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## The past month

- 1 May** – SA and Zambia sign an agreement making way for the establishment of representative offices.
- 3 May** – Belgium Minister of Foreign Trade and European Affairs, Mr Robert Urbain, arrives in SA to expand trade opportunities.
- 4 May** – Minister of Trade and Industry, Derek Keys, acquires the additional portfolio of Finance, thus assuming overall responsibility for SA's economic recovery. Prime Minister of Czechoslovakia Dr Marian Calfa, the first head of government from central Europe to visit SA for more than 30 years, concludes co-operative trade agreements with Sacob. Seven of SA's most militant trade unions form the Community Growth Fund (CGF) to invest portions of workers' pension and provident funds in JSE-listed companies, positioning black workers as active participants in the SA economy.
- 5 May** – Codesa reaches consensus on achieving the re-incorporation of the TBVC states on the basis of votes there being counted separately within a national election, which would be followed by immediate restoration of SA citizenship.
- 6 May** – Government accepts the proposed visit of an OAU monitoring team to investigate township violence.
- 7 May** – The Pickard Commission of Inquiry into the now disbanded Department of Development Aid reveals one of the biggest multi-million rand government corruption scandals for decades.
- 10 May** – At the invitation of the ANC and PAC, an OAU delegation arrives in SA to monitor violence in black townships.
- 11 May** – Codesa's working group 3 reaches agreement on the first phase of interim government, comprising a 19-member transitional executive council appointed by the State President on the recommendation of Codesa, to rule the country in conjunction with the existing cabinet and parliament; at least four six-member subcouncils; and a media and election commission. The Inkatha delegation agrees for the first time to an elected parliament under an interim constitution. Telkom launches a DM120m bond issue on European capital markets. A seven-member German parliamentary labour committee arrives in SA.

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## SOUTH AFRICA FOUNDATION

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## The issue of political power behind the deadlock at Codesa II

Opinion poll surveys of political support for a non-racial constitution-making body suddenly revealed how close the outcome would be between either simple majoritarianism or power-sharing.

**Patrick Laurence, specialist writer for The Star, and SA correspondent for The Economist**

The Convention for a Democratic South Africa (Codesa) had no sooner deadlocked at its much-heralded second plenary session on 15 and 16 May than manoeuvring for advantage in the next round of talks began.

Only two days after the De Klerk administration and the African National Congress (ANC) had failed to reach agreement on the detail of how a new constitution should be adopted, the ANC took a hard line. It withdrew all the compromises which it had offered in working group 2, the group mandated to chart the process for drawing up a new constitution.

The ANC's new position meant that, as far as working group 2 was concerned, bargaining would have to begin afresh. It was a sobering response to those observers who had predicted that it would be relatively easy to force an agreement once tempers cooled and tensions abated.

Differences between the two major blocs, the De Klerk administration and the ANC, had been referred to Codesa's management committee. The hope was that the smaller and more streamlined – but still representative – management committee would succeed where working group 2 had failed, particularly as its high-powered meetings would not be besieged by journalists to the same extent as those of the prorogued working committee.

One factor would work to their advantage. Whatever the differences between the De Klerk administration and the ANC, they needed one another. Mr De Klerk's administration could not govern South Africa effectively in the long term without the co-operation of the ANC; by the same token, however, the ANC could not overthrow Mr De Klerk's "illegitimate regime".

The metaphorical image used to describe their relationship by the former parliamentary opposition leader, Frederik van Zyl Slabbert, remained apposite: the South African government and the ANC were akin to two drunk, squabbling men: they could threaten one another with much finger waving but neither could land a knockout blow and, in the end, they had to lean on one another to keep upright.

But that did not mean that the quarrel would be settled easily. Far from it: the differences which separated the two sides at Codesa appeared to be small but were actually substantial.

*Opinion poll surveys may exaggerate ANC support. They are generally loaded in favour of the more literate and more politically conscious black communities*

The adversaries agreed that the final constitution for a non-racial South Africa should be drafted and adopted by a popularly elected national assembly. That significant agreement was, however, marred by disagreement on the size of the majority required to adopt the constitution.

In the run-up to Codesa's second plenary session the De Klerk bloc wanted the constitution to be adopted by 75 percent majority. The ANC, at that stage, refused to consider a

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The South Africa Foundation is an independent organisation, financed entirely by private enterprise, which strives for a better understanding of South Africa, in the international context, through research, distribution of information and direct contact at top level throughout the world.

Being an information and communication organisation it has two basic functions – to provide facts about South Africa to a world audience and, by analysing and explaining the nature, sources and purposes of various international pressures on South Africa, to engender a responsible and sophisticated reaction to such pressures among South Africans themselves.



