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SOUTH AFRICA: TOWARDS A NEW CONSTITUTIONAL ORDER-

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THE CURRENT SITUATION IN SOUTH AFRICA INDICATES THAT MANY YEARS OF STRUGGLE AGAINST THE SYSTEM OF WHITE MINORITY DOMINATION ARE SOON TO BE CROWNED WITH VICTORY-

VERY SHORTLY, WITH THE CONVENING OF AN ALL-PARTY CONGRESS, THE PROCESS WILL BEGIN LEADING TO THE ADOPTION OF A DEMOCRATIC CONSTITUTION. THIS WILL FINALLY BRING TO AN END AN ERA IN WORLD HISTORY WHEN ENTIRE PEOPLES WERE COLONISED AND RULED BY EUROPEAN OR OTHER COUNTRIES OR BY SETTLER POPULATIONS ORIGINATING FROM THESE COUNTRIES.

IN THE SPECIFIC CASE OF SOUTH AFRICA, THIS WILL ALSO END THE INFAMOUS SYSTEM OF APARTHEID, AN EXTREME EXPRESSION OF THE COLONIAL RULE SO HEINOUS THAT IT HAS BEEN CLASSIFIED AS A CRIME AGAINST HUMANITY.

IT IS NECESSARY TO MAKE THE POINT AT THE VERY OUTSET, THAT SOUTH AFRICA HAS REACHED THE POINT WHERE IT IS TODAY AS A RESULT OF AN INTENSE STRUGGLE, WAGED OVER MANY DECADES, TO END WHITE MINORITY RULE AND TRANSFORM THE COUNTRY INTO A NON-RACIAL DEMOCRACY.

DURING THE COURSE AND AS A RESULT OF THAT STRUGGLE, WHICH WAS SUPPORTED BY THE INTERNATIONAL COMMUNITY, THE RULING GROUP FOUND THE COUNTRY WAS BECOMING UNGOVERNABLE AND THE SYSTEM OF APARTHEID IT HAD IMPOSED ON THE COUNTRY, UNWORKABLE.

THIS WAS A RESULT OF DECADES OF ESCALATING CONFLICT AND

EVER-INCREASING REPRESSION, DURING WHICH THOUSANDS WERE KILLED AND MAIMED, OTHERS IMPRISONED FOR LONG PERIODS OR DRIVEN INTO EXILE, ORGANISATIONS AND INDIVIDUALS PROSCRIBED AND THE COUNTRY TURNED INTO A VAST PRISON CAMP.

IN THE END, THE RULING WHITE MINORITY CAME TO UNDERSTAND THAT IT COULD NEITHER DEFEAT THE DEMOCRATIC MOVEMENT NOR CONTINUE TO GOVERN THE COUNTRY AS BEFORE. IN THE WORDS OF THE FORMER APARTHEID PRESIDENT, P.W.BOTHA, THIS MINORITY HAD TO "ADAPT OR DIE" .

IT IS HOWEVER ALSO IMPORTANT TO MAKE THE POINT THAT THE DEMOCRATIC MOVEMENT DID NOT ROUT THE WHITE MINORITY REGIME BY SUCCEEDING TO OVERTHROW IT.

THESE DEVELOPMENTS OPENED THE WAY FOR THE CONTENDING PARTIES TO 'GET TOGETHER TO NEGOTIATE THE FUTURE OF THE COUNTRY, THE RULING NATIONAL PARTY HAVING BEEN OBLIGED TO ACCEPT THE REALITY THAT THIS FUTURE COULD NO LONGER BE DETERMINED EXCLUSIVELY AND UNILATERALLY BY THE WHITE MINORITY, AS HAD BEEN THE CASE THROUGHOUT THE PERIOD OF THE EUROPEAN COLONISATION OF SOUTH AFRICA.

DURING THE EARLY PART OF 1989, THE LEADERSHIP OF THE ANC FORESAH THAT THE MOMENT WAS APPROACHING WHEN THESE NEGOTIATIONS WOULD BEGIN. IT THEREFORE SOUGHT TO SPELL OUT A SYSTEMATIC APPROACH TO SUCH NEGOTIATIONS, TO UNITE BOTH THE SOUTH AFRICAN DEMOCRATIC MOVEMENT AS A WHOLE, AS WELL AS THE INTERNATIONAL COMMUNITY, BEHIND A COMMON VIEW OF BOTH THE OVERALL PROCESS AND THE BROAD

OUTCOME OF THE IMPENDING NEGOTIATIONS.

