

â\200\230

MK ou.\s3n\3>

SPEECH BS THE STATE PRESIDENT, MR F W DE KLERK, AT THE FIRST  
SESSION OF CODESA, WORLD TRADE CENTRE, KEMPTON PARK,  
20 DECEMBER 1991

The eyes of all of South Africa are upon us gathered here  
today. The future of every man, woman and child, rich or  
poor, educated or uneducated, will be affected decisively by  
our success or failure.

Africa is holding its breath in the knowledge that South  
Africa is an important key to greater stability and  
prosperity in a large part of the continent. Important  
African leaders with whom I have met during the past year,  
have put it to me that they regard South Africa as the  
locomotive of economic progress on the continent.

The international community is looking with anticipation to  
the stabilisation of our troubled country so that we may  
begin to play the constructive international role for which  
we are well suited. The world accepts that the process of  
change is irreversable and that the pillars of apartheid  
have been removed. All over the world doors have opened to  
US.

The stubborn, the malicious and the revolutionaries want us  
to fail. The vast and silent majority are praying for us to  
succeed.

On the shoulders of all of us gathered here, there rests an  
enormous responsibility to realise the hopes of our citizens  
and friends and to thwart the plans of those who wish to  
cause chaos.

Our ultimate goal is a new, fair, just, negotiated and fully  
democratic constitution â\200\224 a constitution that will be able  
to ensure good and stable government, prevent abuse of power  
and domination and guarantee equitable participation to all  
in every sphere of life.

The beginning of this Convention is the single most  
important event to occur since a broad consensus on the  
necessity of multiâ\200\224party negotiation began to develop.  
In working groups and plenary sessions we shall thrash out  
the procedures, methods and the substance of the  
irreversible constitutional process in which we are  
involved. Success or failure will be determined very  
largely by the will of the delegates to find one another by  
means of giving ahq taking.

It is in this spirit that the Government is participating in  
this Convention. We are here to find solutions, to build  
understanding and to lay, together with everyone else, the  
foundation for a democratic, stable and prosperous future.  
We shall put our specific points of view with conviction.  
At the same time, we shall listen to all other points of  
view and endeavour to build bridges between the divergent  
needs of our various cultural communities and interest  
groups.

If every delegation co-operates in this spirit, I do not doubt for at moment that we shall achieve a breakthrough together to enduring peace, prosperity and progress within a real democracy.

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

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 be composed in terms of the Constitution of the day.

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 apart 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 enable all South Africans to become part within a short time, 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.

I wish to urge every delegation to think deeply about this approach. The Government has no sinister, ulterior motives on this subject. It is the Government's 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.

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 wishes 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 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 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 stage of negotiation towards a new constitution we have reached 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. And at this stage, there is even mutual distrust and suspicion among the parties and organisations present here today.

Therefore, the challenge 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 able 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.

In that we shall not succeed if we are bent on scoring victories over one another. If delegations work for a win or lose situation, then CODESA is doomed to failure. If everybody honestly seeks a win/win situation, then CODESA will succeed. That is why consensus is the basis of agreements reached in CODESA.

To achieve a win/win result will require us to face reality. Apparently conflicting demands will have to be reconciled with one another sensibly - conflicting demands such as: Protection of the established economic interests of investors, landowners, businessmen, professional people and salaried workers against the demand for better living conditions on the part of the less privileged.

Participation by, and protection of minorities from domination, against the demand of a majority â\200\224 however constituted â\200\224 for democratically obtained power. Recognition and accommodation of our diversity of population against the necessity of a single nationhood with a common loyalty.

The need for education linked to language ~and â\200\230culture against the necessity of a single educational system.

So I could continue. 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 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 in turning CODESA into the instrument for achieving it quickly.

1142V