## The past month *continued*

- 14 May** – A 15-man SA business delegation embarks on a 10-day tourism promotion drive to the Far East. For the first time in more than 30 years, Egypt sends an official delegation to SA, to observe progress towards ending white minority rule.
- 16 May** – The end of Codesa plenary session II marks a new phase of negotiations whereby a single streamlined management committee will negotiate the unresolved issues concerning the majority needed for constitution-making, the devolution of power, the veto powers of a senate, and time limits for drafting a new constitution. A 15-man delegation from the Paris Chamber of Commerce and Industry arrives in SA to set up business deals with local companies. A 30-man Keidanren delegation (the Japanese Federation of Economic Organisations) arrives in SA for a five-day visit – its second within 13 months.
- 18 May** – The government agrees to formal participation in formulating the agenda for the next phase in consultations with members of the Economic Forum.
- 19 May** – The ANC withdraws all constitutional compromises offered in working group 2 in the run-up to Codesa II, indicating that it would rely on mass action to support its demand that an interim constitution be limited to preparing for an election of a constitution-making body.
- 21 May** – The Conservative Party holds its first bilateral meeting with government to determine an agenda for future discussions. Police figures on death from continuing violence cite that more than 1 400 people died from January to mid-May 1992 – almost 10 people per day.
- 26 May** – Visiting top French government official Mr Jacques Desponts establishes a working group to define sectors and forms of trilateral co-operation in English, French and Portuguese-speaking Africa.
- 27 May** – The Goldstone Commission, the permanent judicial commission into the prevention of public violence and intimidation, finds no evidence of a third force in the continuing political violence, and lays the major blame on the ANC and Inkatha Freedom Party.
- 31 May** – At the end of its major policy conference, the ANC announces that if its demands for an interim government by the end of June and constituent assembly elections by the end of the year are not met, it would implement a mass action campaign to break the negotiations impasse. President De Klerk embarks on a three-nation tour of Russia, Japan and Singapore.

*continued from page 1*

## Deadlock at Codesa II

majority of more than 66,66 percent, except for clauses relating to a bill of rights. Eleventh hour bargaining narrowed the differences to five percentage points.

After the opening of the plenary session had been deferred, each side made its final offer: the De Klerk administration agreed to lower the majority to 70 percent, except for clauses pertinent to regional government and the bill of rights; the ANC, already in agreement on the special majority of 75 percent for the bill of rights, offered to raise the majority to 70 percent for all remaining clauses, including those pertaining to regional government.

Thus a mere five percentage points on one issue, regional government, separated the two evenly divided blocs as dignitaries from the UN, the OAU and the European Community took their seats at the World Trade Centre near Jan Smuts Airport for the plenary session. No agreement was forthcoming, however.

The reason for their inability to move that little bit extra to secure an agreement was simple and compelling. Neither side was sure of the extent of the support it would win in the scheduled election to the national assembly; both were anxious that they may have given away too much.

The ANC was confident that its support in the black community was high. The independent Community Agency for Social Enquiry (CASE) had estimated its support in the black community (which accounts for nearly 75 percent of the total population) at about 70 percent. But, according to CASE, the ANC's support shrank to 50 percent when the three minority communities – whites, coloureds and Indians – were added into the electoral equation.

Several factors combined to raise the prospect for further shrinkages in ANC support in the pending election:

- More than half of the black population is 18 years of age or younger, under the voting age and therefore useless to the ANC in an election.
- The negative impact of the black community's age profile on the ANC's electoral prospects is enhanced by the fact that many of its most zealous supporters are too young to vote.
- Opinion poll surveys may exaggerate ANC support. They are generally loaded in favour of the more literate and more politically conscious black communities. Rural black communities have been largely isolated from the dramatic events of the past and may be much less solid in their support for the ANC than their urban compatriots. When they are added to the electoral sum the ANC's support base looks even less solid.
- According to a recent estimate by the Department of Home Affairs, some 28 percent of blacks have yet to apply for identity books. If identity books are used in the first election, the number of black voters (and therefore the number of ANC voters) will diminish further still.

Seen in that context the ANC's offer of 70 percent was exceptionally generous and its refusal to raise the level to 75 percent for regional issues perfectly understandable.

De Klerk's National Party had little support in the black community. It had, however, garnered majority support in the coloured and Indian communities and was the strongest political party in the white community. Support levels for Mr De Klerk in the minority communities was growing, judging from the findings of the Human Sciences Research Council. Against that, support for the ANC and Mr Mandela in the minority communities remained miniscule.

Moreover, Mr De Klerk's ruling National Party was not affected by the factors which threatened to erode ANC support. The age profiles of the three minority communities meant that they had relatively more voters, conservative rural voters from the minority communities were likely to vote for De Klerk's NP in a contest against the ANC, and registration levels for identity documents in these communities were in the order of 99 percent.

But even so the De Klerk administration could not be sure of getting 30 percent of the total vote in a non-racial election. The pending election was terra nova for all the parties, including the NP. Hence the initial reluctance of the De Klerk bloc to offer a 70 percent majority for general clauses of the future constitution.