AS A RESULT OF THIS INITIATIVE, A JOINT DELEGATION OF THE ANC AND THE SOUTH AFRICAN MASS DEMOCRATIC MOVEMENT PRESENTED A DOCUMENT TO A MEETING OF THE ORGANISATION OF AFRICAN UNITY'S AD-HOC COMMITTEE ON SOUTHERN AFRICA, HELD IN HARARE, ZIMBABWE DURING AUGUST 1989- THIS WAS ADOPTED AND ENTITLED THE "HARARE DECLARATION ON SOUTHERN AFRICA".

THE CASE WITH BOTH ZIMBABWE AND NAMIBIA, " THE BASIS FOR AN COMMUNITY OF NATIONS " .

AMONG OTHER THINGS, THESE DECLARATIONS CORRECTLY DEAL WITH THE ISSUE OF LEVELLING THE PLAYING FIELD, TO ENSURE THE BEST POSSIBLE CONDITIONS FOR ALL THE NEGOTIATING PARTIES. THIS RELATES TO THREE MATTERS, THESE BEING:

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IN LATER AGREEMENTS WITH THE GOVERNMENT, THE ANC STATED THAT IT HAD SUSPENDED ITS ARMED ACTIONS WITH THE PRESUMPTION THAT THERE WOULD BE NO RESUMPTION OF THE ARMED STRUGGLE, GIVEN THE COMMON COMMITMENT TO ARRIVE AT A JUST AND NEGOTIATED SETTLEMENT. NONE OF THESE STEPS HAS HOWEVER PROVED ADEQUATE THE DEAL WITH THE ISSUE OF POLITICAL VIOLENCE. INDEED, IN THE IMMEDIATE AFTERMATH OF THE SUSPENSION, VIOLENCE REACHED UNPRECEDENTED LEVELS. OTHER MEASURES TO ADDRESS THIS QUESTION HAVE INCLUDED THE CONCLUSION OF AN AGREEMENT BETWEEN THE ANC AND THE INKATHA FREEDOM PARTY (IFP) AND THE NEGOTIATION AND SIGNING ON A MULTILATERAL BASIS, A NATIONAL PEACE ACCORD, BINDING BOTH POLITICAL AND OTHER ORGANISATIONS, AS WELL AS THE GOVERNMENT, TO VARIOUS AGREEMENTS AIMED AT PREVENTING OR ENDING ALL VIOLENT INCIDENTS AS SPEEDILY AS POSSIBLE.

WE ARE DETERMINED TO CONTINUE DOING EVERYTHING IN OUR POWER TO END ALL POLITICAL VIOLENCE. APART FROM ANYTHING ELSE, THIS IS OF DIRECT CONCERN TO THE ANC AS THE BULK OF THIS VIOLENCE HAS BEEN TARGETED AT BOTH OUR MEMBERS AND THE COMMUNITIES THAT SUPPORT THE ANC.

WE ARE HOWEVER VERY CONSCIOUS OF THE FACT THAT THERE ARE MANY WITHIN SOUTH AFRICA WHO ARE OPPOSED TO CHANGE. MANY OF THESE ARE ARMED. THEY ARE TO BE FOUND WITHIN THE SECURITY FORCES, AS WELL AS IN PRIVATE PARA-MILITARY AND VIGILANTE GROUPS. IN THE PAST, AS THE APARTHEID STATE GOT MORE AND MORE EMBATTLED,

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SUCCESSFUL ATTENTION TO THESE THREE MATTERS - THE REMOVAL OF OBSTACLES TO NEGOTIATIONS, THE ELIMINATION OF THE USE OF FORCE AS A FACTOR IN THE POLITICAL PROCESSES AND THE FORMATION OF A "NEUTRAL" GOVERNMENT - WOULD, AS WE HAVE SAID, HELP TO LEVEL THE PLAYING FIELD SO THAT ALL PLAYERS ENTER THE PEACEFUL FRAY WITHOUT THE ENCUMBRANCE OF HANDICAPS THAT DERIVE FROM THEIR PLACE IN THE INHERITED APARTHEID ORDER OF THINGS.

