

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 demokraties-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 onderhandelings-tyd 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 MAHOMEDDECLARATION OF INTENTMR 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...

- 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 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...

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 Committee 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 seize, 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

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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 ...

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

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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

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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

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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 exclusive 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 interpretation 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

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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.

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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.

/Mr Mandela ...

DR N MANDELAAFRICAN 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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