Hence, too, its adamant refusal to consider going below a 75 percent majority on the critical issue of regional affairs (critical because the De Klerk administration, fearing the ANC's commitment to strong centralised government and centralised economic planning, was determined to ensure that entrenched regional government was a salient feature of the new constitution).

The insecurity of both sides was reflected in the addendums which they appended to their last minute offers.

The De Klerk administration had earlier wanted an upper house or senate to be an integral part of the constitution-making process but had abandoned it in the interests of compromise; then, when it agreed to lower the majority required in the national assembly from 75 to 70 percent, it revived its demand for a senate.

It wanted a guarantee that the final constitution would include a senate with "equal legislative capacity" to the lower house to protect the constitution and the bill of rights.

The ANC balked and then presented a demand of its own for a deadlock breaking mechanism. Fearing that the De Klerk administration might use the required majorities to indefinitely delay the adoption of a constitution, the ANC proposed a time limit of six months.

If the national assembly could not agree on a constitution by the required majority of 70 percent within six months, then a constitution acceptable to a simple majority of representatives should be put to the country for acceptance in referendum. If it was acceptable to two-thirds of the electorate, the constitution should be adopted.

The De Klerk administration balked and the negotiating process came to a standstill. ■



# Codesa II plenary session

What is important is that both Mr Mandela and Mr De Klerk have recommitted themselves to the continuation of the Codesa process.



**Dr Zach de Beer, leader of the Democratic Party, chairman of steering committee of Codesa I, and DP delegate to current Codesa Management Committee**

Somewhere about the beginning of April, it was agreed to hold Codesa II on 15 and 16 May, and to adhere to those dates whatever happened. In retrospect, it was perhaps not the wisest decision to have taken. We tried to get through a tremendous load of negotiating: we came agonisingly close to achieving it, but in the end group 2 could not reach agreement, which in turn meant that the scheme for transitional government which had been agreed in group 3 had to be held in suspense. Since the achievements so far of groups 1 and 4 are limited, and group 5 cannot really do much until the others have made considerable progress, it cannot truthfully be said that Codesa as a whole has advanced very far from its epoch-making Declaration of Intent in December. It may well be true that if Codesa II had been held a fortnight later, the story would have been different.

This delay would in any case be a serious matter, but on Friday 15 May the situation looked worse than that. Not only could the Nationalists and the ANC not agree in the working group: the moment the talks broke down both organisations rushed out to hold media conferences at which each sought to put the blame on the other. The Friday afternoon plenary session actually had to be delayed for an hour and a half because these two organisations gave higher priority to political point scoring than they did to the work of Codesa.

It was widely agreed that the one really constructive speech of Friday afternoon was that of Colin Eglin. He had been the main force for agreement within group 2, having shuttled back and forth between the NP and

the ANC seeking to produce a formula that both could support. Now, having expressed his disapproval of the intransigence of the two main players, he appealed to their leaders to take steps to resolve the impasse they had created. In the event, that was what happened.

Messrs De Klerk and Mandela did meet and talk. The following morning they both addressed the plenary session. I would not describe either of their speeches as a model of conciliation, but then each of them has a constituency to serve, and neither can afford to move too far ahead of his people. The fact was that both committed themselves to the continuation of the Codesa process, and that was what was needed at that moment.

Meanwhile, the Daily Management Committee – in a structural sense the top committee in Codesa – had met after the conclusion of the disastrous Friday session and had put together an outline plan for resuscitating the organisation and recovering its impetus. The full Management Committee met during an adjournment on Saturday morning and completed the plan. Briefly, the five working groups are to be suspended (though not disbanded entirely) and the Management Committee, with the right to call on those working groups or their members, is to take over the responsibility for completing their tasks. This was put to the plenary session and approved. The MC is already back at work – it met in Durban on 19 May – and will meet again on 25 May to take up its extended responsibilities.

One can sum up the situation by saying that, if the Codesa train has not travelled any important distance, at least it is still firmly on the rails. Probably a couple of months have been lost and this is certainly a pity, but I believe we can recover from this setback.

Let me now turn to the substantive matters that were involved in the breakdown in group 2, and even more importantly to the real reasons that lie behind it, which are general rather than specific to that group. Group 2, as many people know, was set up firstly to agree on a set of constitutional principles, which would form the framework within which the new South African constitution would have to be written; and secondly to make recommendations with regard to the structures and procedures to be employed in the constitution-making process.

As regards the first assignment, there is very wide agreement between all the parties on constitutional principles. Among these are universal franchise in regular elections, a rigid constitution with an entrenched bill of rights, decentralisation of power with the prerogatives of second- and third-tier government entrenched, and proportional representation. A document to this effect exists already, but it will require to be approved and endorsed once more. I see no reason to doubt that it will be approved without much difficulty.

Of course, the endorsement of a set of principles still leaves a great deal of work to do in the fleshing out of those principles. This will be the task of the constitution-making body (CMB).