DURING THE PERIOD IN 1989 TO WHICH WE HAVE REFERRED, WHEN THE ANC WAS ELABORATING ITS APPROACH TO NEGOTIATIONS, WHAT WAS VISUALISED WAS A SEQUENTIAL PROCESS. THE FIRST STEP IN THIS PROCESS WOULD BE THE REMOVAL OF OBSTACLES TO NEGOTIATIONS. THE SECOND, CONDITIONAL ON THE REMOVAL OF THESE OBSTACLES, WOULD BE A CESSATION OF ARMED HOSTILITIES, BY WAY OF A NEGOTIATED AND MUTUALLY-BINDING CEASE-FIRE.

THIS WOULD THEN BE FOLLOWED BY THE CONVENING OF WHAT THE ANC HAS NOW DESIGNATED AS AN ALL-PARTY CONGRESS WHICH, AMONG OTHER THINGS, WOULD NEGOTIATE THE ESTABLISHMENT OF AN INTERIM GOVERNMENT.

IN THE ACTUALITY, WE HAVE OPTED FOR A PROCESS WHICH HAS BEEN BOTH SEQUENTIAL AND SIMULTANEOUS. EVEN BEFORE ALL THE OBSTACLES WERE REMOVED, WE SUSPENDED ARMED ACTIONS. LATER, BEFORE THE ISSUE OF A MUTUALLY BINDING CEASE-FIRE HAD BEEN RESOLVED IN A SATISFACTORY MANNER, AS WELL AS THE OBSTACLES THEMSELVES, HE ELECTED TO MOVE FORWARD TO ENSURE THE EARLY CONVENING OF THE ALL-PARTY CONGRESS.

ALL THIS HAPPENED BECAUSE WE COULD NOT LOSE SIGHT OF THE DECISIVE CONSIDERATION THAT THE STRUGGLE IN WHICH THE MILLIONS OF OUR PEOPLE HAD ENGAGED WAS FOR THE TRANSFORMATION OF OUR COUNTRY INTO A NON-RACIAL DEMOCRACY. IT IS OF CRITICAL IMPORTANCE THAT THE ANC MUST THEREFORE ALWAYS CONDUCT ITSELF IN A MANNER THAT SPEEDS UP THE ADVANCE TOWARDS THE ATTAINMENT OF THIS GOAL. IT MUST, AT ALL TIMES, AVOID THE SITUATION WHEREBY MATTERS OF PROCEDURE BECOME AN OBSTACLE TO THE GOAL OF THE LIBERATION OF THE PEOPLE.

SOON, THE ALL-PARTY CONGRESS WILL CONVENE. ON ITS AGENDA WILL BE A NUMBER OF ISSUES OF CENTRAL IMPORTANCE TO THE FUTURE OF SOUTH AFRICA. THE CONGRESS WILL TAKE DECISIONS ON SUCH MATTERS AS THE CONSTITUTIONAL PRINCIPLES THAT WILL PROVIDE THE FRAMEWORK FOR THE NEW CONSTITUTION, THE MECHANISM TO DRAFT THE NEW CONSTITUTION, THE INTERIM GOVERNMENT, THE ROLE OF THE INTERNATIONAL COMMUNITY AND THE TIME FRAMES FOR THE ENTIRE PERIOD OF TRANSITION.

BECAUSE WE HAVE SOUGHT TO ENSURE AN INCLUSIVE PROCESS, THE ANC HAS, FROM THE BEGINNING, SPOKEN OF AN ALL-PARTY CONGRESS.

THEREFORE ALL POLITICAL ORGANISATIONS AND PARTIES WILL ATTEND, INCLUDING, WE HOPE, THE RIGHT WING PARTIES AS WELL.

THIS ARRANGEMENT HOWEVER HAS ITS OWN PROBLEMS PARTICULARLY WITH REGARD TO THE QUESTION OF HOW DECISIONS ARE TO BE TAKEN AT THE CONGRESS. THIS ARISES FROM THE FACT THAT THE VARIOUS PARTICIPANTS ARE NOT OF EQUAL SIZE AND INFLUENCE. WHERE DECISIONS ARE REACHED THROUGH CONSENSUS, IT WOULD CLEARLY BE WRONG THAT RELATIVELY SMALL PARTIES USE THIS TO EXERCISE A VETO-

THIS PROBLEM WOULD CONTINUE TO PLAGUE THE CONSTITUTION-MAKING BODY ITSELF IF THE ALL-PARTY CONGRESS HERE TO BE CONVERTED INTO SUCH A BODY. FOR THIS AND OTHER REASONS, WE HAVE FIRMLY PUT FORWARD THE VIEW THAT THE NEW CONSTITUTION SHOULD BE NEGOTIATED BY AN ELECTED CONSTITUENT ASSEMBLY. IN KEEPING WITH THE PRINCIPLE OF INCLUSIVENESS, WE FURTHER PROPOSE THAT SUCH ELECTIONS SHOULD BE CONDUCTED ON THE BASIS OF A SYSTEM OF PROPORTIONAL REPRESENTATION.

