must avail ourselves of to try and resolve and deal with this issue.

/PRESIDENT F W DE KLERK ...

PRESIDENT F W DE KLERK

SOUTH AFRICAN GOVERNMENT

Thank you, Mr Chairman. Mr Chairman, I do not intend to attack Mr Mandela. I have never done so. I have never attacked his person, notwithstanding the fact that in other countries and inside South Africa, he made very, very hurtful allegations against me. I prefer to play the ball and not the man. Sir, this matter has been dragging along since August 1990, but specifically since February 1991. When we entered into an agreement at the DF Malan Airport with regard to that which should have come to an immediate end, and that with regard to which we agreed to in a phased manner, through negotiation, solve the problem of inter alia illegal arms caches.

There is only one party sitting in this room with a private army and with arms caches, illegal arms caches, admitting to it. All the other parties do not have a dualism. Sir, we constantly raised this issue which is an issue of deep concern because we believe one cannot be totally committed, totally committed to peaceful solutions if your major speakers constantly until two weeks ago from certain platforms, with arms caches, make an appeal for the struggle to continue and adhere to the concept of armed action. It is a matter of principle. And we have raised this. And shortly before 14 September we had a very long meeting for many hours one evening and we were convinced at that stage not to raise the issue at the Peace Conference. And we were given assurances that now the negotiation which has been

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dragging and which didn't make any advances and progress since February, would receive serious attention.

The discussion that Mr Mandela refers to a week or so ago in my office - I can't remember the exact date - at that discussion I said: Once again since 14 September I find myself in exactly the same position that I found myself a week before 14 September. And we agreed that he would assure that a strong delegation would meet with our members of that particular committee. Those meetings took place and documents were exchanged until 20h00/21h00 last night in that regard. I don't want to go into detail. I stuck to the principle and it is the principle involved. And the inter-changes of the frantic discussions which went on in the past few days resulted in an absolute stalemate, and once again the Government found itself on the point that once again we're entering a fundamental new stage without this problem having been solved, and this problem is not just a problem bothering the Government, it's a problem bothering everybody. It's a problem bothering everybody that there are so many, we don't know how many, AK47's in illegal caches. The very same weapons which are being used to kill people. I am as deeply concerned about the violence as anybody else.

And therefore sir, I said more or less a week ago to Mr Mandela: If we do not make sufficient progress, I will have to raise this. And last night, when it became apparent that we couldn't

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make sufficient progress timeously, the message to one of his senior advisers was: We will have to raise this, but we will stick to the principle and stay away from details. And I tried to do that, and I'm still trying to do that. And, sir, it is a matter which must be solved, and therefore if you analyse everything which I have said today, I have put the principle on the table; I have said that we must make progress with this and that unless we make progress, we will be inhibited to enter into further agreements. That is the essence of what I have said. And that is where the crunch will come. Yes sir, I said it.

I specifically said that unless this dualism is solved, the essential problem will remain that we will have a party or organisation, or whatever they prefer to call themselves, that we will have a party with a pen in one hand and claiming the right to still have arms in the other hand. And that in essence cannot be conducive to a really peaceful process and to real negotiations.

Therefore, I want to say we will continue to discuss this. We will have an open door, and I made it clear in my speech when I referred to these matters, that we recognise the urgency of this matter, we can no longer just deal with it on a bilateral basis. Special provision was made in the Peace Accord to accommodate this problem that not sufficient progress has been made. The time has come to say: This is a serious problem, and this serious problem now needs attention and it needs to be resolved because it will be a stumbling block

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in the way of real progress through to the logical consequences of what CODESA is about; unless it is solved. And I do not apologise sir, for putting this principle point of view on the table. I think it's a justifiable one. I do it with pride because I think that is how democracy should really work.

And therefore sir, I hope that having cleared the air, that we will find a way in the best interests of South Africa to now solve this problem. We have not been prescriptive. We have made proposals which are, in essence, reasonable. I don't want to discuss them here. I say let us get on with it and solve this problem. It is a problem which can no longer be shelved for later solution. It goes hand-in-hand because this start of CODESA is a momentuous moment in the Constitutional process. The start of CODESA has changed South Africa inasmuch as 2 February 1990 has changed it. Because of this it is necessary that we solve all outstanding issues standing in the way of this Convention to make progress, to make fast progress, to solve the problems of South Africa. That sir, is my case.