From the beginning, the ANC and bodies to its left have insisted that the responsibility for writing the constitution should be vested in a body elected by all the people. They spoke of a Constituent Assembly. This was rejected by the National Party, which considered that the multi-party conference – Codesa – should do the job. The Democratic Party, after – let me confess – a period of indecision, eventually adopted the idea of a Constitutional Conference, also elected by universal franchise, but with a greater degree of consensus required than had been proposed by the ANC.

Quite suddenly, at the turn of 1991/92, the NP changed their minds. They now proposed the holding – apparently quite soon – of a general one-person one-vote election for a transitional parliament, which in addition to its legislative functions would be charged with the task of writing the constitution. Now, naturally, this set the cat among the pigeons. The ANC perceived this temporary parliament as being no different from their Constituent Assembly, except that it had legislative power and replaced the tricameral parliament. They liked the idea. But then someone pointed out that, after all, one cannot elect a parliament except in terms of some constitution. And, after all, can there be such a thing as an interim or temporary constitution? Is any constitution not the constitution until it is changed? The situation was clearly very complex.

In the end, group 2 agreed in broad principle that the CMB should in fact be an interim parliament. It got into great trouble over the percentage vote that was to be required to establish the final constitution. The ANC thought that two-thirds was enough, the Nats insisted on 75 percent. The Democratic Party proposed 70 percent. There was a tremendous political battle between the two big groups, with much muscle flexing on both sides. Sadly however, the NP and the ANC then found something else to fight about and the group had to concede that it could not agree.

It is my belief that the real problem is the fact that the two parties have their minds fixed on electoral fighting against each other instead of working together to get agreement at Codesa. We simply must get our priorities right. Firstly, we need to agree on the procedures and structures for making the constitution. Secondly, we need to make it. Thirdly, we need to have it approved by the people of South Africa. And finally, we must fight our future elections according to its terms.

I believe that the new arrangement at Codesa will work. I think we may have lost a couple of months. But I believe we shall go forward again, and there is no reason why we cannot peacefully make a democracy. ■



# More haste less speed – is South Africa's transition going too fast?

In spite of the stability that an interim government could confer on SA, unless the critical issues of power-sharing, majoritarianism and regional devolution are resolved, Codesa will remain an empty political ritual.

**Professor I. Schlemmer, general manager Group Social Dynamics, Human Sciences Research Council**

**T**he near collapse of multi-party negotiations in Codesa II, following the failure of the working group on constitutional issues to reach agreement, has evoked a feast of recriminations and some pointed questions. One of the critical questions is whether or not expectations of progress, both within Codesa and in the country at large, were not too high.

Particular objections have been lodged about the forced pace of Codesa. Chief Mangosuthu Buthelezi, President Lucas Mangope and Brigadier Oupa Gqozo made a joint plea for a more comfortable pace in a deputation to President De Klerk in early May. Their argument, inter alia, was that the early establishment of an interim or transitional government and even earlier

based power is *the* critical issue. It is, and has always been seen as the political "bottom line".

A recent nation-wide survey among all races, (L. Schlemmer, "Codesa and the People", *Information Update*, Pretoria: Human Sciences Research Council, March 1992, pp1-20) has raised the issue of speed in the negotiation process from a somewhat different angle.

Only some 51 percent of black adults, 24 percent of coloured people and Indians and no more than 14 percent of whites wanted an interim government "as soon as possible." Furthermore, some 60 percent of whites wanted a white general election before the installation of an interim government. Clear majorities among all population categories wanted either an open, a tricamerally-based or a white election before interim government.

Even more telling, perhaps, majorities of whites, Indians and coloured people did not want an interim government, if installed, to control the security forces. Even among blacks, for every four people who wanted interim government control of the security forces, three people wanted the current State President to be in control. The conclusion to this survey was that South Africans were cautious about interim government, to say the least.

One would not venture to insist that the opinion of ordinary people should be the major consideration. As is the case in many other societies, the representatives of the people, the politicians, know better than the people, and the assembly of leaders at Codesa are hardly likely to be fazed by popular opinion, even in the unlikely event of them accepting the survey results.

It is more relevant, therefore, to assess the political dynamics of the negotiating process. The different parties in Codesa have widely divergent strategic interests relevant to the speed at which an interim government is established. The two biggest players – the ANC and the National Party – are obviously most relevant.

The ANC-SACP alliance has perhaps the greatest interest in hastening towards an interim or transitional government, but only under certain conditions. Broadly speaking, the ANC alliance has been in a state of suspended animation since being unbanned. It can clearly no longer pursue the role of a liberation movement with conviction. Before the rules of the political game have been established it is hesitating about trans-

forming itself into a political party. Its membership enrolment campaign does not appear to be an overriding preoccupation. Funding prospects cannot be encouraging, and yet it has a large organisation to maintain. Its organisation, and the manifold problems which that produces, its symbolic status as the premier vehicle for black political aspirations, and its promise or probability of being the largest political party are its essence.