THIS WOULD GIVE THE FAIREST MEASURE OF THE SIZE AND VOICE OF EACH ONE OF THE PARTICIPATING PARTIES, ENSURE THAT THE NEGOTIATORS ARE MANDATED BY THE PEOPLE AND CREATE THE CONDITIONS TO GUARANTEE THE POPULAR LEGITIMACY OF THE CONSTITUTION ITSELF.

DURING THE COMING MONTHS, WE SHOULD THEREFORE SEE SOUTH AFRICA BEING GOVERNED BY AN INTERIM GOVERNMENT. THERE WILL ALSO BE FORMED THE BODY TO NEGOTIATE THE NEW CONSTITUTION, WHICH BODY WILL THEN IMMEDIATELY BEGIN THE PROCESS OF DRAWING UP THE NEW CONSTITUTION.

LONG BEFORE THIS, HOWEVER, THE ALL-PARTY CONGRESS, BY AGREEING TO A SET OF CONSTITUTIONAL PRINCIPLES, SHOULD HAVE GIVEN THE BROAD VISION OF THE NEW SOUTH AFRICA WHICH SHOULD, IN THE VIEW OF THE MAJORITY OF OUR PEOPLE AND THE REST OF THE WORLD, BECOME A UNITED, NON-RACIAL, NON-SEXIST AND DEMOCRATIC STATE, WITH EQUAL CITIZENSHIP AND NATIONALITY FOR ALL, A MULTI-PARTY SYSTEM, AN ENTRENCHED BILL OF RIGHTS GUARANTEEING FUNDAMENTAL HUMAN RIGHTS AND AN INDEPENDENT AND NON-RACIAL JUDICIARY, AMONG OTHER THINGS.

THE SITUATION IN SOUTH AFRICA DEMANDS THAT FAIRLY RAPID MOVEMENT FORWARD BE MADE TO ARRIVE AT A NEW CONSTITUTIONAL ORDER. THE MAJORITY OF OUR PEOPLE WANT LIBERATION NOW AND NOT TOMORROW. FURTHERMORE, A LONG PERIOD OF UNCERTAINTY FURTHER COMPLICATES RATHER THAN FACILITATES THE PROCESS OF CHANGE.

ALSO OF CRITICAL IMPORTANCE, IS THE NEED TO DO EVERYTHING POSSIBLE AND AS QUICKLY AS POSSIBLE, TO REBUILD THE SOUTH AFRICAN ECONOMY WHICH HAS BEEN DEVASTATED BY THE SYSTEM OF APARTHEID. THE VERY SUCCESS OF THE DEMOCRATIC TRANSITION WILL ITSELF DEPEND IN LARGE MEASURE ON HOW SOON HE CAN ENSURE THAT THIS ECONOMY GROWS AND BEGINS TO ADDRESS THE PRESSING ISSUES OF ENDEMIC POVERTY AND GAPING RACIAL IMBALANCES IN THE DISTRIBUTION OF HEALTH, RESOURCES AND OPPORTUNITY.

FOR THIS REASON, THE ANC IS OF THE VIEW THAT THE INTERIM GOVERNMENT SHOULD HAVE THE PREROGATIVE TO CALL ON THE REST OF THE WORLD TO LIFT ECONOMIC SANCTIONS TO HELP THE PROCESS OF RECONSTRUCTION IN SOUTH AFRICA.

THE COMING YEAR WILL BE DECISIVE FOR THE FUTURE OF SOUTH AFRICA. WE BELIEVE THAT THE DEMOCRATIC FORCES, WHICH ARE TODAY MORE UNITED THAN EVER BEFORE, HAVE THE STRENGTH TO ENSURE THAT THE LONG-AWAITED CHANGES TAKE PLACE WITHOUT UNDUE DELAY. IT WOULD BE AN EXCELLENT THING IF BEFORE THE YEAR ENDED, SOUTH AFRICA HAD A NEW CONSTITUTION.

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