May I say on the issue of violence, I am as deeply concerned as anybody else. Sir, it is an absolute over-simplification to say that because you are the Government you can solve the type of volatility and violent situations that we have in South Africa. Sir, we have taken initiative upon initiative to ensure

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that violence be curbed. We are all signatories as we sit here of the Peace Accord. We have agreed in the Peace Accord that we need mechanisms; that there is no quick-fix to stop violence. Why otherwise would we have created the mechanisms? We have agreed we need conflict-solving committees on the ground on a regional basis and on a national basis. We are busy implementing them through the Secretariat and through the National Peace Committee. All of us are working together to bring violence to an end. All of us, surely, should ask of ourselves, instead of pointing accusing fingers elsewhere: What can I do to bring violence to an end? That is my attitude, and the Government is constantly reviewing the position and if necessary - and I've said it publicly - we will take even more steps.

But sir, my hope and my plea is that this CODESA conference must show to all the people in South Africa that your leaders have started talking to each other, and if your leaders talk to each other, there is no need for you to kill each other. And so let us stop the violence. Let us be realistic about the deep-seated causes of that violence. And they're not simplistic. They're extremely complex. And let us on all fronts do everything which is possible to bring it to an end. And one of the things which we need to do is to get economic growth, because unemployment and poverty is making a contribution to the violence. It is one of the factors. And let us strengthen the hands of the Police instead of derogating them. And let us

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report if we have any evidence or any information about Police not playing a constructive and an impartial role in fighting violence. Report them to the Goldstone Commission which was the initiative of this Government; fortunately also adopted by the Peace Accord.

And let us in every sphere in the socio-economic sphere, in the security sphere, in every sphere, each one of us do what we can; leave no stone unturned to bring this problem to a solution. I found no pleasure in sounding a negative note about this big problem which I raised at this conference; and until the very last we tried to avoid having to do so.

Therefore sir, let us in the spirit in which CODESA has been founded - we are here to talk frankly and openly, but honestly, and we are here to find solutions to problems - let us also have the courage to accept that we have a problem with regard to the principle which I put on the table. My Government will play a constructive part in handling that problem through meaningful negotiation, but time is now of the essence. I thank you.

MR JUSTICE SCHABORT

Thank you, Mr de Klerk. Ladies and gentlemen, I would like to make an announcement. We will not solve South Africa's problems tonight. It has been known to us for long, and it must have become quite evident to all observers attending here today, that the problems of South Africa are real ones; profound ones; complex ones; some would say intractable ones. This is not only our burden; this is also our challenge, our good fortune and our calling as far as the future is concerned.

At this stage, I believe we have come to the end of these proceedings, except that there are certain announcements to be made.

MR JUSTICE MAHOMED

It's quite clear, and we have always known, that the journey from apartheid to freedom is going to be a rocky and hilly one, but the journey must be made. There is no other alternative. To the past we cannot retreat. Let the exchanges of the last half-an-hour or more not take away our perspective from what that declaration has said and to which people have committed themselves. It is indeed a non-negotiable commitment to negotiation towards an apartheid-free society. It is a mighty commitment and however hilly the road, however dark the night, the dawn must and will break for us. To end on a less serious note, we hope that all of you will partake immediately after this adjournment in the function which we have hosted and we want to

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make it clear that that itself is part of the negotiating process. I will call upon Mr Murphy Morobe to make a few logistical announcements on which he is an expert.

MR M MOROBE

There are several messages of support which have been received by CODESA office from various local and international organisations and among others, all the international organisations represented here today have also made a statement of support for CODESA, but we do regret that the agenda and time constraints do not allow us to read these messages of encouragement and support. However, we shall as far as possible find a place to announce the names of all these organisations which have sent messages.

In the meantime we do take this opportunity to inform you that messages have been received from amongst others the following: A joint statement by International Observers of the first meeting of CODESA, who are here with us, from the Republic of Namibia, the Chinese Association of South Africa, the Embassy of Hungary, the National Anti-Apartheid Movement, and a number of others.

CONVENTION ADJOURNED TO 21 DECEMBER 1991