These things, however, are intangible political resources until it gets into power. It is running on symbolic political credit, assisted by a media which reports its every move. The longer the suspended animation continues the greater is the danger of status evaporation taking place.

The National Party is less exposed to risk if negotiations are extended. It is in power and therefore has a tangible role. Its financial base is relatively secure. It is gaining credit for reforms. There are discomforts, however: governing the country in the present interregnum is problematic. Its authority is challenged at every turn and on

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*If the pace has been too rapid it is because the participants in Codesa have in a sense skirted the critical issues which produced the crisis prior to Codesa II*

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decisions about the shape of the new central government were allowing no time for the structure and powers of government in the regions to be addressed. In their view, neglected guarantees of regional rights and powers should precede the finalisation of principles for the structure and powers of central government. The latter, and more particularly an interim government at the centre, could prejudice or pre-empt the scope of regional authority.

A more general question about the pace of negotiations is whether or not much more time should have been allowed for negotiations and decisions about the limits of majority power in the central constitution itself. In a manifestly divided society, with vast numerical imbalances in both cultural and material interests, the scope of majority-

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*Resolving these issues cannot be quick or easy, because, by definition they are contradictory*

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its own it has not been able to establish a basis for economic confidence and stability. It needs to extend its capacity by sharing its authority with the parties capable of undermining its administration.

It is primarily these latter considerations for the National Party, and the problems of suspended animation of the ANC, that have driven the process at Codesa so hard. It has not necessarily been too rapid for the economy and the society at large. At this stage South Africa badly needs the stability that the relatively uncontested authority of an interim government could bring. A primary need is to establish a socio-economic basis for economic recovery and to commence the expansion of services such as education and housing so as to give all future voters a stake in the new system.

If the pace has been too rapid it is because the participants in Codesa have in a



sense skirted the critical issues which produced the crisis prior to Codesa II. The negotiators have known of these critical issues all along but did not address them as first priorities. It is almost as if both the ANC and the government hoped that by surrounding the critical issues with myriad secondary issues, and by creating a complexity of working groups, the central difficulty would somehow be dissolved. As might have been expected, it did not happen.

After the ill-fated Codesa II, the country was treated to the unedifying spectacle of the major parties "discovering" power agendas in each other that they knew of, or should have known of all along. The government has never disguised its opposition to

handing over power to any unqualified and unchecked majority. The ANC has never disguised its commitment to the political pre-eminence of the majority. The Inkatha Freedom Party has always, and very tangibly, pursued the goal of regional devolution. If a "crisis" arose after Codesa II, it was a crisis created by the parties by turning Codesa into an evasive political ritual.

The future stability of South Africa depends on a resolution of the three issues identified. The advantaged minorities control, manage, own and have established vital institutions in the society. To relegate these minorities to powerlessness would erode the basis of economic organisation. To risk the regional dissent by overlooking the claims of some regions to a substantial

measure of self-determination would erode the very unity of the society that the "centralists" want, yet to comprehensively reduce the status of a mass or majority vote would be to lay a basis for continuing radical protest. Resolving these issues cannot be quick or easy, because, by definition they are contradictory. The negotiation process has to take as long as is needed to find what will be a remarkable formula in world constitutional history.

Only when these issues are visibly and effectively resolved will majorities of people in all major political categories accept an interim or transitional government. If this fundamental resolution takes a long time then, regrettably or not, that time will be well spent. ■

## Codesa "Declaration of Intent"

Although the Codesa II plenary session last month failed to reach agreement on constitution-making, cause for optimism exists in that all parties remain committed to the Codesa I "Declaration of Intent", which is reprinted below.

The first plenary session of the Convention for a Democratic South Africa (Codesa I), held on 20-21 December 1991, issued the following "Declaration of Intent":

We, the duly authorised representatives of political parties, political organisations, administrations and the South African Government, coming together at this first meeting of Codesa, mindful of the awesome responsibility that rests upon 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 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 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 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.

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 all texts of legislation required to give effect to the agreements reached in Codesa.

We, the representatives of political parties, political organisations and administrations, further solemnly commit ourselves to be bound by the agreements of Codesa and in good faith to take all steps as are in our power and authority to realise their implementation:

African National Congress  
Bophuthatswana Government (did not sign)  
Ciskei Government  
Democratic Party  
Dikwankwetla Party  
Inkatha Freedom Party (signature delayed until 15 May 1992)  
Inyandza National Movement  
Intando Yesizwe Party  
Labour Party of South Africa  
Natal/Transvaal Indian Congress  
National Party  
National People's Party  
Solidarity  
South African Communist Party  
Transkei Government  
United People's Front  
Venda Government  
Ximoko Progressive Party

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. ■



# Right-wing resistance – rhetoric or revolution?

Although the right-wing threat may peter out over the next five years, the next two years will be crucial.

