

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

I thank you.

MR JUSTICE SCHABORT

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



MAJOR-GENERAL B HOLOMISATRANSKEI GOVERNMENT

Co-Chairpersons, South Africans and our international friends.

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

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

/certain ...

certain political considerations.

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

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

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

/of the ...



of the apartheid internal colonial epoch.

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

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

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

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

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

/For example ...



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

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

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

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with those African countries.

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

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

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

/that...



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, sir.



CHIEF MINISTER RAMODIKEUNITED PEOPLE'S FRONT

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

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

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

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

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

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

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

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

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

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

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

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



BRIGADIER RAMUSHWANAVENDA GOVERNMENT

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

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

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

Hopefully in this Convention common sense will prevail so that a new and more just dispensation may be ushered in. It should be self-evident and acceptable to all that no ultimate resolution of our situation can be possible by any other means than through consensus politics which is a process of negotiation. Being  
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conscious of the fact that the end result of this Convention is to establish a new united non-racial, non-sexist democratic South Africa wherein freedom of association, speech, religion, Bill of Rights, the rule of law, participation in the government administration etcetera, we the delegates of Venda commit ourselves to be bound by the CODESA resolutions in good faith.

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

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

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necessary financial support and orientation towards economic land utility.

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

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

Some form of declaration clearing uncertainties in the minds of the public servants; their protection and the protection of their privileges and their interests have to be made by CODESA.

There is no doubt that intensive training programmes of public service will have to be introduced because of the imbalances of the past.

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

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

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

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

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

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

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

(BRIEF COMMENT IN MOTHER TONGUE)

Thank you.

PROFESSOR H W E NTSANWISIXIMOKO PROGRESSIVE PARTY

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

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

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

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

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

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

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

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

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

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

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

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

/Above all...

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

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

A large degree of tolerance;

A generous measure of good sense;

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

A touch of pride;

A great deal of wisdom;

Responsibility and foresight;

Brotherly love; and above all

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

(ADDRESSES CONVENTION BRIEFLY IN MOTHER TONGUE)

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

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



MR JUSTICE SCHABORT

Thank you Professor Ntsanwisi.

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

/President de Klerk...

SOUTH AFRICAN GOVERNMENT

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

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

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

/onderhandelde...



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

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

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

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

/mutual...

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

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

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

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

We are prepared to begin negotiating immediately on amending the Constitution of the Republic to make an interim power-sharing model possible on a democratic basis.

We are convinced that it is in the best interests of South Africa and all its people for us - us gathered here - to institute expeditiously, as a first phase, a government that is broadly representative of the total population. Such a generally representative government will not only

/see...



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

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

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

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

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

/We are...

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

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

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

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

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

/through...



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

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

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

The heart of the problem is the following:

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

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

/Conference...