**Professor Willie Breytenbach,  
Department of Political Science,  
University of Stellenbosch**

What is the right wing up to? Why are schools being bombed? How serious is this threat? How many right wingers are involved and where do they come from? Questions such as these are not easy to answer. Some people laugh them off, others are taking note. What are the facts?

Right-wing resistance to transition has manifested itself in at least three ways: attacks on the white left; anti-state violence; and the spectre of a right-wing take-over from within the security apparatus. Notable in its absence (so far) is "civil war" on blacks.

The danger of a right-wing coup in the security forces has probably receded since the referendum result because security forces seldom act in such fashion when they are unsure of popular support. Before the referendum, however, commentators wrote that 90 percent of white police officers supported the Conservative Party (CP) and the right wing. This was seen as potential for a coup.

Since then *Africa Confidential* (Vol 33, No 6, 20 March 1992) has published a feature entitled "Bitter-einders prepare for the last stand". According to this analysis there are 193 parties and "armies" to the right of the CP. It stated: "The 7 000-member Afrikaner Weerstandsbeweging (AWB) of Mr Eugene Terre'Blanche completely dominates the far right." This source writes that the AWB has a 5 000-strong Wenkommando of which the Ystergarde is part, the purpose of which is to "threaten civil war if blacks come to power". Other sources estimate that the AWB's Wenkommando has between 9 000 and 10 000 members (*Barometer*, Vol 4, No 2, 1992).

However, according to Wim Booysse, reputable analyst of right-wing resistance (as quoted in *Vrye Weekblad*), the real threat of bloody violence is not located in the AWB, but lies further to the right. He then identifies the following paramilitary organisations: Afrikaner Volkstaatbeweging, the Wit Wolwe (linked to Strydom who killed blacks in a shooting rampage in Pretoria in November 1988), the Wit Bevydingsleër, the Orde Boerevolk, the Boerevolk-organisasie and especially the Boere Republikeinse Leër (Boer Republican Army [BRA]) as the most lethal of all.

These are all typical examples of "private armies" that the signatories to the National Peace Accord of September 1991 agreed should not be allowed in South Africa. Now the government has indicated that legislation is to be passed in 1992 banning the organisation, training and equipment of pri-

vate armies. New legislation will also be passed on intimidation.

In practice, right wingers consist of white supremacists, Afrikaner nationalists, lower income miners, poorer white farmers threatened by black advancement, and hard core elements in the security forces. Some of these elements are often linked to networks of ex-Rhodesians, Greek Cypriots, Irish nationalists and Portuguese immigrants.

For the ultra-right, the core issues are the conceding of white minority rule (equated with "surrender"), and threats to the maintenance of white supremacy over an undivided South Africa. This has a strong socio-economic undercurrent and this is where class factors come to the fore.

Then there are the "Cold Warriors",

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*Depending on what happens to the demand for "self-determination" in negotiating forums, the right-wing threat may peter out over the next five years*

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because they still see a big threat in communism. The right-wing *Observer* (1991, 5) sees it as follows: "It should be obvious by now to even the most hardbitten apologist for 'reform' and the 'National' Party, that we are dealing here with a hidden agenda, a secret conspiracy to achieve the unspeakable... The enemy is a hydra-headed monster with many faces and forms. And by far the most dangerous aspect of this enemy comes in the form of the 'National' Party, fountainhead of communism and treason in South Africa."

What are their options? Does one talk about a coup d'état as alluded to before, a civil war or a revolution?

Proponents of civil war seem to argue that majority rule will precipitate a white/black struggle and that this will erupt spontaneously. This assumption is false, however. The Latin American experiences have taught that instant, spontaneous and unplanned uprisings either fizzle out quickly or are easily suppressed. The Ventersdorp debacle of August 1991 when white police had to protect President De Klerk against

white right wingers serves as an example of the weakness of this assumption.

The proponents of "civil war" are not the hard right: the CP and the AWB talk about this. They are the "soft right". But they are also angry and fearful, hence some of their amateur attempts at bomb blasts, such as at the Rand Easter Show.

The other option is revolution. And significantly, this creates greater scope for disgruntled elements in the security forces to support a militant cause, albeit covertly.

Wim Booysse is convinced that the ultra-right wingers (the "hard" right) see themselves as revolutionaries. Many are thought to be ex-policemen, or people who have enjoyed SA Defence Force training in the past. There are theories linking these security men to the so-called "Third Force", an outfit allegedly trying to foment black-on-black violence for a dual purpose; destroying the ANC's power base in the townships and wrecking the negotiations process.

The first phase of resistance commenced after the De Klerk speech in February 1990 when he envisaged a democratic, non-racial future for South Africa. Right wingers threatened that this was the beginning of the "Third Boer War". During 1990 there were 56 recorded incidents of terror attributed to the right wing. This was the "active, but unco-ordinated phase".

Then followed the "organisation" phase from 1991 onwards. This manifested itself in the emergence of right-wing paramilitary organisations, of which there are 138, but driven by the "Big Five": the AWB, its Wenkommando (and the Ystergarde), the Boerekommando, the Boere Bevydingsbeweging and the Boere Weerstandsbeweging (with its "army", the BRA). They all concentrate on sabotage.

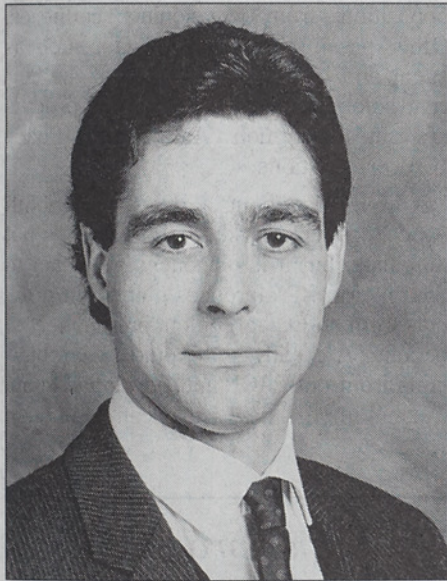
The latest phase in the sabotage campaign commenced on 16 December last year, the Afrikaner Day of the Vow, commemorating the victory over the Zulus in the Battle of Blood River in 1838. But this also correlated with the first meeting of Codesa, signalling for them, the beginning of the end of Afrikaner hegemony.

Meanwhile frustrations will linger, fears will endure and economic crises will continue to create revolutionary conditions. Also, transitions away from old orders are seldom smooth. But provided growth and more stability can be achieved (an economic upswing is likely over the next twelve months) and depending on what happens to the demand for "self-determination" in negotiating forums, the right-wing threat may peter out over the next five years. However, the next two years will be crucial in this respect. But for the rightists, the dilemma remains – they are all dressed up but have nowhere to go. ■



# "Developing" or "developed" country status – pros and cons for South Africa

South Africa should continue to promote a case for access to EC development aid funding outside of a Lomé agreement in order to improve the region's infrastructure. This is the argument of Robert Swain, director, Strategy Network International Ltd, UK.



**Robert Swain**

Despite the cry from South Africa's business leaders for "trade not aid", they should not be quick to dismiss offers of development aid. A decision has to be made in this respect over whether they see South Africa as a developing country or not.

There is a certain ambiguity in South Africa claiming to be the gateway to the rest of Africa, achieving spectacular inroads into Africa with increasing linkage to such institutions as the OAU, Southern African Development Co-ordination Conference (SADCC) and the Preferential Trade Agreement (PTA) when at the same time business seeks to divorce itself from being lumped together with the rest of Africa. The challenge here is to avoid "Afro-pessimism" from investors at the same time as encouraging the EC and other development funding bodies to continue addressing SA's internal and regional problems. Herein lies the crux of the future EC-South African relationship, as "developing" country status demands a different approach. Trade and aid preferences between the EC and a future South Africa will be highly dependent on its classification in this respect.

There exists an opportunity for South Africa to seek some sort of preferential trade agreement with the EC; a range of options exists between its current developed country status and seeking developing country privileges – even to the extent of becoming a full signatory to the Lomé IV Convention. The obvious drawback to seeking the trade regimes applicable for "developing status" is the effect this will have on the business sector in international circles. Conversely, increased aid to the new South Africa will help reduce the political violence in the country and therefore, along with the introduction of a certain political stability, this will erode one of the major stumbling blocks to foreign direct investment.

## **Future trade agreements – to Lomé or not?**

Most of the current EC agreements on foreign policy towards South Africa give a clear indication of future policy, which will be extremely benevolent as it stands. At present, however, there is as yet little indication of an official EC view of the future EC-South African trade policy. There is also no official view from the present South African government or the ANC as regards the future relationship, although both indicate they might apply for developing country privileges.

Obviously there will be some difficulty in agreeing on the best choice of trade regime for both parties as the special circumstances of South Africa's trade in the past few years do not provide a basis for assessing the pros and cons of future options. In addition, the potential benefits of EC trade preferences are also dependent on the outcome of GATT, where South Africa is currently classified as a developed country.

The EC is a major market and the UK and Germany are its most important trade partners. Both these EC countries will therefore encourage the best outcome for South Africa with regard to EC trade preferences as they have the most to gain,

despite there being some Afro-Caribbean-Pacific (ACP) states and other developed nations (competitors of South Africa) who will object to preferential treatment of a post-apartheid South Africa in certain product sectors. Any GATT member could also challenge an EC-South African agreement if it thought its trading interests would be damaged.

South Africa, although having similar characteristics to other middle-income developing countries, is classified as a developed country, but would like the financial and trade advantages attached to "developing status", particularly as it has various sectors which are less developed

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## *Trade and aid preferences between the EC and a future South Africa will be highly dependent on its classification*

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than others. In addition it will require massive investment in health and education over the next few years to right the wrongs of apartheid and reduce unemployment. The most useful trade arrangement would be that directed towards its labour-intensive areas – the same areas where neighbouring states enjoy EC assistance. It has to be said that very few of South Africa's current exports to the EC would benefit from trade preferences. There would be firm objections within the EC to any beneficial arrangement for some of South Africa's existing exports which are EC sensitive, such as coal and steel. In addition, some of the more labour-intensive exports,

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## "Developing" or "developed" country status

if given a preference, would damage South Africa's neighbours, especially as they would have lost the sanctions advantage at the same time.

Despite these problems, South Africa does require some kind of external assistance, primarily because of its inadequate levels of investment as a result of financial sanctions. If South Africa was to change its status to that of a developing country within the framework of the various EC trade preference options where this is required – Generalised System of Preferences (GSP), a reciprocal association, a non-reciprocal association, "associate" Lomé status, and full Lomé status – then it might well opt for

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*If Lomé status were to be offered, then it is likely that a strict quota system would operate for SA in a variety of product areas*

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a change in the financial world and this would have a direct effect on its ability to attract investment – some would argue a negative effect.

Again, the problems associated with the co-existence of two different economies in South Africa – a developed OECD-type and a third world-type – demand two different solutions. The eligibility of South Africa for these various trade agreement options (other than MFN status) would first of all be dependent on the submission to GATT and while the South African Customs Union (SACU) remains, any agreement would also extend to the SACU countries of Botswana, Lesotho, Namibia and Swaziland. In addition, if South Africa was to go down the road of an association agreement (either non-reciprocal or reciprocal) – similar to the recent agreements between the EC and Poland, Czechoslovakia and Hungary – then sub-regional cumulation between South Africa and its neighbours would have to be negotiated.

If Lomé membership was pursued, then product groups involving labour-intensive manufactures would come under threat of exclusion to protect other ACP states and EC producers might seek to protect themselves from South African competition in the semi-processed minerals sector (also open to challenge from non-EC states such as Australia and Canada). Full Lomé membership is the most beneficial status the EC can confer. It would mean that regional processing would meet the requirements of the rules of origin and would therefore stimulate intra-regional trade – a policy goal of the EC in southern Africa. It may also mean that preferences would extend to a wide range of products which South Africa may want to produce for export in the future such as those in the floriculture/horticulture sector. Full Lomé status would allow South African tenders for European Development Fund aid contracts to carry out work within the ACP. This, in terms of the vast technological and management "know-how" of South Africa in finding "African solutions to African problems", would benefit all parties – the EC, the ACP states and South Africa.

Currently, a recent EC delegation to Harare has indicated that membership of Lomé will be offered to South Africa after the first fully democratic election in SA. If this is to be the case, then current quotas restricting the imports from ACP states to the EC will have to be expanded in order to ensure an equitable trade agreement. The STABEX mechanism in Lomé, whereby downward price fluctuations for agricultural commodities are offset, would have to be examined carefully in South Africa's case. As would the SYSMIN mechanism, whereby mining operations are aided by EC funding. These two Lomé mechanisms are unlikely to be able to cope with SA membership.

If Lomé status were to be offered, then it is likely that a strict quota system would operate for SA in a variety of product areas. South Africa's manufacturing sector is larger than any other ACP country and, although SADCC states would want South Africa in the fold in order that their products qualify under the rules of origin procedure, it is likely that other ACP states would be unhappy with facing increased competition from South Africa. Negotiations would cause a good deal of strain between the EC and its 69-state ACP delegation in Brussels. Finally, a change in SA's status to that of a developing state in order to achieve Lomé membership would involve the whole OECD in this deliberation – a problematic negotiation.

The EC-South African agreement negotiated should therefore err towards one

which is unlikely to be challenged, particularly as it is so difficult to assess which industries will be competitive in the future, and as it is likely that the current MFN status (with its low tariffs) will stand until future South African industrial strategies are clearer post-1994. About one third of SA's current exports would find some benefit from preferential access to the EC. However, the major products where reductions in tariffs might be considered would only account for about 5 percent of its total exports. The major beneficiaries would be deciduous and citrus fruit, fish, and paper industries. Only ferro-alloy and fruit products might meet with major opposition from developing countries. Other possible export products, such as sugar and beef would fall foul of the current commitments to other Lomé producers and Common Agricultural Policy (CAP) restrictions.

The EC is about a quarter of South Africa's export market – the EC does not dominate, but it is obviously important to South Africa. Preferences gained on products from an EC agreement are unlikely to benefit SA greatly and would raise objections from both ACP and developed countries. With the new European Economic

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Area in Europe in 1993, there will be heightened competition from the rest of the world and SA must improve its performance in order to compete post-1993. External assistance is required, but given the lack of direct benefits to SA it is doubtful that an EC preferential trade agreement, outside of one negotiated on a regional basis, would greatly enhance South Africa's position. ■

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